

95th General Assembly

First Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

January 12 - 23, 2009

Prepared by
Divisions of Research and Computer Information Systems

SENATE SPONSOR: Scott

SB 1 - This act establishes licensing requirements for preneed funeral contract sellers, providers, and seller agents and establishes requirements for all preneed contracts entered into after August 28, 2009.

All preneed providers shall be registered to conduct business in Missouri, have obtained a high school diploma, be of good moral character, and identify a custodian of records and any seller authorized by the provider to sell preneed contracts in connection with the seller. (Section 333.315)

All preneed sellers shall be registered to conduct business in Missouri, have obtained a high school diploma, be of good moral character, 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. 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 of good moral character, have obtained a high school diploma, and have successfully passed a Missouri law examination. (Section 333.325)

Persons shall not be designated as a preneed provider unless they have a written contractual agreement with the seller stating as such. (Section 436.415)

The act enumerates provisions required to be included in all preneed contracts including the following:

- The name, address and phone number of the purchaser, beneficiary, provider and seller;
- The name, address, phone and license number of the provider and the seller;
- Set out in detail the disposition, funeral and burial services and facilities, and merchandise requested;
- Identify whether the contract is trust funded, insurance funded, or joint account funded;
- Include notice that the cancellation of the contract shall not cancel any life insurance funding the contract, and that insurance cancellation is required to be made in writing to the insurer;
- Include notice that the purchaser will only receive the cash surrender value of any insurance policy funding the contract if cancelled after a designated time, which may be less than the amount paid into the policy;
- Include notice that the purchaser has the right to transfer the provider designation to another provider;
- Prominently identify whether the contract is revocable or irrevocable;
- Set forth the terms for cancellation by the purchaser or by the seller;
- Identify any preneed trust or joint account into which contract payments shall be deposited, including the name and address of the corresponding trustee or financial institution;
- Include the name, address and phone number of any insurance company issuing an insurance policy used to fund the preneed contract;
- Include the name and signature of the purchaser, the preneed agent responsible for the sale of the contract, and the seller or its authorized representative; and
- Prominently identify whether the contract is a guaranteed or non-guaranteed contract in a recognizable font (Section 436.425)

Sellers who sell trust funded contracts shall deposit 100% of the payments into the trust within 60 days of receipt of the funds from the purchaser. 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 the trust. Sellers are entitled to all of the income of the trust which shall accrue through the life of the trust only to 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. Term life insurance policies shall not be used to fund a preneed contract and providers, sellers, and agents shall not procure or accept a loan against an insurance contract used to fund a preneed contract. (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 5 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. (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 principal and income, 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 the contract if the purchaser is in default for 60 days. Purchasers may remit payments in arrears if the seller chooses not to cancel the contract. If the seller does not cancel and the purchaser does not remit payments, the seller shall credit the purchaser's preneed payments toward any at-need costs. Upon cancellation, 80% of the contract payments shall be refunded to the purchaser. (Section 436.457)

Purchasers may select an different provider and shall not be assessed any fee for doing so. (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. (Section 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)

CHRIS HOGERTY

12/01/2008 Prefiled

01/07/2009 S First Read--SB 1-Scott (S8)

01/22/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S167)

01/22/2009 Re-referred S Financial and Governmental Organizations and Elections Committee (S172)

01/26/2009 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

*** SB 2 ***

0281S.011

SENATE SPONSOR: Scott

SB 2 - This act prohibits certain activities from being committed on the rivers of this state, including:

- 1) Possessing or using beer bong or other devices intended for rapid consumption of alcohol;
- 2) Possessing or consuming any alcoholic substance that is produced in gelatin form (Jell-o shots);
- 3) Possessing or using any large volume alcohol containers that hold more than one gallon;
- 4) Distributing Mardi Gras bead necklaces or similar paraphernalia; and
- 5) Possessing Styrofoam 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.

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 2-Scott (S8)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S167)

EFFECTIVE: August 28, 2009

*** SB 3 ***

0263S.011

SENATE SPONSOR: Scott

SB 3 - This act creates the "Business Premises Safety Act." The act provides that a business owners or operators shall not restrict any person from lawfully possessing a firearm in a motor vehicle, except for a motor vehicle owned or leased by such business.

The act also provides that business owners or operators have no duty to guard against the criminal acts of a third party, unless they know or have reason to know that the criminal acts are occurring or are about to occur on the premises, or if the same criminal acts have occurred on the premises within the prior 24 months.

A business also has no duty to implement security measure for the protection of its customers, but shall determine if such measures shall be implemented by considering the magnitude of the burden to the business and the foreseeability of the injury to be prevented. If past criminal activities have occurred, evidence of remedial action shall be inadmissible to show prior negligence.

Business owners or operators shall not be liable for injury or damage resulting from compliance with the provisions of this act.

This act is similar to HB 1383 (2008) and SB 1286 (2008).

JIM ERTLE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 3-Scott (S8)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S167)

01/26/2009 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

*** SB 4 ***

0527S.011

SENATE SPONSOR: Shields

SB 4 - This act requires the Department of Social Services in collaboration with the Departments of Health and Senior Services, Elementary and Secondary Education, and Mental Health to develop by September 1, 2009, a quality rating system for early childhood and before-and after-school programs licensed by the Department of Health and Senior Services that operate in this state. The licensing of such facilities shall be the baseline, while the highest rating includes accreditation. The departments shall utilize the model from the existing Missouri quality rating system pilots developed by the University of Missouri Center for Family Policy and Research to establish the system. The system will allow consumers and parents to evaluate and select high quality programs and creates a system of accountability for policymakers and those who fund such programs.

By July 1, 2012, all licensed child care facilities voluntarily receiving quality improvement funds and services shall, upon the facilities' request, be rated using the quality rating system established under this act. The Coordinating Board of Early Childhood shall develop a plan for a tiered system of reimbursement for child care subsidies based on the quality rating system established under this act. The proposed plan shall be submitted to the General Assembly with recommendations for implementation of the reimbursement system by December 31, 2010. The plan shall only become effective upon passage of a concurrent resolution by the General Assembly authorizing the implementation of the plan.

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

The Department of Social Services in collaboration with the Departments of Health and Senior Services, and Elementary and Secondary Education shall be responsible for promoting and distributing materials to educate the public and providers about the quality rating system established under this act. By January 1, 2011, the ratings of the quality rating system shall be posted on the Internet in a format easily understood and accessible by the public.

This act shall sunset in six years.

This act is similar to SS/SCS/SB 726 (2008).

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 4-Shields (S8)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 5 ***

0233S.011

SENATE SPONSOR: Griesheimer

SB 5 - This act creates the Missouri County Planning Act. Nothing in this act shall affect the existence or validity of a county ordinance or order adopted prior to August 28, 2009. This act shall not be construed to authorize any county commission, county health center board, or planning commission to promulgate orders, ordinances, rules, or regulations that would apply to agricultural operations.

ESTABLISHMENT, POWERS, AND OPERATION OF PLANNING COMMISSIONS

This act allows any county to create, adopt, amend, and carry out a county plan. Any county commission may establish and appoint a planning commission.

The county commission shall appoint members to the planning commission, and shall, by resolution, ordinance, or order, establish the procedures for membership, compensation, terms, vacancies, and removal. Once formed, the commission shall elect officers and adopt rules. The act specifies the membership of planning commissions in counties of the first, second, and third classification.

The planning commission shall have various powers, including preparing and reviewing comprehensive plans, recommending regulations, reviewing plat applications, public improvements for accordance with the comprehensive plan, and zoning regulations, appointing employees, and other powers delegated to it by the county commission.

COMPREHENSIVE PLAN

The purpose of a comprehensive plan is to guide and accomplish the coordinated, efficient, and orderly physical development of the county. The planning commission may determine the applicability to the county of certain elements, such as land use, transportation, housing, community facilities, economic development, natural, cultural, or historical resources, human services, community design, and sustainability. The comprehensive plan developed by the commission may contain policies regarding any of these elements.

During the process of developing a plan, the commission shall accept and consider public comments. The commission must provide public notice and hold at least one public hearing prior to adopting a plan. The planning commission, by a majority vote, may adopt a comprehensive plan as a whole by a single resolution. The commission may also adopt portions of the plan at different times.

Upon adoption, the plan must be properly filed. A record of the public involvement must be attached to the resolution approving the plan. The plan may be accepted and implemented by the county commission by resolution only after a vote of the people. The planning commission may periodically review and amend the comprehensive plan. Amendments to the plan may be prepared at any time.

SUBDIVISION REGULATIONS

Under this act, the planning commission may recommend, and the county commission may adopt, regulations governing the subdivision of land. In lieu of immediate installation of work required by the regulations, the commission may, at the option of the developer, accept an escrow secured with cash or an irrevocable letter of credit or a surety bond, which provides for the construction of such improvements within a certain period of time.

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

Before adopting or amending subdivision regulations, the planning commission must provide notice and hold a public hearing. A county commission may hold a public hearing, but no separate hearing is required for the adoption of subdivision regulations by the county commission after receiving the planning commission's recommendation.

After subdivision regulations are adopted, no subdivision plat shall be recorded until it is approved by the planning commission, unless the commission does not act within 30 days. The county commission may overrule the rejection of a plat by the planning commission after a public hearing. At the request of a municipality, a planning commission may subject subdivision plats to its regulations.

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

REVIEW OF PUBLIC IMPROVEMENTS

After a planning commission adopts a comprehensive plan, no street, public improvement, or public utility may be constructed in a location within the plan, without review and approval by the commission. The act outlines a procedure for the aggrieved party to follow if the commission does not approve the construction.

MAJOR STREET PLAN

A planning commission may adopt a major street plan for all areas of the county in accordance with the transportation element of a comprehensive plan. The county may, by ordinance, establish building lines on any public street identified in the street plan.

ZONING REGULATIONS

A planning commission may recommend, and the county commission may adopt, zoning regulations. Prior to adopting zoning regulations, the county commission shall submit the question of whether it should adopt such regulations to the voters. The act describes what the zoning regulations may include and what they may regulate, including certain building specifications, land use, density of nonresidential structures, design of site elements and open spaces, and preservation of natural resources. The regulations must define the boundaries of zoning districts or other areas where the regulations differ from one another. One appointed person shall be responsible for interpreting the zoning ordinances.

Zoning regulations shall not apply to the raising of crops, livestock, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation. Also, zoning regulations shall not apply to the erection, maintenance, repair, alteration or extension of farm buildings or farm structures used for such purposes in an area not within the area shown on the flood hazard area map, nor shall they apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.

ZONING PROCEDURES

The planning commission must provide notice and shall hold a public hearing on proposed zoning regulations. The act provides how the commission shall approve recommendations and the procedure of the county commission when either approving or overruling the commission's recommendations.

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

BOARD OF ZONING ADJUSTMENT

Any county commission, which has adopted a zoning map and regulations, shall appoint a county board of zoning adjustment. The board shall consist of five residents with not more than two being residents of

incorporated areas. After the initial members have staggered terms, the members shall serve four-year terms.

The board shall have the following powers and it shall be its duty to:

- 1) Hear and decide appeals about errors of law or any determination made by officials regarding zoning regulations;
- 2) Hear and decide matters referred to it or matters it is required to determine under the zoning regulations; and
- 3) Authorize a variance from the strict application of a regulation when it causes a property owner to endure an unreasonable hardship.

The board shall elect a chair and adopt rules of procedure. Meetings of the board shall be open to the public. This act outlines who may bring appeals and when such appeals may be brought before the board. With limited exceptions, an appeal shall stay all proceedings in furtherance of the action appealed. Any person aggrieved by a decision of the board may petition the circuit court for relief.

VIOLATIONS AND PENALTIES

Any violation of any regulation adopted under the authority of this act shall be a misdemeanor with each day of the offense being considered a separate offense. Any county commission that has appointed a county counselor may impose a civil fine for each violation under this act. The fines will be payable to the county general revenue fund and go towards paying the costs of enforcing this act. The county may bring an action to enforce the regulations.

No land owner within a platting jurisdiction of a county that has adopted subdivision regulations may transfer such land before the plat has been approved by the county commission or planning commission and properly recorded, unless such owner discloses in writing that such plat has not been approved and the sale is contingent upon approval by the planning or county commission. Each improper transfer is a violation and may be enjoined by the county.

The county may designate a zoning inspector to examine and serve violation orders. The act sets out the penalties for persons who refuse to comply with such orders.

MISCELLANEOUS PROVISIONS

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

Counties may enter into agreements with other public or private organizations, agencies, or bodies to perform planning duties and functions and adopt plans prepared pursuant to cooperative agreements. The county commission may adopt regulations created pursuant to such agreements.

This act is similar to SB 729 (2008) and HB 1832 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 5-Griesheimer (S8)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 6 ***

0323S.011

SENATE SPONSOR: Griesheimer

SB 6 - Currently, the city mayor presides over the city council, but only votes in case of a tie. Under this act, the mayor shall vote: 1) where the vote of the council has resulted in a tie, 2) where one-half of the council elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote, or 3) where a vote greater than a majority of the council is required.

SUSAN HENDERSON MOORE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 6-Griesheimer (S8-9)
01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S168)
01/28/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee
EFFECTIVE: August 28, 2009

*** SB 7 ***

0196S.011

SENATE SPONSOR: Griesheimer

SB 7 - 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.

SUSAN HENDERSON MOORE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 7-Griesheimer (S9)
01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S168)
01/28/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee
EFFECTIVE: August 28, 2009

*** SB 8 ***

0194S.011

SENATE SPONSOR: Champion

SB 8 - This act creates a "Crime Laboratory Review Commission" to independently review the operations of crime laboratories in the state of Missouri that receive state-administered funding.

The commission shall consist of six members, including a senior manager of an accredited crime lab, a prosecuting attorney, a criminal defense attorney, a licensed law enforcement officer in a management position, a crime victims' advocate, and the director of the department of public safety or a designee. The commission members shall be appointed by the governor with the advice and consent of the senate. The members shall serve terms of four years and the chairman shall be the director of the department or his or her designee.

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

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

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

This act is similar to SB 790 (2008).
SUSAN HENDERSON MOORE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 8-Champion (S9)
01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S168)
01/26/2009 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee
EFFECTIVE: August 28, 2009

*** SB 9 ***

0368S.011

SENATE SPONSOR: Champion

SB 9 - This act modifies the membership of the MO HealthNet Oversight Committee by adding one mental health professional. The mental health professional shall be either a licensed psychiatrist, psychologist, or professional counselor. The appointment of the type of mental health professional shall rotate with each new term.

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 9-Champion (S9)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S168)

01/27/2009 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

*** SB 10 ***

0195S.011

SENATE SPONSOR: Champion

SB 10 - Any Missouri resident who owns at least five acres of land in the state shall not be required to obtain a hunting or fishing permit from the Department of Conservation in order to hunt or fish on his or her own land, except as provided in certain hunting or fishing circumstances designated by the Department. When such a permit is required, the landowner shall be able to obtain the permit from the Department at no cost. These same privileges also extend to Missouri residents who lease and reside on at least five acres, and to members of the landowner or leaseholder's immediate family who reside with the landowner or leaseholder.

ERIKA JAQUES

12/01/2008 Prefiled

01/07/2009 S First Read--SB 10-Champion (S9)

01/22/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 11 ***

0118S.021

SENATE SPONSOR: Bartle

SB 11 - This act repeals the Missouri Renewable Fuel Standard Act, which requires all fuel sold in Missouri to contain 10% ethanol.

ERIKA JAQUES

12/01/2008 Prefiled

01/07/2009 S First Read--SB 11-Bartle, et al (S9)

01/22/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 12 ***

0244S.021

SENATE SPONSOR: Bartle

SB 12 - This act allows school boards to develop and adopt a policy to provide additional pay or stipends to teachers of certain subject areas or disciplines, irrespective of any collective bargaining agreement. A school board's policy must identify any subject area or discipline that would receive such pay or stipend and contain a rationale for why it is appropriate. The Board of Education will determine the amount of any additional pay or stipend.

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 12-Bartle and Smith (S9)

01/22/2009 Second Read and Referred S Education Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 13 ***

0243S.011

SENATE SPONSOR: Bartle

SB 13 - This act allows the Department of Transportation to construct toll roads under certain conditions.

TOLL ROADS AUTHORIZATION - This act authorizes the commission to construct, maintain and operate toll facilities on the state highway system. The commission is authorized to issue state toll facility revenue bonds to finance toll facility projects authorized by the General Assembly. Such bonds may be issued without the consent of the General Assembly. Bonds issued for toll facility projects shall not be deemed to constitute a debt or liability of the state and shall be payable solely from the state toll facility fund. Toll facility bonds shall be exempt from taxation. The commission is required to obtain a study of the proposed toll facility project by one or more qualified independent consultants prior to commencing any project (Section 226.1200).

TOLL FACILITY PROJECTS - Prior to the commencement of any toll facility project, the Director of Transportation shall obtain a study of the proposed toll facility project by a qualified independent consultant. If the Director of Transportation determines, based upon the study, that the toll facility project is in the best interest of the state, the Director of Transportation shall then be required to obtain approval of the toll facility project by the General Assembly (Section 226.1200.3).

SPECIFIC TOLL FACILITY PROJECTS - Under the enabling legislation, the General Assembly authorizes a toll facility projects to be constructed upon Interstate 70 between St. Louis and Kansas City. The commission is authorized to construct these toll facility projects with the design-build project delivery system (section 226.1205). The toll for traveling the entire length of Interstate 70 is capped at \$5 (indexed for inflation).

STATE TOLL FACILITY FUND - The act establishes within the state treasury the "State Toll Facility Fund" which shall stand appropriated without any legislative action (Section 226.205). All tolls, fees, state toll facility revenue bond proceeds, and other charges imposed for using toll facilities shall be credited to the fund. The fund shall be used to pay:

- (1) The costs of issuing state toll facility revenue bonds and refunding bonds, the costs of feasibility studies and the costs for constructing toll facilities;
- (2) The cost of collecting toll facility revenues;
- (3) The principal and interest on any outstanding state toll facility revenue bonds and refunding bonds.

If revenues in the state toll facility fund are insufficient to pay for authorized costs, the commission shall transfer amounts from the state road fund to keep the toll facility fund solvent. Transfers from the state road fund shall be repaid in the time and manner determined by the commission. The commission is authorized to continue to collect tolls and fees on all toll facilities until all costs have been repaid. Any amount in the state toll facility fund in excess of what is needed to pay authorized costs shall be transferred to the state road fund.

COLLECTION AND ENFORCEMENT OF TOLLS - The commission may use any method for imposing and collecting tolls, including toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices (Section 226.1215). The act further outlines the enforcement mechanisms the Department of Transportation may utilize to ensure that motorists pay for using state toll roads. The commission may enforce the payment of tolls by using automated enforcement technology, including automatic vehicle license plate identification photography and video surveillance. The use of such automated enforcement technology may be used only for the purpose of recording the image of the nonpaying motorist's license plate. Photo monitoring system evidence which shows that a motorist has failed to pay a toll shall raise a rebuttable presumption that the motor vehicle was used in violation of the law. A collection fee, not to exceed \$100, may be charged to recover the cost of collecting an unpaid toll (Section 226.1230). A motorist who fails to pay a toll shall be guilty of an infraction punishable by a fine not to exceed \$200 (Section 226.1230.6). The act allows a court to install a device on the nonpaying motor vehicle that prohibits its movement. The nonpaying motorist may also have his or her motor vehicle registration voided until the toll and all fines are paid. The act also outlines what procedures must be taken in order to collect tolls and issue traffic citations.

This act is contingent upon the passage of a constitutional amendment that authorizes the Department of Transportation to construct and operate toll facilities. This act is similar to SB 793 (2008), SB SB 652 (2006), 855 (2004) and SB 193 (2003).

STEPHEN WITTE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 13-Bartle (S9)
01/22/2009 Second Read and Referred S Transportation Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 14 ***

0441S.011

SENATE SPONSOR: Nodler

SB 14 - Persons who commit a felony in Missouri or commit a crime in another jurisdiction that would constitute a felony in Missouri, are barred from qualifying as a candidate for or holding public office.

This act is identical to SB 1245 (2008).

CHRIS HOGERTY

12/01/2008 Prefiled
01/07/2009 S First Read--SB 14-Nodler (S9)
01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 15 ***

0439S.031

SENATE SPONSOR: Nodler

SB 15 - This act authorizes the Governor to convey state property in Jasper County, for three hundred thousand dollars, 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 a provision of HCS#2/SB 976 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 15-Nodler (S9)
01/22/2009 Second Read and Referred S General Laws Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 16 ***

0522S.011

SENATE SPONSOR: Nodler

SB 16 - 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.

STEPHEN WITTE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 16-Nodler (S9)
01/22/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 17 ***

0235S.011

SENATE SPONSOR: Bray

SB 17 - This act repeals the death penalty and makes the crime of first degree murder punishable by life imprisonment without probation or parole.

This act is identical to SB 835 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 17-Bray, et al (S9)
01/22/2009 Second Read and Referred S Progress and Development Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 18 ***

0250S.011

SENATE SPONSOR: Bray

SB 18 - This act establishes the Missouri Universal Health Assurance Program. The program is a publicly financed, statewide program that will provide comprehensive health care services for Missouri residents. The Director of the Department of Health and Senior Services is required to divide the population of the state into six regional health planning and policy development districts. An advisory council of 9 members will be established for each district. The advisory councils will assist the board of governors of the program in creating an annual comprehensive state health care plan as well as developing a transportation plan for indigent, elderly, and disabled clients.

The program will be administered by a 23-member board of governors, of whom 14 members will be appointed by the Governor, with the advice and consent of the Senate. The directors of the departments of Social Services, Health and Senior Services, and Mental Health will be ex-officio members; and the board will include representation of minority and disabled individuals. The board will be responsible for monitoring expenditures, adopting rules, employing staff, and studying methods for incorporating institutional and long-term care benefits into the program. The board is also required to submit an annual report to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor with recommendations for changes in health care laws. Prior to the implementation of the comprehensive plan, the board is required to appoint an advisory subcommittee of health care researchers and ethics experts and conduct public hearings. The comprehensive plan is required to seek and secure the delivery of the most cost-effective health care services.

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

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

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

This act is identical to SB 1101 (2008) and substantially similar to SB 122 (2007), and SB 777 (2006).

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 18-Bray, et al (S9)

01/22/2009 Second Read and Referred S Progress and Development Committee (S168)

EFFECTIVE: Varies

*** SB 19 ***

0240S.011

SENATE SPONSOR: Bray

SB 19 - This act brings Missouri sales and use tax laws into compliance with the streamlined sales and use tax agreement.

Compliance involves modifying many sections throughout Missouri law, based upon meeting the following criteria:

- (1) The sourcing of sales must be changed to be based on receipt. This means that current law is modified, where necessary, to consider the point of sale, and thus the applicable tax rate, to be the point of receipt of the product;
- (2) When a city annexes property, the change to the tax rate will take place on the first day of the second

calendar quarter after the Director of Revenue receives notice of the boundary change;

- (3) The same provisions as in (2) shall apply to rate changes;
- (4) All sales taxes must be administered at the state level if they are not already;
- (5) All state and local sales taxes must have the same base. This means that exemptions at the state and local level must be identical;
- (6) Certain definitions, including a definitions for "delivery charges", "food" "lease or rental", "purchase price", "sales price", "tangible personal property" and other modified definitions, must be adopted from the streamlined sales and use tax agreement;
- (7) The Department of Revenue can require electronic filing and payment of the sales and use tax;
- (8) Registration for out of state sellers is simplified and no bond is required;
- (9) No caps or thresholds may exist on the collection of sales or use taxes; and
- (10) Out of state sellers must be offered uniform, simplified, electronic filing.

The act is similar to Senate Bill 1020 (2008), Senate Bill 576 (2007), Senate Bill 1173 (2006), and Senate Bill 399 (2005).

JASON ZAMKUS

12/01/2008 Prefiled

01/07/2009 S First Read--SB 19-Bray, et al (S10)

01/22/2009 Second Read and Referred S Ways and Means Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 20 ***

0150S.011

SENATE SPONSOR: Days

SB 20 - This act amends the law relating to unsecured loans of \$500 or less. Under current law, lenders may renew such loans upon the borrower's request. This act prohibits lenders from renewing such loans.

Under current law, the director of the Division of Finance may issue a cease and desist order when lenders fail to make a good faith effort to comply with laws relating to consumer loans. This act allows the attorney general to do the same. The Attorney General may also file an action in any circuit court to enjoin the practice; impose a civil penalty; or to obtain an order of rescission, restitution, or disgorgement.

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

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

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

This act is identical to HB 1171 (2006), SB 975 (2006), SB 96 (2007), and SB 744 (2008).

CHRIS HOGERTY

12/01/2008 Prefiled

01/07/2009 S First Read--SB 20-Days and Smith (S10)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 21 ***

0157S.011

SENATE SPONSOR: Days

SB 21 - This act creates a system to allow voters to cast advance ballots at central voting locations and satellite sites. The advance voting period will begin the third Wednesday prior to an election and shall be conducted between 7:00 a.m. and 7:00 p.m. and until 12:00 p.m. on Saturdays. The election authority shall consider factors including geographic location and demographics of the registered voters from the previous election to ensure nondiscrimination and provide adequate notice of the central locations and the satellite sites that are chosen.

Election authorities shall create lists of names and addresses of each voter casting an advance ballot and

such lists shall be confidential until 8:00 a.m. on the Friday before the election. Upon expiration of the confidential period, authorized individuals are entitled to view the lists and the election authority may make copies of the lists available to those individuals for a fee. A violation of confidentiality is a class four election offense. Provisions regarding advance voting become effective January 1, 2010.

This act is similar to SB 859 (2006), SB 37 (2007), and SB 1251 (2008).

CHRIS HOGERTY

12/01/2008 Prefiled

01/07/2009 S First Read--SB 21-Days, et al (S10)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 22 ***

0190S.021

SENATE SPONSOR: Days

SB 22 - This act requires all election authorities to provide ballot cards for every election in which a state or federal office or measure is on the ballot.

All voters shall have the opportunity to vote a paper ballot and those ballots shall be counted. Notice shall be provided at polling places stating that paper ballots are available. The state shall pay for the cost of printing the paper ballot cards.

This act is similar to SCS/SB 1082 (2008), and HCS/HB 2114 (2008).

CHRIS HOGERTY

12/01/2008 Prefiled

01/07/2009 S First Read--SB 22-Days and Bray (S10)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 23 ***

0526S.021

SENATE SPONSOR: Callahan

SB 23 – 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. Instead, the gaming revenues from the repeal of the loss limits will be placed in the Missouri Higher Education Tuition Reduction Fund. Moneys in the fund will be used to reduce tuition rates at Missouri's public higher education institutions. The Coordinating Board for Higher Education must implement a procedure and promulgate rules and regulations for reimbursing public higher education institutions that either reduce tuition or increase tuition at lower rates than previously designed.

The State Auditor must perform an annual audit of the Missouri Higher Education Tuition Reduction Fund.

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 23-Callahan (S10)

01/22/2009 Second Read and Referred S Education Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 24 ***

0525S.011

SENATE SPONSOR: Callahan

SB 24 – 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.

Current law provides that current operating expenditures shall include, in part, any increases in state funding subsequent to fiscal year 2005, not to exceed 5%, per recalculation, of state revenue, received by a

district in the 2004-2005 school year. This act removes the 5% limit on increases in state funding per recalculation.

This act defines "Gifted Education Pupil Count" as the number of students who qualify as "gifted" under Section 162.675 and who are enrolled in a school district's gifted education program on the last Wednesday in January for the preceding school year. This number must not exceed five percent of a school district's enrollment for the immediately preceding academic year.

This act modifies the definition of "weighted average daily attendance" by including in the calculation the product of .25 multiplied by the number of the district's gifted education pupil count. It also increases from .75 to .85 the multiplier when calculating special education portion of "weighted average daily attendance."

This act contains provisions similar to those contained in SB 831 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 24-Callahan (S10)

01/22/2009 Second Read and Referred S Education Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 25 ***

0524S.021

SENATE SPONSOR: Callahan

SB 25- 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. Instead, the gaming revenues are used to phase the formula in one year sooner.

Current law provides that current operating expenditures shall include, in part, any increases in state funding subsequent to fiscal year 2005, not to exceed 5%, per recalculation, of state revenue, received by a district in the 2004-2005 school year. This act removes the 5% limit on increases in state funding per recalculation.

This act contains a provision similar to SB 831 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 25-Callahan (S10)

01/22/2009 Second Read and Referred S Education Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 26 ***

0393S.021

SENATE SPONSOR: Ridgeway

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).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 26-Ridgeway (S10)

01/22/2009 Second Read and Referred S General Laws Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 27 ***

0394S.011

SENATE SPONSOR: Ridgeway

SB 27 - This act exempts persons 21 years of age or older from wearing protective headgear except when operating or riding motorcycles or motortricycles upon interstate highways. The motorcycle helmet exemption expires on August 28, 2014.

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 WITTE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 27-Ridgeway (S10)

01/22/2009 Second Read and Referred S General Laws Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 28 ***

0392S.011

SENATE SPONSOR: Ridgeway

SB 28 - This act provides that any vested member of the Missouri state employees' retirement system (MOSERS) or the highways and transportation employees' and highway patrol retirement system (MPERS) who has terminated all employment with the state may elect to receive a lump sum payment for the present value of a deferred annuity. This provision shall apply to the closed plan and year 2000 plan of MOSERS. The act also provides that any member who chooses the lump sum payment option shall forfeit, waive, and relinquish all accrued rights in the system, including accrued creditable service, which shall result in a complete discharge of the existing liability of the system with respect to such terminated member or person, however, this shall not be construed to affect a member's health care benefits as provided under Chapter 103, RSMo.

This act is identical to SCS/SB 638 (2007).

JIM ERTLE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 28-Ridgeway (S10)

01/22/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 29 ***

0327S.011

SENATE SPONSOR: Stouffer

SB 29 - The act requires the Department of Agriculture to issue a determination once it finds that the price of biodiesel or biodiesel-blended fuel has on average been less than or equal to the cost of conventional diesel fuel for one year. By the later of either June 1, 2011, or 120 days after the Department's price determination issuance, all diesel fuel sold at retail in Missouri shall be a biodiesel-blended fuel. By the later of either May 1, 2011, or 90 days after the Department's price determination issuance, fuel terminals in Missouri that sell diesel fuel shall sell biodiesel, conventional diesel fuel, and biodiesel-blended fuel that contains 5% biodiesel by volume. It shall not be considered a violation for a terminal to sell biodiesel-blended fuel that contains more than 5% biodiesel by volume provided any such sale adheres to notification requirements promulgated by the Department of Agriculture.

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

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

and price information shall be kept confidential by the departments.

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

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

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

The Department of Agriculture shall develop cold temperature operability standards for biodiesel and shall enforce the standards beginning January 1, 2011.

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

The Department of Agriculture may annually contract with the Food & Agricultural Policy Research Institute at the University of Missouri to study the effect of biodiesel and fuel ethanol production on the prices of fuel and food. The results of the study shall be submitted to the General Assembly each year by January 15th.

This act is similar to the perfected SCS/SB 759 (2008) and HCS/SS#2/SCS/SB 204 (2007).

ERIKA JAQUES

12/01/2008 Prefiled

01/07/2009 S First Read--SB 29-Stouffer (S10)

01/22/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 30 ***

0146S.011

SENATE SPONSOR: Stouffer

SB 30 - Under this act, any person whose driver's license has been revoked or disqualified for a period for a period of one year or greater shall immediately surrender his or her current license plates to the director of the Department of Revenue for destruction. The person shall be issued a set of restricted license plates that shall bear a special series of numbers or letters so as to be readily identified by the highway patrol and other law enforcement officers. The restricted license plates shall be displayed on the motor vehicle or motor vehicles registered solely or jointly in the person's name for the period of the revocation, denial, or disqualification. The letters and numbers on the restricted license plates shall be codes or configured in a manner so as to be readily identified by law enforcement.

Under the act, law enforcement officers may stop vehicles bearing the restricted license plates to determine whether the driver of such vehicle has a valid driver's license. Under the act, a registered owner of a motor vehicle who has been issued restricted license plates may not sell the motor vehicle during the period the vehicle is required to display the plates unless the registered owner applies to the Department of Revenue for permission to transfer title to the motor vehicle. If the director is satisfied that the proposed sale is in good faith and for a valid consideration, and that the sale or transfer is not for the purpose of circumventing the provisions of the act, the director may certify its consent to the owner of motor vehicle. Any vehicle acquired by the applicant during the period of restriction shall display the restricted license plates (Section 302.305).

This act is similar to SB 580 (2007).
STEPHEN JOHN WITTE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 30-Stouffer (S10)
01/22/2009 Second Read and Referred S Transportation Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 31 ***

0330S.011

SENATE SPONSOR: Stouffer

SB 31 - This act eliminates the position of the Transportation Inspector General contained within the Joint Committee on Transportation Oversight.

STEPHEN WITTE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 31-Stouffer (S11)
01/22/2009 Second Read and Referred S Transportation Committee (S168)
01/28/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

*** SB 32 ***

0057S.011

SENATE SPONSOR: Wilson

SB 32 - This act allows any city in this state to designate duty free zones within such city and grant such areas tax favored status for a term not to exceed twenty-three years. Tax favored status is defined as a reduction to or elimination of the rate of tax on transactions imposed under Missouri's sales and use tax laws. Duty free zones may only be established in blighted areas located within qualified census tracts. The act requires the governing body of the city to hold public hearings prior to the adoption of an ordinance designating an area of such municipality as a duty free zone. The act requires the governing body to provide notice of such hearings to affected taxing districts and the public. Upon receiving municipal approval, the designation must be approved, at the same rate of tax and term, by the county or counties in which the city is located and by the Missouri Development Finance Board.

Upon the issuance of a certificate of approval from the Missouri Development Finance Board, any business located within a duty free zone may receive tax favored status for a term not to exceed fifteen years. In order to receive tax favored status, a business owner must report the amount of taxes deferred, on an availability basis, for the duration of the time in which it receives tax favored status. Municipalities are prohibited from having more than one duty free zone in existence, within such municipality, at any given time.

The act contains a contingent effective date. The provisions of the act will become effective upon voter approval of a constitutional amendment authorizing tax free or reduced tax zones for the purpose of promoting economic development.

This act is similar to Senate Bill 1012 (2008).

JASON ZAMKUS

12/01/2008 Prefiled
01/07/2009 S First Read--SB 32-Wilson (S11)
01/22/2009 Second Read and Referred S Ways and Means Committee (S168)

EFFECTIVE: Contingent

*** SB 33 ***

0405S.011

SENATE SPONSOR: Wilson

SB 33 – This act creates the Missouri Strive to Succeed Graduation Program, to be implemented and administered by the Department of Elementary and Secondary Education. The Department must establish procedures to allow certain school districts to apply for grants to implement drop-out prevention strategies. The Department must give preference for grants to school districts that propose to target students across the age spectrum and that would adopt the following: a collaborative approach with various community organizations as described in the act; early intervention strategies; the implementation of various core strategies for drop-out prevention as described in the act; and the implementation of early intervention strategies for students not likely to graduate.

To qualify for a grant award, a school district must meet one of these three criteria: be classified as unaccredited, provisionally accredited, or interim accredited; have obtained an annual performance review score consistent with unaccredited or provisionally accredited; or have not met the graduation rate performance standard as indicated on its most recent annual performance review. Grants may be awarded for one to five consecutive years and are renewable.

The Department may stop grant payments to a district if it determines that the district is misusing funds or if the district's program is deemed ineffective. 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. The General Assembly must annually appropriate an amount sufficient to properly fund this act, a minimum of five million dollars in any fiscal year.

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

This act is similar to SB 1128 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 33-Wilson (S11)

01/22/2009 Second Read and Referred S Education Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 34 ***

0055S.011

SENATE SPONSOR: Wilson

SB 34 - This act provides that pursuant to the option granted under the federal Personal Responsibility and Work Opportunity Act of 1996, an individual who has a felony conviction under federal or state law involving possession or use of a controlled substance shall be eligible for food stamp benefits if such person, as determined by the department of social services, successfully participates in or has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse or complies with all obligations imposed by the court, Division of Alcohol and Drug Abuse and the Division of Probation and Parole. In addition, the individual shall be subject to random drug testing. Such individual shall be permanently disqualified for such benefits following any positive drug test, except for those controlled substances validly prescribed by a licensed health care provider. The individual must all meet all other factors for foods stamps eligibility.

This act is identical to SB SS/SB 764 (2008).

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 34-Wilson (S12)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 35 ***

0518S.011

SENATE SPONSOR: Goodman

SB 35 - Currently, the Secretary of State submits fair ballot language statements to the Attorney General for approval before the measures are put on the ballot. This act requires that the Secretary of State submit the language to a newly created Fair Ballot Commission for approval.

The Commission is comprised of eight members. The pro tem and minority leader of the Senate and the speaker and minority leader of the House of Representatives shall each appoint one attorney licensed in the state and one private citizen of the state who is not an attorney to establish membership. The statements shall be approved by a majority of the Commission. If a statement is not so approved, the statement shall be returned to the Secretary of State along with an alternative statement approved by the majority of the Commission.

All statements shall include the current law governing the topic of the proposed change along with the

fiscal impact on state and local governments.

CHRIS HOGERTY

12/01/2008 Prefiled

01/07/2009 S First Read--SB 35-Goodman and Champion (S11)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections
Committee (S168)

EFFECTIVE: August 28, 2009

*** SB 36 ***

0517S.011

SENATE SPONSOR: Goodman

SB 36 - 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.

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 36-Goodman (S11)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S169)

01/26/2009 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

*** SB 37 ***

0516S.011

SENATE SPONSOR: Goodman

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 600.017

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.

The provision stating that funds applied for and accepted on behalf of the Public Defender System shall be deposited into the state general revenue fund has been repealed.

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 600.052

The public defender shall not be available for appointment by the court in noncapital state post-conviction proceedings.

Nothing in this section shall prevent the court from utilizing non-public defender resources to obtain counsel for a movant in such proceedings or from making pro bono appointments of private counsel. The public defender shall be permitted to enter such a case at his or her discretion where the caseloads permit and a determination has been made that legitimate grounds for relief exist and a manifest injustice is likely to result if counsel is not made available.

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 identical to the perfected version of SCS/SB 767 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 37-Goodman (S11)

01/22/2009 Second Read and Referred S General Laws Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 38 ***

0319S.011

SENATE SPONSOR: Rupp

SB 38 - This act allows a county, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications. Currently, a county can only change classifications by a vote of the governing body if it is becoming a first class county; otherwise, the county must be at the required assessed valuation for five years before changing classifications. The effective date of the change in classification shall be at the beginning of the county fiscal year following the election by the governing body.

This act is identical to HCS/SB 820 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 38-Rupp (S11)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S169)

01/28/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

*** SB 39 ***

0372S.011

SENATE SPONSOR: Rupp

SB 39 - This act provides that beginning August 28, 2009, there shall be an additional circuit judge position in the 45th circuit. The two judges in this circuit will sit in divisions numbered one and two. The judge who sits in this circuit on August 27, 2009, shall sit in division one until a successor is elected in 2012. The circuit judge in division two shall be elected in 2010.

This act is substantially similar to SB 769 (2008) and SB 434 (2007).

JIM ERTLE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 39-Rupp (S11)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 40 ***

0331S.021

SENATE SPONSOR: Rupp

SB 40 - This act makes changes to the Bright Flight Scholarship Program. It specifies that a student must be a Missouri resident in order to be eligible for a scholarship. In addition, it expands scholarship

eligibility to individuals who have received a General Education Development diploma (GED) or who have completed a homeschooling program of study.

The qualifying score necessary for a student to receive a scholarship will be determined at the beginning of an eligible student's final year of secondary coursework.

Current law provides that in fiscal year 2011 and beyond, a student scoring between the top 3-5% of Missouri ACT or SAT test-takers will receive a \$1000 scholarship. This act provides that a student scoring in the top 5% of Missouri ACT test-takers will be offered a \$1000 scholarship, with an additional result being that a test-taker scoring in the top 3% would receive \$4,000.

Current law allows a student to receive a renewal scholarship for the second, third, and fourth academic years. This act allows a student to renew the scholarship for as long as the student is in compliance with the renewal requirements described in the act.

If a scholarship recipient cannot attend an approved institution because of military service with the United States Armed Forces, the student will receive the scholarship if he or she returns to full-time status within six months after ending military service. The student must verify to the Coordinating Board for Higher Education that the military service was satisfactorily completed.

This act is similar to provisions contained in SB 984 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 40-Rupp (S11)

01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 41 ***

0514S.011

SENATE SPONSOR: Cunningham

SB 41 – This act creates the "Amy Hestir Student Protection Act." (Section 160.085)

SECTION 37.710: This act grants the Office of the Child Advocate the authority to file any findings or reports of the child advocate regarding the parent or child with the court and to issue recommendations regarding the disposition of an investigation, which may be provided to the court and the investigating agency.

SECTION 160.261: If a student reports alleged sexual misconduct by a teacher or other school employee to a mandated reporter, the school district superintendent must forward the allegation to the Children's Division within twenty-four hours. This act changes the standard used when the school board considers allegations of alleged child abuse to a preponderance of the evidence. If the school board finds and concludes that the alleged child abuse is unsubstantiated, but the allegations contain an element of sexual misconduct, the record of allegations and the report of it being unsubstantiated must be retained in the information system of the Children's Division. In addition, if any allegations contain an element of sexual misconduct but the case is unresolved, the record of allegations will be retained in the information system of the Children's Division. These closed records will be retained for a period of five years if the allegations were initiated by a mandatory reporter or two years if the allegations were initiated by another party. A mandated reporter as described in the act, who is a school officer or employee, who fails to report, will be subject to a fine of up to \$5,000 or one year in jail, or both. A student who makes a false allegation will be subject to disciplinary action by school policy, including the attachment of a notice of the false allegation to the student's permanent record.

SECTION 160.262: This act authorizes the Office of the Child Advocate to offer mediation services when requested by either party when child abuse allegations arise in a school setting. No student or parent will be required to enter into mediation but a school district is required to participate if a parent requests mediation. The Department may also direct the average daily attendance of a student to be counted in the receiving district. Student participation in student activities at such school or school district will be on the basis of a resident basis. Procedures for mediation are described in the act.

SECTION 162.014: A registered sex offender, or a person required to be registered as a sex offender, is prohibited from being a school board member or candidate for school board.

SECTION 162.068: Beginning July 1, 2010, any school employee who is required to undergo a background

check and register with the family care safety registry will be asked to sign a waiver to permit a school district access to closed records in the child abuse registry or information system if there are at least two records or reports of unsubstantiated or unresolved incidents. No applicant for employment will be required to sign the waiver to be considered for employment.

By July 1, 2010, every school district must adopt a written policy on information that the district may provide about former employees to other potential employers.

The act grants civil immunity to school district employees who report or discuss employee job performance for the purpose of making employment decisions that affect the safety and overall well-being of a student or students if done in good faith and without malice. The Attorney General will defend the employees in such an action as described in the act.

If a school district had an employee whose job involved contact with children and the district received allegations of the employee's sexual misconduct and the district dismisses the employee or allows the employee to resign and the district fails to disclose the allegations in a reference to another school district, the district will be liable for damages and have third-party liability for failure to disclose.

SECTION 162.069: By January 1, 2010, every school district must develop a written policy concerning teacher-student communication and employee-student communications. Each policy must include appropriate oral and nonverbal personal communication, which may be combined with sexual harassment policies, and appropriate use of electronic media as described in the act, including social networking sites. Teachers cannot establish, maintain, or use a work-related website unless it is available to school administrators and parents, or have a nonwork-related website that allows exclusive access with a current or former student.

By January 1, 2010, each school district must include in its teacher and employee training a component that provides information on identifying signs of sexual abuse in children and of potentially abusive relationships between children and adults, with an emphasis on mandatory reporting. Training must also include an emphasis on the obligation of mandated reporters to report suspected abuse by other mandatory reporters.

SECTION 168.021: In order to obtain a teaching certificate, an applicant must complete a background check as provided in section 168.133.

SECTION 168.071: The crimes of sexual contact with a student while on public school property as well as second and third degree sexual misconduct are added to the offenses for which a teacher's license or certificate may be revoked.

SECTION 168.133: This act changes, from two to one, the number of sets of fingerprints an applicant must submit for a criminal history background check. An employee employed after July 1, 2010, who is required to undergo a criminal background check must register with the family care safety registry. The Department of Elementary and Secondary Education must facilitate an annual check for employees with active teaching certificates against criminal history records in the central repository, sexual offender registry, and child abuse central registry. The Missouri Highway Patrol must provide ongoing electronic updates to criminal history background checks for those persons previously submitted by the Department of Elementary and Secondary Education.

SECTION 210.135: Third-party reporters of child abuse who report an alleged incident to school administrators are immune from civil and criminal liability under certain circumstances.

SECTION 210.145: The Children's Division must provide information about the Office of the Child Advocate and services it may provide to any individual who is not satisfied with the results of an investigation.

SECTION 210.152: The Children's Division may reopen a case for review at the request of any party to the investigation if information is obtained that the investigation was not properly conducted under the provisions of Chapter 210, RSMo, or if new information becomes available.

SECTIONS 210.915 and 210.922: This act adds the Department of Elementary and Secondary Education to the list of departments that must collaborate to compare records on child-care, elder-care, and personal-care workers, including those individuals required to undergo a background check under section 168.133 and who may use registry information to carry out assigned duties.

SECTION 556.037 - This act repeals the current twenty-year statute of limitations for the prosecution of unlawful sexual offenses involving a person eighteen years of age or younger.

This act is substantially similar to HCS/HB 1314 (2008), is similar to SB 1212 (2008) and contains provisions identical to HB 2334 (2008) and HB 2579 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 41-Cunningham (S11)

01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 42 ***

0509S.011

SENATE SPONSOR: Cunningham

SB 42 – This act modifies provisions relating to teacher pay.

SECTION 163.011: This act modifies the definition and calculation of the state adequacy target for 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. It also removes the requirement that the state adequacy target be recalculated every year.

SECTION 168.106: A teacher may opt out of his or her permanent contract and participate in the Teacher Choice Compensation Package.

SECTION 168.745: This act creates the "Teacher Choice Compensation Package" 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.

SECTION 168.747: A teacher must opt of his or her permanent contract 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. If a teacher becomes employed by another school district, he or she may choose to remain in the Compensation Package or resume the process for an indefinite contract in that 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.

The Compensation Package will be open to every person employed by a 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.

SECTION 168.749 & 168.750: 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.

SECTION 313.778: This act provides that monies in the Schools First Elementary and Secondary Education Improvement Fund will be transferred to the Teacher Choice Compensation Fund to be used for purposes of the Teacher Choice Compensation Package.

This act is similar to HB 214 (2007).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 42-Cunningham and Smith (S11)

01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 43 ***

0442S.011

SENATE SPONSOR: Pearce

SB 43 - The act expands eligibility on the state's no-call list to include personal cell phone numbers. Current law prohibits certain types of telephone solicitations to persons on the no-call list. This act additionally prohibits these same types of solicitations via faxing, graphic imaging, or data communication (which includes text messaging).

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

- that a person has requested or given permission to receive;
- that are preceded by a live operator who obtains the receiver's consent and who discloses certain information about the call;
- from school districts to students, parents, or employees;
- relating to a recent or current business or personal relationship;
- from a telecommunications company or its directory publisher affiliates made solely to verify the delivery of products or services provided at no charge to the individual called;
- for the purpose of taking polls on public policy matters, political candidates, or issues to be put before the voters;
- from employers to employees advising them of work schedules; and
- from a public safety agency or other entity notifying a person of an emergency.

The act prohibits the use of automatic dialing announcing devices unless they are designed to disconnect within 10 seconds of the receiver hanging up.

The act repeals section 407.1104, which required the Attorney General to create an advisory group for outreach and education efforts for the no-call list.

This act is identical to HCS/HBs 112, 26, 37, 78, 79, & 154 (2007).

ERIKA JAKUES

12/01/2008 Prefiled

01/07/2009 S First Read--SB 43-Pearce (S12)

01/22/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 44 ***

0438S.011

SENATE SPONSOR: Pearce

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.

When an employee of a private jail has reasonable cause to believe that a prisoner has been abused or a law has been violated, he or she shall immediately report the abuse or violation to the administrator of the jail in writing. The report shall contain certain information regarding the abuse or violation and shall be kept confidential. The administrator shall immediately refer all reports to the county sheriff. The administrator and employees shall cooperate in any investigation of the facts alleged in the report. In the event that a prisoner has escaped, the administrator and employees shall notify the sheriff immediately and shall cooperate in apprehending the prisoner by providing all known information.

Any person required by this act to make such a report, who fails to do so immediately, shall be guilty of a Class A misdemeanor. Any administrator required to refer a report to the county sheriff, who fails to do so immediately, is also guilty of a Class A misdemeanor. Failure to notify the sheriff immediately upon learning

of an escaped prisoner shall be guilty a Class D felony and failure to cooperate in apprehending an escaped prisoner shall be a Class D felony.

Any other person having reasonable cause to believe a prisoner has been abused or a law has been violated may report such information to the private jail administrator, county sheriff, or the highway patrol.

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 in bad faith. No person who directs or exercises any authority in a private jail shall harass, dismiss, or retaliate against a prisoner or employee because he or she or such person's family member made such a report.

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.

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.

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

12/01/2008 Prefiled

01/07/2009 S First Read--SB 44-Pearce (S12)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 45 ***

0528S.011

SENATE SPONSOR: Pearce

SB 45 - This act allows the Department of Economic Development to authorize up to \$5 million in tax credits per year to encourage equity investment in technology-based early stage Missouri companies, commonly referred to as angel investments. Investors who contribute the first five hundred thousand dollars in equity investment to a qualified Missouri business may be issued a tax credit equal to thirty percent of the investment or forty percent of the investment if the qualified business is located in a rural area or distressed community. An investor can receive a credit of up to fifty thousand dollars for an investment in a single

qualified business and up to one hundred thousand dollars for investments in more than one qualified business per year. Tax credits for equity investment in technology-based early stage Missouri companies may be carried forward for up to three years or transferred. The act also removes the sixty million dollar annual limitation on tax credit issuance for the Missouri Quality Jobs Act.

The provisions of this act were contained in the perfected house committee substitute for house bill 2058 (2008).

JASON ZAMKUS

12/01/2008 Prefiled

01/07/2009 S First Read--SB 45-Pearce (S12)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S169)

01/28/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

*** SB 46 ***

0529S.011

SENATE SPONSOR: Schaefer

SB 46 - This act requires any person who pleads guilty to or is found guilty of a felony on or after August 28, 2009, to serve a minimum prison term of eighty-five percent of his or her sentence.

Nothing in this act shall prohibit the court from ordering a defendant to participate and complete substance abuse or mental health treatment as an alternative to serving a term of imprisonment and, upon successful completion of the treatment program, from having the defendant's charges, petition, or penalty dismissed, reduced, or modified. However, if such defendant fails to complete the treatment ordered by the court and the court requires such defendant to serve his or her sentence, such person shall serve eighty-five percent of such sentence. Nothing in this act shall prohibit the court from making an authorized disposition of the defendant, including sentencing the defendant to serve a prison term or pay a fine, suspend the imposition of the sentence, or pronounce the sentence and suspend its execution.

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 46-Schaefer (S12)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 47 ***

0192S.011

SENATE SPONSOR: Scott

SB 47 - This act modifies the educational requirements for Highway Patrol members and radio personnel. It also requires the POST Commission to establish these same educational requirements as part of the minimum standards for the basic training of peace officers.

This act is identical to SB 723 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 47-Scott (S12)

01/22/2009 Second Read and Referred S General Laws Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 48 ***

0261S.011

SENATE SPONSOR: Scott

SB 48 - Until December 31, 2008, a public governmental body was authorized to close certain operational guidelines and policies used to respond to terrorist incidents as well as security systems and structural plans of real property. These exceptions expired on December 31, 2008. This act re-institutes the exceptions and provides that the exceptions shall expire on December 31, 2012.

This act is identical to SB 953 (2008).

JIM ERTLE

12/01/2008 Prefiled

12/09/2008 Bill Withdrawn (S12)

EFFECTIVE: August 28, 2009

*** SB 49 ***

0260S.011

SENATE SPONSOR: Scott

SB 49 - Under current law, a taxpayer who trades-in or exchanges a motor vehicle, trailer, boat or outboard motor may subtract the value of such transaction from the purchase price of another motor vehicle, trailer, boat or outboard motor if such sale is consummated within one hundred and eighty days of the sale of the original article. If the value of the original transaction equals or exceeds the sale price, no tax is owed. This act allows taxpayers who trade-in or sell a motor vehicle, trailer, boat, or outboard motor for more than the purchase price of another motor vehicle, trailer, boat or outboard motor to apply any excess to any subsequent purchase of such an article within one hundred and eighty days of the original sale of such article. The act extends the same treatment to items replaced due to theft, casualty, or loss.

This act is identical to Senate Bill 725 (2008).

JASON ZAMKUS

12/01/2008 Prefiled

01/07/2009 S First Read--SB 49-Scott (S12)

01/22/2009 Second Read and Referred S Ways and Means Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 50 ***

0231S.011

SENATE SPONSOR: Bray

SB 50 - This act prohibits employers from paying any employee lower wages than those paid to employees of the opposite gender for the same work. Under the act, employees may bring a civil cause of action against employers who engage in such a discriminatory practice. Wage payment differentials based on merit systems, regional economic factors, factors that measure pay due to output, or other bona fide factors other than gender, are not actionable. Varying local market rates are not bona fide factors under the act.

Employers cannot reduce wages to comply with this act or retaliate against employees that seek the legal protections from retaliation provided by this act. If employers retaliate, employees can recover actual and compensatory damages

Remedies for any unlawful gender-based pay practices include: actual and compensatory damages, injunction, and recovery of court costs and attorneys fees.

This act abolishes the six-month statute of limitations for filing an action for employer violations and requires that an action be brought within two years after the violation occurs or the date of reasonable discovery of such a violation.

The Equal Pay Commission is established to study the causes and consequences of wage disparities.

The act imposes certain record-keeping and reporting requirements upon employers to document wage rates.

This act is similar to SB 873 (2004), SB 119 (2005), SB 700 (2006), SB 336 (2007), and SB 742 (2008).

CHRIS HOGERTY

12/01/2008 Prefiled

01/07/2009 S First Read--SB 50-Bray (S12)

01/22/2009 Second Read and Referred S Progress and Development Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 51 ***

0238S.011

SENATE SPONSOR: Bray

SB 51 – This act requires the state board of education to classify as unaccredited any charter school that attains an annual performance review score consistent with the classification of "unaccredited" within sixty days of the publication of the annual performance review data. A charter school that is classified as unaccredited for two successive school years will have its charter revoked on June 30th of the second full school year of classification as unaccredited after the school year during which the unaccredited classification is initially assigned.

This act is identical to SB 1004 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 51-Bray (S12)

01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 52 ***

0256S.011

SENATE SPONSOR: Bray

SB 52 - This act allows a law enforcement officer to remove a firearm from the scene if the officer has probable cause to believe domestic assault has occurred and has observed a firearm at the scene.

The act requires the officer to provide the owner of the firearm with information about retaking it and safe storage during the proceedings related to the alleged act if the firearm is taken from the scene. The owner may retake the firearm within fourteen days after the proceeding unless he or she is ordered to have the firearm confiscated and disposed.

The act makes it unlawful for certain persons to possess a firearm. Such persons include those who are subject to a court order that:

- (1) Was issued after a hearing of which the person had notice;
- (2) Restrains a person from harassing, stalking, or threatening a family or household member or his or her child; and
- (3) Includes a finding that such person represents a credible threat to the safety of the family or household member or child or has been convicted of a misdemeanor crime of domestic assault.

A violation of this provision is a Class D felony.

This act also modifies the definition of "family or household member" and "domestic violence" in several sections relating to highway patrol reporting of domestic violence and the crime of domestic assault to be consistent with the definition of such terms in chapter 455, relating to adult abuse, orders of protection, and domestic violence shelters.

This act is identical to SB 1184 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 52-Bray (S12)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S169)

01/26/2009 Hearing Cancelled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

*** SB 53 ***

0156S.011

SENATE SPONSOR: Days

SB 53 - This act modifies provisions regarding adoption records. The State Registrar shall develop and, upon a birth parent's request, distribute both a contact preference and a medical history form to the birth parent. The contact preference form allows a birth parent to list his or her preference for contact by the

adoptee. If a contact preference form is filed with the registrar, a medical history form shall also be so filed. Upon receipt of the forms, the State Registrar shall attach such forms to the original birth certificate of the adopted person.

This act allows for an adopted person, the adopted person's attorney, or the adopted person's descendants, if the adopted person is deceased, to obtain a copy of the adopted person's original birth certificate from the State Registrar upon written application and proof of identification. The adopted person shall be 18 years of age or older and born in Missouri. The adopted person shall also agree in writing to abide by the birth parent's contact preference, if such preference is included with the adopted person's original birth certificate. The State Registrar shall also provide a medical history form, if such form was completed by the birth parent.

The provisions of the act shall not apply to adoptions instituted or completed prior to August 28, 2009, except that a copy of the medical history form, which has had all identifying information redacted, shall be issued to such adopted person. For adoptions completed prior to August 28, 2009, the state registrar shall release the original birth certificate only if the birth mother is deceased. If the birth mother is not deceased, the state registrar shall, within thirty days of application by the adopted person, contact the birth mother via telephone, personally and confidentially, to obtain the birth mother's written consent or denial to release the original birth certificate.

This act is identical to SCS/SB 1132 (2008) and similar to SB 322 (2003)
ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 53-Days (S12)

01/22/2009 Second Read and Referred S General Laws Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 54 ***

0151S.011

SENATE SPONSOR: Days

SB 54 - 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 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.

This act is similar to SB 596 (2006), SCS/SB 35 (2007) and SCS/SB 745 (2008).

EMILY KALMER

12/01/2008 Prefiled

01/07/2009 S First Read--SB 54-Days (S12)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 55 ***

0154S.011

SENATE SPONSOR: Days

SB 55 – 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 act is identical to SB 925 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 55-Days (S12)

01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 56 ***

0523S.021

SENATE SPONSOR: Callahan

SB 56 – 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. Instead, it requires that the gaming revenues from the repeal of the loss limits be distributed to each school district based on a district's average daily attendance calculation.

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 56-Callahan (S13)

01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 57 ***

0374S.011

SENATE SPONSOR: Stouffer

SB 57 - Under this act, on the date the commission approves funding for any phase or portion of construction or reconstruction of Interstate 70 or Interstate 44, the rules in effect for outdoor advertising on August 27, 1999, shall be reinstated for that section of highway scheduled for construction and there shall immediately be a moratorium imposed on the issuance of state sign permits for new sign structures.

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

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

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

Upon the completion of construction on any section of Interstate 70 or Interstate 44, the moratorium on

new permits shall be lifted and the rules for outdoor advertising in effect on the date the construction is completed shall apply to such section of highway.

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

This act is virtually identical to SCS/SB 809 (2008).

STEPHEN WITTE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 57-Stouffer (S13)

01/22/2009 Second Read and Referred S Transportation Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 58 ***

0165S.011

SENATE SPONSOR: Stouffer

SB 58 - This act modifies several provisions of law relating to the regulation of motor vehicles.

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 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 and 774 (2008).

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

HAZARDOUS MATERIAL 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 indorsement 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).

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

STEPHEN WITTE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 58-Stouffer (S13)
01/22/2009 Second Read and Referred S Transportation Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 59 ***

0166S.011

SENATE SPONSOR: Stouffer

SB 59 - Under this act, shippers shipping radioactive waste in Missouri shall be subject to statutory fees established by the act. State-funded institutions of higher education who ship nuclear waste shall be exempt from the statutory fees but such institutions shall reimburse the Missouri Highway Patrol for costs associated with shipment escorts. The fee structure is described in the act and the Department of Natural Resources in coordination with the Departments of Health and Senior Services, and Public Safety may promulgate rules necessary to carry out the provisions of the act. Any shipper who fails to pay a fee or to provide notice of a shipment to the Department of Natural Resources shall be liable for a civil penalty of an amount not to exceed ten times the amount of the original fee assessed and not paid.

The fees assessed and collected under the act shall be deposited into the environmental radiation monitoring fund. The department of natural resources may use moneys in the fund for the purposes delineated in the act. The act requires the Department of Natural Resources to prepare a report for the General Assembly beginning December 31, 2009, and every two years thereafter on all activities relating to the environmental radiation monitoring fund.

The provisions of this act do not apply to radioactive waste being shipped by or for the federal government for military or national defense purposes. This portion of the act 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 are contained in SB 919 and the perfected version of SB 761 (2008).

STEPHEN WITTE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 59-Stouffer (S13)
01/22/2009 Second Read and Referred S Transportation Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 60 ***

0067S.011

SENATE SPONSOR: Wilson

SB 60 – This act requires the Department of Elementary and Secondary Education to develop standards for teaching in Missouri public schools by June 30, 2010, including public schools, charter schools, and public virtual schools. The teaching standards must include: having students actively participate and be successful in the learning process; forms of assessment to monitor and manage student learning; having the teacher be prepared and knowledgeable of content and maintain students' on-task behavior; having the teacher be current on instructional knowledge and explore changes in teaching behavior; and having the teacher act as a responsible professional in the mission of the school.

The Department will provide guidance to districts in establishing criteria for teacher evaluations under the teaching standards. In developing the teaching standards and evaluation models, the Department must involve representatives from teacher organizations, administration and principal organizations, the Missouri Advisory Council for the Certification of Educators, the Missouri Staff Development Council, and colleges and universities.

This act is identical to SB 1273 (2008).
MICHAEL RUFF

12/01/2008 Prefiled
01/07/2009 S First Read--SB 60-Wilson (S13)
01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 61 ***

0063S.021

SENATE SPONSOR: Wilson

SB 61 - This act creates the "Youth Smoking Prevention Trust Fund," which shall be funded by moneys received under the Tobacco Master Settlement Agreement. The Commission for Youth Smoking Prevention is established in the Department of Health and Senior Services. The Commission shall fund youth smoking prevention programs modeled after evidence-based programs proven to reduce youth smoking.

This act is similar to SCS/SB 109 (2007) and SB 843 (2008).

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 61-Wilson (S13)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S169)

01/27/2009 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

*** SB 62 ***

0062S.011

SENATE SPONSOR: Wilson

SB 62 - This act provides that in any case involving child custody or support, the court may appoint a parenting coordinator as a neutral third party to assist the parents in resolving disputes concerning parental responsibilities and the implementation of a court-ordered parenting plan.

The court order appointing such parenting coordinator shall specify the matters which the coordinator has authority to determine, however, appointment of a coordinator shall not divest the court of its exclusive jurisdiction and control of the case. The parenting coordinator shall possess the same qualifications as a mediator under Supreme Court Rule 88.05.

A parenting coordinator may be appointed despite party objection if the court makes findings that the case is high-conflict, and that appointment of a coordinator is in the best interest of the child or children. The court shall consider the effect of any evidence of domestic violence on the parties' ability to engage in parent coordination services.

The parenting coordinator shall assist the parties in implementing the terms of a court-ordered parenting plan. Upon appointment, the parenting coordinator shall attempt to resolve disputes between the parties regarding the parenting plan, or other disputes regarding parental responsibilities. The parenting coordinator also shall have authority to make findings and recommendations to the court regarding modification or clarification of an existing court-ordered parenting plan. The parenting coordinator shall submit any findings and recommendations to the parties, along with a statement that such information shall be submitted to the court. Any party who disagrees with the findings or recommendations may file a motion, within fifteen days of the receipt of the information, to request a court hearing. The judge shall choose to adopt, modify, or reject the findings and recommendations of the parenting coordinator.

The order appointing a parenting coordinator shall be for a specified term. Upon agreement of the parties, the court may extend, modify, or terminate the appointment, or may choose to terminate the appointment at any time for good cause. The parenting coordinator may withdraw from the case at any time.

No parenting coordinator shall be appointed unless the court finds that the parties are able to pay the fees, and the court shall allocate fees between such parties after consideration of all relevant factors. In cases of hardship, the court may appoint a coordinator to serve on a volunteer basis.

The parenting coordinator shall not be competent to testify about the parenting coordination process in any proceeding between the parties to the action, and shall not be required to produce records as to any statement or decision made during the appointment, other than the findings and recommendations the coordinator submits to the court.

The coordinator shall be immune from liability for any act or omission occurring during the performance of his or her duties, except for willful and wanton acts or omissions.

This act is identical to SB 1249 (2008).

ADRIANE CROUSE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 62-Wilson (S13)
01/22/2009 Second Read and Referred S General Laws Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 63 ***

0318S.021

SENATE SPONSOR: Rupp

SB 63 - This act modifies various provisions relating to dog fighting.

SECTION 578.025

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

SECTION 578.026

Any authorized public health official or law enforcement officer may seek a warrant to allow him or her to enter private property to inspect, care for, or impound dogs that are the subject of a dogfighting violation. The county sheriff, or a designee, shall be notified when a public health official or law enforcement officer is seeking a warrant to enter property because of a dog fighting violation. The sheriff shall participate in serving the warrant.

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

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

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

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

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

SECTION 578.030

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

This act is similar to SB 819 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 63-Rupp and Smith (S13)
01/22/2009 Second Read and Referred S General Laws Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 64 ***

0455S.011

SENATE SPONSOR: Rupp

SB 64 – This act modifies provisions relating to charter schools.

Section 160.400: Current law provides that charter schools may only be operated in the Kansas City and St. Louis City school districts. This act allows charter schools to be operated in school districts that are not classified as accredited by the State Board of Education or in any school district that for any two of the past three years has obtained a score on its annual performance evaluation consistent with the classification of provisionally accredited or unaccredited. Charter schools may continue to operate if the district in which they are located becomes classified as accredited at a later time. In addition, charter schools may continue to operate and serve the same geographic area if a change in school district boundary lines occurs because of annexation, consolidation, or dissolution.

Any private or public four-year college or university with an approved teacher preparation program and with its primary campus in Missouri may sponsor a charter school. The mayor of St. Louis City may sponsor a charter school.

When the Department retains and remits such 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. In addition, charter schools may expend up to ten percent of their sponsorship funds for undesignated administrative costs.

Section 160.405: This act removes the condition that charter schools become local educational agencies for the sole purpose of seeking direct access to federal grants when a sponsor and governing board enter into a written agreement reflecting the charter school's decision to become a local educational agency.

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.

Section 160.410: Charter schools whose mission includes student drop-out prevention or recovery must enroll nonresident pupils from the same or an adjacent county who submit a timely application. Preference will be given to resident pupils over non-resident pupils if there is insufficient capacity.

This act is similar to SB 1078 (2008), HB 2111 (2008) and contains a provision identical to SB 1027 (2008).
MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 64-Rupp (S13)

01/22/2009 Second Read and Referred S Education Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 65 ***

0503S.011

SENATE SPONSOR: Rupp

SB 65 - The act expands eligibility on the state's no-call list to include personal cell phone numbers. Current law prohibits certain types of telephone solicitations to persons on the no-call list. This act additionally prohibits these same types of solicitations via faxing, graphic imaging, or data communication (which includes text messaging).

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

- that a person has given permission to receive;
- relating to a recent or current business or personal relationship;
- that are preceded by a live operator who announces the automated message;
- from a public safety agency or other entity notifying a person of an emergency;
- from a telecommunications company or its directory publisher affiliates made solely to verify the delivery of products or services provided at no charge to the individual called; and

- for the purpose of taking polls on public policy matters, political candidates, or issues to be put before the voters.

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

Violators of this act may be subject to a civil penalty up to \$5,000 per knowing violation. Individuals who receive more than one automated call or political solicitation from the same entity in any twelve-month period in violation of this act may bring action to cease the calls and recover actual monetary loss or damages. A two-year statute of limitations exists on bringing suit for violations of this act. It shall not be considered a violation of the act for an automated call message to be left on the answering machine or voice mail of a person whose number is registered on the no-call list, provided that the automated message is announced by a live operator.

The act also requires that anyone making a political phone call to a Missouri resident must include a "paid for by" statement. A committee making political phone calls must be registered with the Missouri Ethics Commission. Businesses and other non-committee organizations making political phone calls must register with the Secretary of State and the Missouri Ethics Commission and must disclose on whose behalf the organization is making the calls. Records must be kept for 2 years after the date an organization receives payment for political solicitation services rendered.

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

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

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

This act is similar to SCS/SBs 840 & 857 (2008), SS/SCS/SBs 49, 65, 210, 251 (2007) and SCS/HB 801 (2007).

ERIKA JAQUES

12/01/2008 Prefiled
01/07/2009 S First Read--SB 65-Rupp (S13)
01/22/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 66 ***

0264S.011

SENATE SPONSOR: Scott

SB 66 - Current law requires elected officials, candidates for elective office, and certain other officials of a political subdivision with an operating budget of over \$1 million to file financial interest statements. This act changes the operating budget floor to those over \$2 million.

This act is identical to SB 479 (2005), SB 818 (2006), SB 271 (2007), SB 970 (2008).

CHRIS HOGERTY

12/01/2008 Prefiled
01/07/2009 S First Read--SB 66-Scott (S13)
01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 67 ***

0402S.011

SENATE SPONSOR: Scott

SB 67 - 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.

STEPHEN WITTE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 67-Scott (S13)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S169)

01/28/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

*** SB 68 ***

0236S.011

SENATE SPONSOR: Bray

SB 68 - This act makes criminally negligent storage of a firearm a Class A misdemeanor.

A person commits the crime of criminally negligent storage of a firearm if the person stores or keeps any loaded firearm or unloaded firearm with ammunition under his or her control and knows or reasonably should know a minor is capable of gaining access to the firearm and the minor uses the firearm to threaten or cause the death of or injury to any person.

A person does not commit this crime if: (1) the firearm is stored in a locked box; (2) the firearm has a locking mechanism; (3) the firearm is stored in a dismantled state and at least one part which is essential to the operation of the firearm is stored in a locked box; or (4) the ammunition is stored away from an unloaded firearm in a locked box.

A minor who uses a weapon in self-defense or is being supervised while engaged in hunting or another lawful purpose does not fall under this law. A person does not commit this crime if the minor obtained possession of the firearm due to unlawful entry onto the premises or the person is a peace officer and the minor obtains the firearm during such person performing his or her official duties.

This act requires firearm dealers to post a written warning about the provisions in a conspicuous place where firearms are sold.

This act is identical to SB 836 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 68-Bray (S13)

01/22/2009 Second Read and Referred S Progress and Development Committee (S169)

EFFECTIVE: August 28, 2009

*** SB 69 ***

0249S.011

SENATE SPONSOR: Bray

SB 69 - This act modifies several provisions of law relating to homeowner's and property insurance.

Under this act, an insurer may cancel a homeowner's policy if physical changes in the property insured have significantly increased the hazards originally insured. Under the current law, an insurer may cancel the policy if physical changes have increased the hazards originally insured (Section 375.002).

Under this act, the insurer must give the insured 60 days notice prior to cancelling the insured's policy (Current law is 30 days). The insurer must also give the insured 60 days of its intention not to renew a policy (Sections 375.003 and 375.004).

Under this act, homeowner insurance companies shall not consider as a claim any inquiry made by the insured as to whether the policy covers a certain loss or whether the policy provides a certain type or level of coverage (Section 375.001). Homeowner insurance companies are prohibited from refusing to renew a policy on the basis of a weather-related claim (Section 375.004). Further, insurers are prohibited from using a rating plan or a rating system which surcharges the insured's dwelling fire or homeowners insurance premium based upon the insured's weather-related claims or upon inquiries into whether the policy covers certain losses (Section 375.004).

FAIR PLAN - Under this act, the name of the Missouri Basic Property Insurance Inspection and Placement Program is changed to the Fair Access to Insurance Requirements (FAIR) plan. FAIR plans were created in the late 1960s to make property insurance more readily available to people who can't obtain it from private insurers because their property is considered "high risk." The plans are operated by the insurance industry and make insurance available to property owners meeting certain requirements. Under the act, the FAIR plan is to offer dwelling fire, commercial fire and homeowners coverage for property owners, renters, and condominium owners. These coverages shall be similar to what is available in the standard market and provide protection against loss from various hazards(Section 379.815).

The act increases the amount of property insurance coverage a person can obtain through the program on residential property from \$200,000 to \$300,000 and on commercial property from \$1,000,000 to \$3,000,000 (Section 379.820).

Under this act, the length of time in which the facility must approve or decline whether the FAIR plan will insure a potential insured is decreased from 5 days to 3 days after the inspection report and application are received (Section 379.830).

All property insurance plans and underwriting guidelines used in the FAIR plan must be submitted to the director for approval at least 60 days prior to their use (Section 379.840).

A FAIR plan insurance policy shall not be cancelled or nonrenewed unless the insured receives 60 days notice (up from 30 days)(Section 379.845).

The governing committee of the FAIR plan is increase by two members (for a total of 15 members). The two new members shall be consumer representatives. Under this act, the date of the annual meeting of the insurers and the governing committee must also be approved by the director (Section 379.860).

This act is similar to SB 1090 (2008), SB 639 (2007), SB 659 (2006) and SB 106 (2005).

STEPHEN WITTE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 69-Bray (S14)

01/22/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 70 ***

0234S.011

SENATE SPONSOR: Bray

SB 70 - This act modifies the paperwork requirements for the formation of a new political party and the nomination of independent candidates.

The act repeals the requirement that the petition to form the new party must contain, if presidential electors are to be nominated by petition, the name of at least one qualified resident in each congressional district to be a nominee for presidential elector. Alternatively, this information will be provided when filing the respective declarations of candidacy.

This act is identical to SCS/SB 84 (2005), SB 726 (2006), SB 138 (2007), and SB 797 (2008).

CHRIS HOGERTY

12/01/2008 Prefiled

01/07/2009 S First Read--SB 70-Bray (S14)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 71 ***

0326S.011

SENATE SPONSOR: Stouffer

SB 71 - The act creates an income tax credit equal to fifty percent of the amount of an eligible donation made, on or after January 1, 2010, to a qualifying mentally retarded and developmental type disability care provider. The tax credit may not be applied against withholding taxes. The tax credit is non-refundable, but may be carried forward four years. The tax credit is transferable. A provider may apply to the Department of Revenue for the tax credits. The provisions of this act shall automatically sunset six years after the effective date of the act unless reauthorized.

This act is similar to Senate Bill 1274 (2008).

JASON ZAMKUS

12/01/2008 Prefiled

01/07/2009 S First Read--SB 71-Stouffer (S14)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 72 ***

0369S.011

SENATE SPONSOR: Stouffer

SB 72 - This act provides that a new health care facility may be licensed without certificate of need review when arranging for the transfer of licensed skilled nursing facility or assisted living facility beds to a new health care facility so long as the following criteria are satisfied:

(1) a letter of intent to develop the new facility is submitted to the Department of Health and Senior Services and the Missouri Health Facilities Review Committee;

(2) The department certifies that the beds proposed for transfer are from skilled nursing or assisted living facilities in Missouri and have maintained an average occupancy in the relevant licensure category of under seventy percent for the previous six calendar quarters;

(3) The proposed new health care facility is an integrated part of a continuing care retirement community that includes a minimum of 1000 independent living facility beds and a medical clinic and otherwise satisfies all conditions of licensure under current law; and

(4) The number of skilled nursing or assisted living facility beds in the proposed new health care facility does not exceed a ratio of 1:11 as compared to the previously mentioned independent living facility beds.

The facility transferring beds under this act shall not seek to add beds within a five-year period of time after the transaction.

This act is identical to SCS/SB 1173 (2008).

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 72-Stouffer (S14)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S170)

01/27/2009 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

*** SB 73 ***

0371S.011

SENATE SPONSOR: Stouffer

SB 73 - This act requires the Department of Social Services to develop a program to test applicants or recipients of temporary assistance for needy families (TANF) benefits when a case worker believes, based on reasonable suspicion, that such person engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance after an administrative

hearing shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this act to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health. Also, if a parent is deemed ineligible for TANF benefits due to the provisions of this act, his or her dependent child's eligibility for such benefits shall not be affected and an appropriate protective payee may be established for the benefit of the child. The department shall promulgate rules to develop the screening and testing provisions of this section.

This act is identical to SB 1259 (2008).

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 73-Stouffer (S14)

01/22/2009 Second Read and Referred S Progress and Development Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 74 ***

0054S.011

SENATE SPONSOR: Wilson

SB 74 - This act provides a tax credit for a taxpayer who serves as a poll worker for an election. The tax credit is equal to fifty dollars per election in which the taxpayer serves as a poll worker, not to exceed one hundred dollars per taxpayer per year. The tax credit is non-refundable, but may be carried forward five years until used. The provisions of this act shall automatically sunset six years from the effective date of the act if not re-authorized.

This act is similar to Senate Bill 989 (2008) and Senate Bill 1098 (2006).

JASON ZAMKUS

12/01/2008 Prefiled

01/07/2009 S First Read--SB 74-Wilson (S14)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 75 ***

0059S.011

SENATE SPONSOR: Wilson

SB 75 - This act modifies the distressed areas land assemblage tax credit program definition of the term "eligible project area", by decreasing the size requirement for the area from seventy-five acres to forty acres. The requirement that eligible parcels acquired by the applicant within the eligible project area total at least fifty acres has been reduced to at least thirty acres.

This act is identical to Senate Bill 814 (2008).

JASON ZAMKUS

12/01/2008 Prefiled

01/07/2009 S First Read--SB 75-Wilson (S14)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 76 ***

0061S.011

SENATE SPONSOR: Wilson

SB 76 - This act creates the Volunteer and Parents Incentive Program, to be implemented and administered by the Department of Elementary and Secondary Education. Under the program, the Department will provide a reimbursement to parents or volunteers who donate time at certain schools. To be eligible, individuals must donate time at a school in a district that is unaccredited or provisionally accredited, or has a population of at least 50% at risk students as described in the act. For every one hundred hours donated by a volunteer or parent, the department will provide him or her with a reimbursement for the cost of

three credit hours at a public institution of higher learning located in Missouri. The reimbursement cannot exceed \$500 every two years. 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 act will expire in six years unless reauthorized.

This act is substantially similar to SB 1014 (2008).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 76-Wilson (S14)

01/22/2009 Second Read and Referred S Education Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 77 ***

0370S.011

SENATE SPONSOR: Stouffer

SB 77 - This act adds as a covered service under the MO HealthNet program comprehensive day rehabilitation services.

This act is identical to SB 972 (2008).

ADRIANE CROUSE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 77-Stouffer (S14)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 78 ***

0060S.011

SENATE SPONSOR: Wilson

SB 78 – This act creates the Missouri Senior Cadet Program, which will provide opportunities for twelfth graders in public school to mentor kindergarten through eighth grade students as described in the act. Participating students must be Missouri residents attending a Missouri high school, maintain a 3.0 GPA and plan to attend college. Twelfth graders who donate ten hours per week during the academic year will receive one elective credit that may be used to fulfill graduation requirements. If a student attends a public college or university located in Missouri after participating in the program, the state will provide a reimbursement in the amount of three credit hours per semester for up to four years. The provisions of this act will expire in six years unless reauthorized.

This act is identical to SB 1013 (2008) and similar to SB 921 (2006).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 78-Wilson (S14)

01/22/2009 Second Read and Referred S Education Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 79 ***

0052S.011

SENATE SPONSOR: Wilson

SB 79 – This act modifies the definition of "bullying" as used in antibullying policies that must be enacted by school districts. The definition of "bullying" shall include cyberbullying and electronic communications.

This act is identical to SB 762 (2008) and similar to SB 646 (2007).

MICHAEL RUFF

12/01/2008 Prefiled

01/07/2009 S First Read--SB 79-Wilson (S14)

01/22/2009 Second Read and Referred S Education Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 80 ***

0065S.011

SENATE SPONSOR: Wilson

SB 80 - This act, upon voter approval, increases the fee collected by each recorder of deeds to fund the county homeless person assistance program from \$3 to \$10 if such a program has been created by the governing body of such charter county.

This act is identical to SB 897 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 80-Wilson (S14)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 81 ***

0053S.011

SENATE SPONSOR: Wilson

SB 81 - This act criminalizes the displaying of a noose for the purpose of intimidating a person or a group of persons. A violation of this provision is a Class A misdemeanor for the first offense and a Class D felony for a second offense.

This act is identical to SB 763 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 81-Wilson (S15)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 82 ***

0056S.011

SENATE SPONSOR: Wilson

SB 82 - This act expands the crime of unlawful use of weapons to include the discharge of a firearm in the air for celebratory purposes in an urban area.

This act is identical to SB 812 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled

01/07/2009 S First Read--SB 82-Wilson (S15)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 83 ***

0058S.011

SENATE SPONSOR: Wilson

SB 83 - This act makes ownership, possession or discharge of a stun gun or taser gun an unlawful use of a weapon, which is a Class D felony. However, this prohibition does not apply to peace officers, prison employees, members of the armed forces while on duty, people vested with the judicial power of the state, any person with a duty to execute process, probation officers, corporate security advisors, or coroners or medical examiners.

This act defines a "stun gun" or "taser" as any portable device or weapon from which an electric current, impulse, wave, or beam is produced that is capable of incapacitating temporarily, injuring, or killing a human being.

This act is identical to SB 813 (2008).

SUSAN HENDERSON MOORE

12/01/2008 Prefiled
01/07/2009 S First Read--SB 83-Wilson (S15)
01/22/2009 Second Read and Referred S General Laws Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 84 ***

0559S.011

SENATE SPONSOR: Purgason

SB 84 - This act designates a bridge in Laclede County as the "Specialist James M. Finley Memorial Bridge".

STEPHEN WITTE

12/02/2008 Prefiled
01/07/2009 S First Read--SB 84-Purgason (S15)
01/22/2009 Second Read and Referred S Transportation Committee (S170)
01/28/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

*** SB 85 ***

0069S.011

SENATE SPONSOR: Crowell

SB 85 - This act creates the Missouri Special Needs Scholarship Tax Credit Program, to be administered by the Department of Economic Development. The program provides grants to elementary and secondary education students through scholarship granting organizations to cover all or part of the costs at a qualified public or non-public school, including transportation. Scholarships are to be portable during the school year and may be prorated if a student changes schools. Students who may receive scholarships through the program include, but are not limited to, students with an individualized education program who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, diagnosed with an autism spectrum disorder, or hospitalized or homebound due to illness or disability. Students must also have attended public school in Missouri the preceding semester or will be attending school for the first time. Any eligible student who receives an educational scholarship and attends a non-public school will be included in the weighted average daily attendance calculation of the school district the student attended immediately prior to receiving the scholarship for each year the student receives the scholarship.

Beginning with tax year 2009, a taxpayer as described in the act may claim a tax credit against the taxpayer's state tax liability in an amount equal to eighty percent of the taxpayer's contribution to a scholarship granting organization. The amount of tax credits per taxpayer is limited to \$800,000 per year. The amount of tax credits claimed cannot exceed fifty percent of a taxpayer's state tax liability for the tax year in which it is claimed. An unclaimed tax credit may be carried over to the next four succeeding tax years until the full credit is claimed. Tax credits granted under the program are transferable as described in the act.

The director of the Department of Economic Development will determine which organizations may be classified as scholarship granting organizations. A scholarship granting organization that participates in the program must meet certain requirements and follow certain procedures as described in the act. An organization must spend at least 90% of its revenue from donations on educational scholarships and spend all revenue from interest or investments on educational scholarships. In addition, an organization must distribute scholarship payments as checks to parents and provide a Department of Economic Development-approved receipt to taxpayers who contribute. An organization must demonstrate financial accountability and viability as described in the act. An organization must also cooperate with the Department to conduct criminal background checks on its employees and board members and not employ individuals who could pose a risk to the use of contributed funds. The Department may hold a hearing before the director to bar a scholarship granting organization from participating in the program if it believes the organization has intentionally and substantially failed to comply with the requirements of the program. A scholarship granting organization may appeal to the Administrative Hearing Commission.

Participating schools must comply with health and safety laws that apply to non-public schools, hold a valid occupancy permit if required, certify they will comply with 42 USC 1981, and regularly report on the students' progress to parents. Schools must also operate in Missouri and comply with state laws regarding criminal background checks for employees; they must not employ individuals prohibited by state law from working in a non-public school.

The Department of Economic Development must conduct a study of the program using non-state funds. The Department may contract with qualified researchers to conduct the study. The state auditor is granted the power to audit any school district within the state in the same manner as any agency of the state. The school district must pay for the cost of the audit. No school district can be audited under this provision more than once in any three calendar or fiscal years.

The provisions of this act expire in six years unless reauthorized.

This act is similar to Senate Bill 993 (2008) and House Bill 1886 (2008).

JASON ZAMKUS

12/02/2008 Prefiled

01/07/2009 S First Read--SB 85-Crowell (S15)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 86 ***

0072S.011

SENATE SPONSOR: Crowell

SB 86 - This act requires the Department of Social Services to develop a program to screen and test applicants or recipients of temporary assistance for needy families (TANF) benefits who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance after an administrative hearing shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this act to an appropriate substance abuse treatment program approved by the Division of Alcohol and Drug Abuse within the Department of Mental Health. The department shall promulgate rules to develop the screening and testing provisions of this section.

This act is identical to SB 1197 (2008).

ADRIANE CROUSE

12/02/2008 Prefiled

01/07/2009 S First Read--SB 86-Crowell (S15)

01/22/2009 Second Read and Referred S Progress and Development Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 87 ***

0558S.011

SENATE SPONSOR: Crowell

SB 87 - This act exempts MO HealthNet expense reimbursements received by doctors, dentists, and nurses from state income tax.

JASON ZAMKUS

12/02/2008 Prefiled

01/07/2009 S First Read--SB 87-Crowell (S15)

01/22/2009 Second Read and Referred S Ways and Means Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 88 ***

0552S.011

SENATE SPONSOR: Stouffer

SB 88 - 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 property is deemed abandoned after it has been left unattended for 10 hours on the right-of-way of the state highway system. The urbanized and non-urbanized distinctions are repealed so that abandoned property is subject to tow after the property has been left unattended

for 10 hours.

STEPHEN JOHN WITTE

12/02/2008 Prefiled

01/07/2009 S First Read--SB 88-Stouffer (S15)

01/22/2009 Second Read and Referred S Transportation Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 89 ***

0448S.011

SENATE SPONSOR: Stouffer

SB 89 - 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 preceding five years.

ADRIANE CROUSE

12/02/2008 Prefiled

01/07/2009 S First Read--SB 89-Stouffer (S15)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S170)

01/27/2009 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

*** SB 90 ***

0447S.011

SENATE SPONSOR: Stouffer

SB 90 - This act repeals the certificate of need law and certain statutory references to the law.

ADRIANE CROUSE

12/02/2008 Prefiled

01/07/2009 S First Read--SB 90-Stouffer (S15)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 91 ***

0396S.011

SENATE SPONSOR: Green

SB 91 - This act modifies provisions of the Missouri Securities Act of 2003 as it relates to the elderly and disabled.

Definitions for "elderly" and "disabled persons" are added. This act provides that when a defendant is convicted of criminal securities fraud against an elderly or disabled person, the defendant may be fined not less than fifty thousand dollars.

This act also provides options for the commissioner of securities to impose enhanced penalties for securities fraud against the elderly or disabled.

This act is similar to SCS/SB 889 (2008) and SB 177 (2007).

ADRIANE CROUSE

12/03/2008 Prefiled

01/07/2009 S First Read--SB 91-Green, et al (S15)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 92 ***

0399S.011

SENATE SPONSOR: Green

SB 92 - The act corrects punctuation, restructures some sectional divisions and makes various structural changes to the Missouri Securities Act.

The act allows the Commissioner to issue orders that include civil penalties when individuals violate Missouri securities law.

Currently, residential telephone numbers are not available for public examination for the purposes of Missouri securities law. The act provides that residential telephone numbers used as business numbers are public.

Currently, the Commissioner may censure individuals for a variety of reasons if the individual has also engaged in dishonest or unethical practices. This act allows censure for any of the enumerated reasons regardless of whether the act was dishonest or unethical.

This act is identical to SB 506 (2007) and SB 1137 (2008).

CHRIS HOGERTY

12/03/2008 Prefiled

01/07/2009 S First Read--SB 92-Green, et al (S15-16)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 93 ***

0397S.011

SENATE SPONSOR: Green

SB 93 - Under this act, the Department of Transportation shall establish and administer a drunk driving victim memorial sign program. This act shall be known as the "Drunk Driving Risk Reduction Awareness Program." The signs shall be placed at or near the scene of the accident. The signs shall be attached to an existing highway sign, street light, or guard rail. The signs shall be placed upon the state highways in accordance with placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

Any person may apply to the Department of Transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of an alcohol-related traffic law at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with the provisions of the act. A person who is not a member of the victim's immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of a victim's immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining the sign. Signs erected under the act shall remain in place for a period of ten years. After such date, the signs may be renewed for another 10 years after payment of appropriate maintenance fees.

The signs developed by the department shall resemble a Missouri license plate and shall feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase "Who's Next?".

Under the act, all private roadside memorials or markers commemorating the death of a drunk driving victim are prohibited. No person, other than a Department of Transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

This act is similar to SB 881 (2008).

STEPHEN WITTE

12/03/2008 Prefiled

01/07/2009 S First Read--SB 93-Green (S16)

01/22/2009 Second Read and Referred S Transportation Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 94 ***

0253S.011

SENATE SPONSOR: Justus

SB 94 - This act provides that the Children's Division within the Department of Social Services, shall develop rules to become effective by July 1, 2010, modifying the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Persons receiving state-funded child care assistance with family incomes of less than 140 percent of the federal poverty level shall receive child care subsidy benefits, less a sliding scale fee established by the division based on family size and income.

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

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

This act is similar to SCS/SB 776 (2008) and SCS/SB 260 and 71 (2007).

ADRIANE CROUSE

12/03/2008 Prefiled

01/07/2009 S First Read--SB 94-Justus, et al (S16)

01/22/2009 Second Read and Referred S Education Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 95 ***

0324S.011

SENATE SPONSOR: Justus

SB 95 - Currently, registered voters are allowed to vote absentee if they will be prevented from voting at the polls on election day due to certain circumstances. This act allows all registered voters to vote absentee without regard to intervening circumstances.

CHRIS HOGERTY

12/03/2008 Prefiled

01/07/2009 S First Read--SB 95-Justus (S16)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 96 ***

0225S.011

SENATE SPONSOR: Justus

SB 96 - This act establishes the "Foster Care Education Bill of Rights." Each school district must designate a staff person to be an educational liaison for foster care children. This liaison would assist with proper educational placements, transferring between schools, ensuring transfer of grades and credits, requesting school records, and submitting school records that have been requested.

A child placing agency will promote educational stability for foster care children when making placements. A foster care child may continue to attend his or her school of origin pending resolution of a dispute. Each school district must accept for credit any full or partial course work satisfactorily completed by a pupil while attending certain schools. A pupil who completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court will receive a diploma from the school he or she last attended before detention. The school district superintendent may also issue the diploma.

If a foster care pupil is absent from school because of a change in placement by the court or child placing

agency, or because of a verified court appearance or related court-ordered activity, the pupil's grades and credits will be calculated as of the date the pupil left school. Such absence will not result in a lowering of the pupil's grades.

School districts are authorized to permit access of pupil school records to a child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

Each child who is in foster care or who is placed in a licensed residential care facility is entitled to a full school day of education unless the school district determines that fewer hours are warranted. A full school day is defined as six hours under the guidance and direction of teachers in the education process for children in foster care or for children placed for treatment in a licensed residential care facility by the Department of Social Services.

For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education 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.

This act is similar to SB 1000 (2008) and SB 630 (2007).

MICHAEL RUFF

12/03/2008 Prefiled

01/07/2009 S First Read--SB 96-Justus, et al (S16)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 97 ***

0215S.011

SENATE SPONSOR: Smith

SB 97 – This act requires the Department of Elementary and Secondary Education to contract with an online test preparation company to provide a customized SAT and ACT preparation program to all public high school juniors. Students may choose to participate in one but not both programs. The chosen company must have demonstrated performance as described in the act and provide a skills-based approach that emphasizes skill development in English, reading, mathematics, and if providing skills-preparation for the ACT, science.

This act is similar to SB 1282 (2008).

MICHAEL RUFF

12/03/2008 Prefiled

01/07/2009 S First Read--SB 97-Smith (S16)

01/22/2009 Second Read and Referred S Education Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 98 ***

0082S.011

SENATE SPONSOR: Smith

SB 98 - This act creates an income tax deduction for the purchase of qualified hybrid motor vehicles. Missouri taxpayers who purchase certain new hybrid motor vehicles for their own use shall be able to deduct from their Missouri adjusted gross income the lesser of either \$2,000 or 10% of the vehicle's purchase price. The tax deduction shall sunset six years after enactment unless reauthorized.

This act is similar to HB 1326 (2008).

ERIKA JAQUES

12/03/2008 Prefiled

01/07/2009 S First Read--SB 98-Smith (S16)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S170)

EFFECTIVE: August 28, 2009

*** SB 99 ***

0547S.011

SENATE SPONSOR: Cunningham

SB 99 - This act establishes the Predictable Property Tax Act which, beginning August 28, 2009, freezes the assessed valuation of real property at the 2006 assessed value or at the acquisition price of property purchased after the effective date of the act and sets the tax rate at one percent. The assessment can be adjusted for cost-of-living increases up to two percent annually. Real property tax revenues are limited to the 2006 real property tax revenues for each county, excluding new construction, improvements, and cost-of-living increases. If the market value of a home declines, the assessed valuation must decrease. The limitations will not apply to any voter-approved tax increase, bond indebtedness, or special assessment. Any taxpayer age fifty-five or older can transfer the assessed value of his or her current home to any replacement home of equal or lesser value. The act allows the transfer of property up to \$1 million in assessed value to children or grandchildren without reassessment.

The provisions of this act will only become effective upon voter approval of a constitutional amendment limiting increases in assessed value until a transfer of ownership occurs.

This act is similar to the introduced version of house bill 1471 (2008).
JASON ZAMKUS

12/03/2008 Prefiled

01/07/2009 S First Read--SB 99-Cunningham (S16)

01/22/2009 Second Read and Referred S Ways and Means Committee (S170)

EFFECTIVE: Contingent

*** SB 100 ***

0521S.021

SENATE SPONSOR: Schaefer

SB 100 - 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. 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.

The act requires shipments of certain radioactive waste by rail to move across the state as quickly as possible, make stops only if extremely necessary, and avoid stopping in populated areas. The act allows pregnant employees to refuse to work in or around shipments of certain radioactive waste without penalty.

This act is similar to SB 919 (2008), provisions in the perfected version of SB 761 (2008), SB 205 (2007), and SB 976 (2006).

ERIKA JAQUES

12/03/2008 Prefiled

01/07/2009 S First Read--SB 100-Schaefer (S16)

01/22/2009 Second Read and Referred S Transportation Committee (S170)

01/28/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

*** SB 101 ***

0248S.011

SENATE SPONSOR: Green

SB 101 - This act modifies the membership of the review panels convened by the Division of Developmental Disabilities when a resident, parent or legal guardian refuses to consent to a proposed placement or discharge from a mental health facility. Under this act, the division director shall convene a review panel composed of four members. The members of the panel shall consist of:

- the head of the facility in question;
- an employee of such facility, designated by the head of the facility, who shall be familiar with the service needs of the resident in question;
- the resident, parent or legal guardian; and
- a person designated by the resident, parent or legal guardian.

ADRIANE CROUSE

12/03/2008 Prefiled

01/07/2009 S First Read--SB 101-Green (S16)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 102 ***

0398S.011

SENATE SPONSOR: Green

SB 102 - This act creates the "Political Subdivision Services Bidding Standards Act". Contracts for services by any political subdivision shall be advertised and bids solicited and awarded in compliance with any federal, state, and local law specifically written for such political subdivision. If a political subdivision is not covered by a specific federal, state, or local law, it shall comply with the advertising and bidding requirements outlined in this act when soliciting bids and awarding contracts.

Contracts for services shall be advertised in advance of the acceptance of bids, once per week for four consecutive weeks, with the first ad appearing at least 30 days in advance of the stated deadline for acceptance of bids. For contracts worth over \$50,000, bids shall also be advertised by providing information to at least one organization which regularly provides information to contractors providing the service needed. Ads and solicitations must include the submission deadline.

Unless otherwise specified by law, a contract shall be awarded to the lowest qualified responsible bidder. The bidder's qualification shall be determined by his or her education and training. However, the political subdivision may reject the low bidder based on the bidder's failure to provide a performance or payment bond, nonperformance on previous contracts, or other reasons specified as to the bidder's inability to adequately perform the contract. The reason for rejection shall be provided to the bidder within five business days of the rejection.

No contract shall be awarded in violation of certain requirements, including opening bids in advance of the advertising deadline, accepting bids that are unwritten, accepting bids after the advertised deadline, and failing to hold bids confidential. A person submitting a bid, or who would have submitted a bid except for such violations, may seek equitable relief and monetary damages for monetary losses.

Electronic bidding shall be allowed if it meets the standards of confidentiality. Nothing in this act shall require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract. Nor shall the act prohibit a political subdivision from contracting without bidding if there is an immediate danger to the public; however, the political subdivision shall produce a written public record documenting the need to contract for such services without competitive bidding.

This act is similar to SB 1254 (2008).

SUSAN HENDERSON MOORE

12/03/2008 Prefiled

01/07/2009 S First Read--SB 102-Green (S16)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 103 ***

0400S.011

SENATE SPONSOR: Green

SB 103 - This act creates an income tax deduction for small businesses and farmers that provide health insurance coverage for employees. The deduction will be equal to one hundred percent of expenses related to providing employees with health insurance.

This act is similar to Senate Bill 893 (2008), Senate Bill 186 (2007), Senate Bill 622 (2006), and Senate Bill 459 (2005).

JASON ZAMKUS

12/03/2008 Prefiled

01/07/2009 S First Read--SB 103-Green (S16)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 104 ***

0158S.011

SENATE SPONSOR: Justus

SB 104 - This act provides that female students enrolling in sixth grade in public school may receive, at the option of a parent or guardian, an immunization for the human papillomavirus (HPV). The Department of Health and Senior Services shall directly mail age appropriate information to parents or guardians of female students entering the sixth grade regarding the connection between HPV and cervical cancer and the availability of the HPV immunization. Such information shall include the risk factors for developing cervical cancer, the connection between HPV and cervical cancer, how it is transmitted and how transmission can be prevented, the latest scientific information about the immunization's effectiveness, information about the importance of pap smears, and a statement explaining that questions from parents or guardians may be answered by a health care provider.

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

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

Beginning July 1, 2010, the department shall submit to the General Assembly a report detailing the number of sixth grade female students who have and have not been immunized against the HPV infection and the number of non-responses to the request for the written statement. The information derived from the written statement shall be used for statistical purposes only and shall not be used to personally identify any parent or guardian, or any student.

This act is substantially similar to SCS/SB 514(2007) and HCS/SS/SCS/SB 778(2008).

ADRIANE CROUSE

12/03/2008 Prefiled

01/07/2009 S First Read--SB 104-Justus, et al (S16)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 105 ***

0254S.011

SENATE SPONSOR: Justus

SB 105 - This act creates an income tax credit equal to twenty percent of the earned income credit allowed for federal income taxes under the Internal Revenue Code. The tax credit is refundable. The director of the Department of Revenue must make efforts to inform taxpayers who may be eligible for the credit every year.

This act is identical to the introduced versions of Senate Bill 548 (2007) and Senate Bill 777 (2008).
JASON ZAMKUS

12/03/2008 Prefiled
01/07/2009 S First Read--SB 105-Justus, et al (S17)
01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 106 ***

0325S.011

SENATE SPONSOR: Justus

SB 106 - Knowingly disseminating information that encourages voters to vote at a time, place or manner other than the time, place, or manner established for lawful voting is established as a class one election offense.

CHRIS HOGERTY

12/03/2008 Prefiled
01/07/2009 S First Read--SB 106-Justus (S17)
01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 107 ***

0401S.011

SENATE SPONSOR: Green

SB 107 - This act creates a deduction against a taxpayer's Missouri state income tax for qualified higher education expenses. In order to qualify, the taxpayer student or taxpayer claiming a student as a dependent, must have a federal adjusted gross income of less than two hundred thousand dollars regardless of whether the taxpayer files a joint or single return and the educational expenses must be incurred by a student registered at least half time.

This act is similar to Senate Bill 894 (2008), Senate Bill 187 (2007), and Senate Bill 670 (2006).
JASON ZAMKUS

12/03/2008 Prefiled
01/07/2009 S First Read--SB 107-Green (S17)
01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 108 ***

0282S.011

SENATE SPONSOR: Justus

SB 108 - This act expresses the General Assembly's recognition that equality of rights under the law shall not be denied or abridged on account of the sex of any person.

ADRIANE CROUSE

12/03/2008 Prefiled
01/07/2009 S First Read--SB 108-Justus (S17)
01/22/2009 Second Read and Referred S Progress and Development Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 109 ***

0073S.011

SENATE SPONSOR: Justus

SB 109 - This act prohibits discrimination based upon a person's sexual orientation. Such discrimination includes unlawful housing practices, denial of loans or other financial assistance, denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and denial of the right to use public accommodations.

This act defines "sexual orientation" as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological gender.

The act also specifies that discrimination includes cases where unfair treatment results from the guilty party's mere assumptions about the victim's characteristics of race, religion, etc., whether or not such assumptions are true or false.

This act is identical to SB 266 (2007), SB 1019 (2008), & SB 824 (2008).
SUSAN HENDERSON MOORE

12/03/2008 Prefiled

01/07/2009 S First Read--SB 109-Justus, et al (S17)

01/22/2009 Second Read and Referred S Progress and Development Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 110 ***

0391S.021

SENATE SPONSOR: Crowell

SB 110 - 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 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.

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.

STEPHEN WITTE

12/04/2008 Prefiled

01/07/2009 S First Read--SB 110-Crowell (S17)

01/22/2009 Second Read and Referred S Transportation Committee (S171)

01/28/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

*** SB 111 ***

0592S.011

SENATE SPONSOR: Crowell

SB 111 - This act repeals the ten million dollar annual cap on allocations of non-resident entertainer and athlete tax revenues to the Missouri Arts Council.

JASON ZAMKUS

12/04/2008 Prefiled

01/07/2009 S First Read--SB 111-Crowell (S17)

01/22/2009 Second Read and Referred S Ways and Means Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 112 ***

0581S.011

SENATE SPONSOR: Crowell

SB 112 - This act prohibits any person convicted of a felony sexual offense under Chapter 566, RSMo, against a victim less than seventeen years of age, from being allowed to participate in the one hundred twenty day "shock incarceration program" in the Department of Corrections and being granted probation upon completion. Currently, only persons convicted of certain unclassified and Class A felony sexual offenses against children are prohibited from participating in the program and being granted probation upon completion.

SUSAN HENDERSON MOORE

12/04/2008 Prefiled

01/07/2009 S First Read--SB 112-Crowell (S17)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S171)

01/26/2009 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

*** SB 113 ***

0085S.011

SENATE SPONSOR: Crowell

SB 113 - This act repeals the provision of law which allows the statutory ten million dollar annual cap on issuance of development fund contribution tax credits to be exceeded upon joint agreement by the Commissioner of Administration, the Director of the Department of Economic Development and the Director of the Department of Revenue.

JASON ZAMKUS

12/04/2008 Prefiled

01/07/2009 S First Read--SB 113-Crowell (S17)

01/22/2009 Second Read and Referred S Ways and Means Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 114 ***

0582S.011

SENATE SPONSOR: Crowell

SB 114 - 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. Whenever a person pays fines and costs associated with a ticket, the person also consents to attend any driver-improvement program or motorcycle-rider training course ordered by the court and consents to verification of such attendance as directed by the bureau.

STEPHEN JOHN WITTE

12/04/2008 Prefiled

01/07/2009 S First Read--SB 114-Crowell (S17)

01/22/2009 Second Read and Referred S Transportation Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 115 ***

0645S.011

SENATE SPONSOR: Bray

SB 115 - Under this act, petition circulators shall be Missouri residents and shall not be paid on a per signature basis. Persons who have broken laws that would constitute forgery in this state shall not qualify as petition circulators.

Currently, persons who misrepresent themselves on petitions are guilty of a misdemeanor. Under this act, those who knowingly do so are guilty of a class one election offense.

This act is similar to SB 598 (2007), SB 934 (2008), SB 1003 (2008), SB 954 (2008), SB 909 (2008), and HB 1763 (2008).

CHRIS HOGERTY

12/08/2008 Prefiled

01/07/2009 S First Read--SB 115-Bray and Engler (S17)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 116 ***

0255S.021

SENATE SPONSOR: Bray

SB 116 – 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. The General Assembly must annually appropriate an amount equivalent to one percent of state funding for elementary and secondary education for this program.

This act is similar to SB 1128 (2008).

MICHAEL RUFF

12/10/2008 Prefiled

01/07/2009 S First Read--SB 116-Bray (S17)

01/22/2009 Second Read and Referred S Education Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 117 ***

0395S.011

SENATE SPONSOR: Green

SB 117 – This act requires the Department of Elementary and Secondary Education to recalculate the state school aid for the Riverview Gardens School District to correct an error by the district in placing funds received by the state for school aid for fiscal year 2006 in the incidental fund, rather than the capital projects fund.

This act is identical to SB 888 (2008), SB 522 (2007) and HB 698 (2007).

MICHAEL RUFF

12/10/2008 Prefiled

01/07/2009 S First Read--SB 117-Green (S18)

01/22/2009 Second Read and Referred S Education Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 118 ***

0586S.011

SENATE SPONSOR: Griesheimer

SB 118 - This act modifies duties of the Department of Natural Resources with regard to solid waste management plans.

Current law requires the department to develop a statewide solid waste management plan in cooperation with other state and local entities. This act adds the requirement that the plan be a "next generation" plan. Similarly, current law requires the department to establish criteria for awarding state solid waste management planning grants; this act requires that the grants be "next generation" planning grants. Research, demonstration projects, and investigations with applicable federal programs currently conducted by the department on solid waste management systems shall be conducted on "next generation" solid waste management systems. "Next generation" refers to innovative technology or methods.

The model solid waste management plans currently required to be prepared by the department shall be "next generation" model solid waste management plans. In developing the model plans, current law requires that the department must consider the findings of "the" resource recovery study under section 260.038, RSMo. This act simply allows the department the option of considering the findings of any such study.

Under current law, the model solid waste management plans are supposed to be designed to achieve a solid waste reduction of 40% by January 1, 1998. The act requires an additional 10% reduction by January 1, 2012, an additional 5% by January 1, 2015, and an additional 5% by January 1, 2018, bringing the total cumulative solid waste reduction to 60% over pre-1998 levels.

The act modifies, from December 1, 1991 to December 1, 2010, the date by which the model solid waste management plan must be distributed to solid waste districts and counties and cities not in districts.

Current law requires the department to utilize and develop resource recovery programs around existing enterprises; this act requires the programs to be "next generation" programs.

ERIKA JAQUES

12/11/2008 Prefiled

01/07/2009 S First Read--SB 118-Griesheimer (S18)

01/22/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 119 ***

0588S.011

SENATE SPONSOR: Griesheimer

SB 119 - Under current law, the Office of Administration is authorized to distribute funds from the wireless service provider enhanced 911 service fund to wireless service providers and public safety answering points based upon a formula established by the Office of Administration. Such formula may be based upon a variety of factors, but at least ten percent of the funds must be distributed equally to all public safety answering points

in the state. This act requires the Office of Administration and the Director of the Department of Public Safety or his or her designee to establish the formula; removes the requirement that at least ten percent of the funding be distributed equally among all public safety answering points in the state; and limits the number of public safety answering points which may receive funding based upon the classification of the county in which they are located.

This act also authorizes the Office of Administration, upon voter approval, to establish a fee of up to twenty-five cents per month on every wireless telephone number to fund wireless enhanced 911 services.

Provisions of this act are similar to those contained in Senate Bill 1118 (2008).

JASON ZAMKUS

12/11/2008 Prefiled

01/07/2009 S First Read--SB 119-Griesheimer (S18)

01/22/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 120 ***

0723S.011

SENATE SPONSOR: Bray

SB 120 - This act allows small employers to join the Missouri Consolidated Health Care Plan. For purposes of the act, the term small employer means an employer who employed an average of at least one but not more than fifty persons during the preceding calendar year and who employs at least one person on the first day of the plan year. A small employer includes a sole proprietor and a partner of a partnership. The state health care plan shall maintain a separate benefit trust fund account for premium payments and other income received from small employers.

This act is identical to SB 741 (2008), SB 267 (2007), SB 593 (2006), SB 277 (2005) and HB 1412 (1998).

STEPHEN WITTE

12/12/2008 Prefiled

01/07/2009 S First Read--SB 120-Bray (S18)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 121 ***

0747S.011

SENATE SPONSOR: Purgason

SB 121 - This act prohibits the issuance or redemption of any tax credit, now or hereafter authorized under Missouri law, from August 28, 2009, to August 28, 2011.

JASON ZAMKUS

12/15/2008 Prefiled

01/07/2009 S First Read--SB 121-Purgason (S18)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 122 ***

0727S.011

SENATE SPONSOR: Griesheimer

SB 122 - Under this act, each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected.

Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.

The notice must be served personally, or by certified mail, on the board member and filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall.

Within seven days, the board member may file a statement answering the statement of the proponents. The answer must be served on at least one proponent. The statement and answer are for the voters' informational purposes only.

A member cannot be recalled if he or she: 1) has not held office during the current term for more than 180 days; 2) has 180 days or less remaining on his or her current term; or 3) has had a recall election determined in his or her favor within the current term.

The person circulating the petition must sign an affidavit verifying certain information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed shall equal at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district.

The election authority has twenty days from the date of filing the petition to determine if enough voters signed the petition. It must file a certificate showing whether there are enough signatures. If the election authority certifies the petition does not have enough signatures, it may be supplemented within ten days of the date of certificate. The election authority must then certify the supplemented petition. If it is insufficient, no further action shall be taken.

If the petition is sufficient, the election authority shall submit its certificate to the board of directors and order an election within a certain amount of time. Nominations for board membership openings shall be made by filing a statement of candidacy with the election authority.

Any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation and the recall question shall be removed from the ballot and the office declared vacant.

This act is identical to SB 978 (2008).
SUSAN HENDERSON MOORE

12/17/2008 Prefiled

01/07/2009 S First Read--SB 122-Griesheimer (S18)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 123 ***

0546S.011

SENATE SPONSOR: Griesheimer

SB 123 - 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.

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, the county collector shall assume all duties, compensation, and requirements of the collector-treasurer.

JASON ZAMKUS

12/18/2008 Prefiled

01/07/2009 S First Read--SB 123-Griesheimer (S18)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 124 ***

0828S.011

SENATE SPONSOR: Bray

SB 124 - This act prohibits tri-vision, projection, digital, or other changeable copy technologies from being used on billboards. Under current law, tri-vision, projection, and other changeable message signs may be used subject to commission regulations.

STEPHEN WITTE

12/18/2008 Prefiled

01/07/2009 S First Read--SB 124-Bray (S18)

01/22/2009 Second Read and Referred S Transportation Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 125 ***

0835S.011

SENATE SPONSOR: Bray

SB 125 - This act requires the Department of Transportation to embrace principles of context sensitive design and context sensitive solutions in its policies and procedures for the planning, design, construction, and operation of transportation projects.

The act further provides that context sensitive design and context sensitive solutions principles shall promote the exploration of innovative solutions, commensurate with the scope of each project, that can effectively balance safety, mobility, community, and environmental objectives in a manner that will enhance the relationship of the transportation facility with its setting. Under the terms of the act, context sensitive design and context sensitive solutions principles shall complement, but not supplant, the department of transportation's existing practical design policy. The act requires the Department of Transportation to report to the Governor and the General Assembly no later than April 1, 2010, on its efforts to develop and implement context sensitive solutions policy and context sensitive design criteria.

STEPHEN WITTE

12/18/2008 Prefiled

01/07/2009 S First Read--SB 125-Bray (S18)

01/22/2009 Second Read and Referred S Transportation Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 126 ***

0844S.011

SENATE 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

12/18/2008 Prefiled

01/07/2009 S First Read--SB 126-Rupp (S18)

01/22/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 127 ***

0589S.011

SENATE SPONSOR: Rupp

SB 127 - This act requires the Governor to annually issue a proclamation that identifies the third 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.

MICHAEL RUFF

12/18/2008 Prefiled

01/07/2009 S First Read--SB 127-Rupp (S18)

01/22/2009 Second Read and Referred S General Laws Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 128 ***

0320S.011

SENATE SPONSOR: Rupp

SB 128 - This act authorizes the Highways and Transportation Commission to enter into an additional design-build highway project contract for the design, construction, reconstruction, or improvement of Missouri Route 364 in St. Charles County and St. Louis County. Current law only authorizes the Commission to enter into three design-build contracts.

STEPHEN WITTE

12/18/2008 Prefiled

01/07/2009 S First Read--SB 128-Rupp (S18)

01/22/2009 Second Read and Referred S Transportation Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 129 ***

0583S.011

SENATE SPONSOR: McKenna

SB 129 - This act prohibits school bus drivers from using wireless telephones or other electronic wireless communication devices while operating school buses on highways within this state. The prohibition does not apply when such devices are being used to call 9-1-1 or to contact law enforcement authorities or emergency response agencies in emergency situations. The prohibition includes talking on such a device or sending a text message on the device.

A violation of the act is a Class C misdemeanor and a moving violation for purposes of point assessment.

STEPHEN WITTE

12/18/2008 Prefiled

01/07/2009 S First Read--SB 129-McKenna, et al (S18-19)

01/22/2009 Second Read and Referred S Transportation Committee (S171)

01/28/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

*** SB 130 ***

0584S.021

SENATE SPONSOR: McKenna

SB 130 - This act prohibits drivers from sending, reading, or writing text messages or electronic messages while operating motor vehicles on the highways in Missouri. The text messaging prohibition does not apply to persons operating emergency vehicles. The text messaging prohibition does not apply to a person operating a motor vehicle who sends a text message to report illegal activity, summon medical or other emergency help, prevent personal or property injuries, or to relay information between a for-hire operator and a dispatcher. A violation of the act is a Class C misdemeanor and is considered a moving violation for purposes of point assessment.

STEPHEN WITTE

12/18/2008 Prefiled

01/07/2009 S First Read--SB 130-McKenna, et al (S19)

01/22/2009 Second Read and Referred S Transportation Committee (S171)

01/28/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

*** SB 131 ***

0826S.011

SENATE SPONSOR: Smith

SB 131 - This act allows St. Louis City to charge a semiannual registration fee of not more than \$2,000 to property owners of certain vacant property. Currently, the registration fee cannot exceed \$200.

SUSAN HENDERSON MOORE

12/18/2008 Prefiled

01/07/2009 S First Read--SB 131-Smith (S19)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 132 ***

0830S.011

SENATE SPONSOR: Smith

SB 132 – This act modifies the requirements for school anti-bullying policies. The definition of "bullying" is modified to include discrimination and to include actions that substantially interfere with a student's educational performance, opportunities, or benefits, or that substantially disrupt the orderly operation of the school. Bullying is prohibited by school employees or students on school property, at school functions, or on school buses. This act removes the requirement that school policies treat all students equally and not identify lists of protected classes of students. Instead, bullying that is based on characteristics or categories, as described in the act, is prohibited.

School district policies must contain the following: a statement prohibiting bullying, including a definition of bullying, as described in the act; a procedure for reporting an act of bullying; a procedure for prompt investigations; how a school will respond to a confirmed incident of bullying; a statement prohibiting reprisal or retaliation against a person who reports an act of bullying; a statement of how the policy will be made public; and a process for discussing the policy with students and training employees and volunteers.

The State Board of Education must develop model anti-bullying policies to assist school districts no later than September 1, 2010.

This act is substantially similar to HB 1751 (2008).

MICHAEL RUFF

12/18/2008 Prefiled

01/07/2009 S First Read--SB 132-Smith (S19)

01/22/2009 Second Read and Referred S Education Committee (S171)

EFFECTIVE: August 28, 2009

*** SB 133 ***

0783S.011

SENATE SPONSOR: Smith

SB 133 – Current law provides that an alien unlawfully present in the United States shall not receive any state or local public benefit. The definition of "public benefit" currently includes postsecondary education. This act modifies the definition of "public benefit" to mean postsecondary education pursued with the status of resident. In addition, a student who is enrolled as a nonresident at a Missouri public institution of higher education will not be considered to be receiving a public benefit based solely on attendance at such institution.

MICHAEL RUFF

12/18/2008 Prefiled

01/07/2009 S First Read--SB 133-Smith (S19)

01/22/2009 Second Read and Referred S Education Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 134 ***

0818S.011

SENATE SPONSOR: Dempsey

SB 134 - This act authorizes the issuance of Brain Tumor Awareness Organization special license plates.

Any member of the Brain Tumor Awareness Organization may receive special license plates bearing the organization's emblem after making an annual application and paying a \$25 emblem-use contribution to the Brain Tumor Awareness Organization. Such specialty plates shall bear the words "Brain Tumor Awareness" in lieu of the words "SHOW-ME STATE." No fees shall be charged for the personalization of such license plates.

Prior to the issuance of a Brain Tumor Awareness Organization specialty plate, the Department of Revenue must be in receipt of an application which shall be accompanied by a list of at least 200 potential applicants who plan to purchase the specialty plate, the proposed art design for the specialty license plate, and an application fee, not to exceed \$5,000, to defray the department's cost for issuing, developing, and programming the implementation of the specialty plate. Once the plate design is approved, the Director of Revenue shall not authorize the manufacture of the material to produce the specialized license plates until such time as the director has received two hundred applications, the \$25 specialty plate fee per application, and emblem use statements, if applicable, and other required documents or fees for such plates.

STEPHEN WITTE

12/18/2008 Prefiled

01/07/2009 S First Read--SB 134-Dempsey (S19)

01/22/2009 Second Read and Referred S Transportation Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 135 ***

0565S.011

SENATE SPONSOR: Dempsey

SB 135 – Beginning with the 2010-2011 school year, this act requires school districts to pay registered professional school nurses on the same pay scale as teachers with equivalent work history and working hours. The salary requirements must not result in a decrease or loss of existing school funding or decrease the number of nursing positions in a district.

This act is substantially similar to HB 1374 (2008).

MICHAEL RUFF

12/18/2008 Prefiled

01/07/2009 S First Read--SB 135-Dempsey (S19)

01/22/2009 Second Read and Referred S Education Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 136 ***

0729S.011

SENATE SPONSOR: Rupp

SB 136 - 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. Following fiscal year 2010, no equity investments may be made unless reauthorization is provided by enactment of a general law by the General Assembly.

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-seven million five hundred thousand dollars annually. The requirement for reauthorization by enactment of a general law by the General Assembly is moved back two fiscal years to fiscal years following fiscal year 2012.

JASON ZAMKUS

12/18/2008 Prefiled

01/07/2009 S First Read--SB 136-Rupp and Smith (S19)

01/22/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S172)

01/28/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

*** SB 137 ***

0726S.011

SENATE SPONSOR: Rupp

SB 137 - This act creates a multistate nursing licensure compact for registered nurses and licensed practical/vocational nurses. This compact allows licensed registered nurses and licensed practical/vocational nurses to practice nursing in states which participate in the nurse licensure compact. All states wishing to participate in the compact must adopt articles of authorization listed by the act:

ARTICLE I - Finding and Declaration of Purpose;

ARTICLE II - Definitions;

ARTICLE III - General Provisions and Jurisdiction;

ARTICLE IV - Applications for Licensure in a Party State;

ARTICLE V - Adverse Actions;

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

ARTICLE VII - Coordinated Licensure Information Systems;

ARTICLE VIII - Compact Administration and Interchange of Information;

ARTICLE IX - Immunity;

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

ARTICLE XI - Construction and Severability.

This act is similar to SB 664 (2006) and HB 556 (2005).

EMILY KALMER

12/18/2008 Prefiled

01/07/2009 S First Read--SB 137-Rupp (S19)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 138 ***

0591S.011

SENATE SPONSOR: Smith

SB 138 - This act creates an earned income tax credit to be taken against Missouri income tax liability. The tax credit is non-refundable. For taxable years beginning on or after January 1, 2010, the amount of the tax credit will be equal to five percent of the allowable federal earned income credit. Every two tax years, the amount of the credit is doubled such that for tax years beginning on or after January 1, 2014, the amount of the tax credit will equal twenty percent of the allowable federal earned income credit. The Department of Revenue is required to notify taxpayers which would qualify for the credit.

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

This act is similar to Senate Bill 852 (2008) and Senate Bill 608 (2007).

JASON ZAMKUS

12/18/2008 Prefiled

01/07/2009 S First Read--SB 138-Smith (S19)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 139 ***

0510S.011

SENATE SPONSOR: Mayer

SB 139 - 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. Instead, the gaming revenues from the repeal of the loss limits will be distributed for teacher salaries, early childhood, and transportation purposes.

This act creates the Minimum Salary for Teachers Program and establishes procedures for qualifying school districts to receive funds to pay minimum salary supplements to teachers. A minimum salary supplement is the difference between a school district's salary schedule and the minimum salary identified in the act. Beginning with the 2010-2011 school year, money from the Schools First Elementary and Secondary Education Improvement Fund will be transferred to the Minimum Salary for Teachers Fund to pay public school teacher minimum salary supplements to qualifying school districts. A participating school district is only responsible for the contracted amount of a teacher's salary. If there is insufficient money to pay the total cost of all minimum salary supplements, the minimum salary amounts will be prorated.

To qualify for funds, school districts must recognize all years of a teacher's teaching experience in accordance with the salary amounts and education levels identified in the act. A participating school district is also subject to a local effort requirement, which is based on the percentage of expenditures from the district's teachers and incidental funds attributable to base salary, retirement, and health care costs as described in the act. A district may vary from its local effort percentage based on its teacher and incidental fund balance. A district that varies more than the allowable percentage will have a deduction made from the minimum salary supplement in the next fiscal year.

Any future increases in minimum salaries are contingent on decreases in total state payments to all districts as described in the act. The value of each level of minimum salary will be increased by \$500 in the second fiscal year following the fiscal year in which the state cost of funding the minimum salaries is 85% or less of the full funding cost for the first school year of the state funding of minimum teacher salaries under the act.

This act requires that an amount of money sufficient to fund the Minimum Salary for Teachers Program be transferred from the Schools First Elementary and Secondary Education Improvement Fund to the Minimum Salary For Teachers Fund. Any remaining money will be evenly divided between and distributed to the Missouri Preschool Project and school districts for transportation costs. The transportation funds will be distributed based on a school district's weighted average daily attendance calculation in proportion to the weighted average daily attendance calculation for the entire state.

This act contains provisions similar to SB 1092 (2008).

MICHAEL RUFF

12/22/2008 Prefiled

01/07/2009 S First Read--SB 139-Mayer (S19)

01/22/2009 Second Read and Referred S Education Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 140 ***

0849S.011

SENATE SPONSOR: Smith

SB 140 - This act allows any circuit court to establish a division, within the family courts, for disposition of criminal nonsupport cases. Such division 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 division and each participant must be a nonviolent person. Any proceeding accepted by the division must be upon agreement of the parties. Any statement made by a participant as part of the division program shall not be admissible as evidence in other judicial proceedings; however, termination from the division program may be considered in sentencing or disposition of the case. Division staff shall be provided access to government records relevant to the participant's supervision.

An eight-member Criminal Nonsupport Divisions Coordinating Commission shall be established to coordinate and allocate resources made available through the newly created Criminal Nonsupport Division 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 act also modifies the penalties for any person convicted of criminal nonsupport as follows:

(1) A first offense shall result in a suspended imposition of sentence and an appropriate period of probation;

(2) A second offense shall result in a suspended execution of sentence and an appropriate period of probation; and

(3) A third or subsequent offense shall be punished within the range for the class of offense that the defendant was convicted of as provided by law.

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

During any period that a nonviolent defendant is incarcerated for criminal nonsupport, the court shall, if the defendant is ready, willing, and able to be gainfully employed and except for good cause shown, place the defendant on work release in order to satisfy the defendant's obligation to pay support. The work release shall be revoked if the defendant fails to pay.

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

12/22/2008 Prefiled

01/07/2009 S First Read--SB 140-Smith (S19)

01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S172)

01/26/2009 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

*** SB 141 ***

0866S.011

SENATE SPONSOR: Smith

SB 141 - This act provides that a petitioner may at any time file a petition to challenge entry of a judgment of paternity and child support upon filing an affidavit stating that evidence exists which was not considered before entry of judgment. Such petition shall also include either an allegation that genetic testing was conducted within the past 90 days using DNA methodology, was performed by an expert, and that the test results indicate a 99% or greater probability that the petitioner is not the child's father or a request to the court for an order of genetic paternity testing using DNA methodology.

The court, after a hearing where all interested parties have been given an opportunity to present evidence and be heard and upon a finding of probable cause to believe the testing may result in a determination of non-paternity, may order the relevant parties to submit to genetic paternity testing. The petitioner shall pay for the costs of testing.

The court shall grant relief and enter judgment setting aside the previous judgment of paternity and child support, including a previous acknowledgment of paternity, extinguish any existing child support arrearage, and order the Department of Health and Senior Services to modify the child's birth certificate accordingly upon a finding that the genetic test was properly conducted, accurate, and indicates a 99% or greater probability that the petitioner is not the child's father. The provisions of this act shall not apply to grant relief to the parent of any adopted child.

This act is substantially similar to SB 1147 (2008) and identical to HB 2322 (2008).
ADRIANE CROUSE

12/22/2008 Prefiled
01/07/2009 S First Read--SB 141-Smith (S19-20)
01/22/2009 Second Read and Referred S General Laws Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 142 ***

0241S.011

SENATE SPONSOR: Bartle

SB 142 - Under current law, the sunset act terminates new programs six years after their effective date unless the program is reauthorized. If the program is reauthorized, the program will terminate twelve years from the date of reauthorization. This act modifies the sunset act to terminate new programs three years from their effective date and, if reauthorized, programs will terminate three years from the date of reauthorization. This act requires the Joint Committee on Tax Policy to review all state tax credit programs which are not currently subject to a sunset. The joint committee is required to report its findings to the General Assembly. Effective December 31, 2013, no tax credits, authorized under programs which are not subject to a sunset, may be issued unless the general assembly adopts a concurrent resolution approving and re-authorizing such tax credit program after it has been reviewed by the joint committee, or a general law is enacted modifying provisions of such tax credit program. Any tax credit program re-authorized in accordance with this act will be deemed a new program and thus subject to the sunset act's three year sunset provision.

This act is similar to Senate Bill 735 (2008).

JASON ZAMKUS

12/23/2008 Prefiled
01/07/2009 S First Read--SB 142-Bartle (S20)
01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 143 ***

0375S.011

SENATE SPONSOR: Mayer

SB 143 - Under this act, the Department of Agriculture shall require licensed grain dealers to document the cost difference between a grain's cash price and its futures price for every sales transaction of grain. The documentation must include an explanation of how the dealer determined the difference. Dealers must report this information to the Department at least monthly. Dealers shall be subject to a penalty of between \$200 and \$1,000 per violation for failure to comply with any of the requirements of the act.

ERIKA JAQUES

12/29/2008 Prefiled
01/07/2009 S First Read--SB 143-Mayer (S20)
01/22/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 144 ***

0823S.011

SENATE SPONSOR: Wright-Jones

SB 144 - This act establishes the Prostate Cancer Pilot Program within the Department of Health and Senior Services. Subject to appropriations, the program shall fund prostate cancer screening and treatment services to certain uninsured men in the state. The department shall distribute grants to local health departments and federally qualified health centers. The program is open to uninsured or economically challenged men who are older than 50 years of age and uninsured or economically challenged men between 35 and 50 years of age who are at high risk for prostate cancer. This act also requires the program to provide cancer screening, referral services, treatment, and outreach and education activities.

The department is required to report to the Governor and the General Assembly by September 1, 2011, regarding the number of individuals screened and treated by the program and any cost savings as a result of early treatment of prostate cancer. This act will expire three years from the effective date.

This act is similar to HB 2441 (2008).

ADRIANE CROUSE

12/31/2008 Prefiled

01/07/2009 S First Read--SB 144-Wright-Jones (S20)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 145 ***

0822S.011

SENATE SPONSOR: Wright-Jones

SB 145 - Under the act, individuals who request fifty or more voter registration applications who are not deputy registration officials must be 18 and file with the secretary of state the person's name, address, telephone number, whether the person is making the request on behalf of a group or organization, and a description of each group or organization for which the request is made. A signed affirmation that the information submitted is true must accompany the filing.

Any person who knowingly signs a name other than his or her own to a voter registration application is guilty of a class one election offense. Such persons will be guilty of a Class B felony. Persons who provide identification to an election official to cast a ballot with the knowledge that the identification is false shall be guilty of a Class B felony. Individuals who willfully and falsely complete any certificate, affidavit or ballot of another individual in relation to absentee ballots are guilty of a Class B felony.

The Secretary of State shall provide computer-based registration training to persons making requests for voter registration applications.

This act is similar to SB 1125 (2006), SB 229 (2007), and SB 1083 (2008).

CHRIS HOGERTY

12/31/2008 Prefiled

01/07/2009 S First Read--SB 145-Wright-Jones (S20)

01/22/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 146 ***

0799S.011

SENATE SPONSOR: Dempsey

SB 146 - This act increases the amount of tax credits available for taxpayers who modify their home to be accessible for seniors or disabled people who reside with such taxpayer. Under current law, up to one hundred thousand dollars in tax credits remaining unused under the rebuilding communities tax credit program are allocated for use by taxpayers who modify their homes for disabled persons residing with such taxpayers. This act increases the amount of available tax credits by allocating all unused tax credits under the rebuilding communities tax credit program for use by taxpayers who modify their homes for seniors or disabled persons residing with such taxpayers. The rebuilding communities tax credit program is capped at ten million dollars annually. Constructing additional rooms in the dwelling or a new structure on the property for the purpose of accommodating the senior or disabled person is added as a new eligible cost for which the tax credit may be claimed.

This act is substantially similar to a provision in SS/SCS/SB 1283 (2008) and to SB 717 (2008).

ADRIANE CROUSE

01/05/2009 Prefiled

01/07/2009 S First Read--SB 146-Dempsey (S20)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 147 ***

0800S.011

SENATE SPONSOR: Dempsey

SB 147 - This act requires the Department of Health and Senior Services to develop the Missouri Healthy Workplace Recognition Program for the purpose of granting official state recognition to 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

01/05/2009 Prefiled

01/07/2009 S First Read--SB 147-Dempsey (S20)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 148 ***

0805S.011

SENATE SPONSOR: Dempsey

SB 148 - This act provides an income tax deduction in the amount equal to 100% of the premium paid by the taxpayer during the taxable year for high deductible health plans established and used with a health savings account under the applicable provisions of the Internal Revenue Code to the extent the amount is not deducted on the taxpayer's federal income tax return for that taxable year.

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

ADRIANE CROUSE

01/05/2009 Prefiled

01/07/2009 S First Read--SB 148-Dempsey (S20)

01/22/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 149 ***

0809S.011

SENATE SPONSOR: Dempsey

SB 149 - This act enacts provisions relating to health care technology.

TRANSPARENCY OF HEALTH CARE SERVICES

This act establishes guidelines for transparency in pricing and quality of health care services. Criteria is established for insurers to use in programs that publicly assess and compare the quality and cost efficiency of health care providers. A provider cannot decline to enter into a provider contract with an insurer solely because the insurer uses quality and cost efficiency of health care data programs.

A person who sells or distributes health care quality and cost efficiency data in a comparative format to the public is required to identify the source used to confirm the validity of the data and its analysis as an objective indicator of health care quality. This provision does not apply to articles or research studies that are published in peer-reviewed academic journals, nonprofit community-based organizations, or by state or local governments. The Department of Health and Senior Services is required to investigate complaints of alleged violations and is authorized to impose a penalty of up to \$1,000. Alleged violations by health insurers will be investigated and enforced by the Department of Insurance, Financial Institutions, and Professional Registration. SECTIONS 191.1005 to 191.1010

INTERNET WEB-BASED PRIMARY CARE ACCESS PILOT PROJECT

This act requires the general assembly to appropriate 400,000 dollars from the health care technology fund to the department of social services to award a grant to implement an internet web-based primary care access pilot project designed as a collaboration between private and public sectors to connect, where appropriate, a patient with a primary care medical home, and schedule patients into available community-based appointments as an alternative to non-emergency use of the hospital emergency room as consistent with federal law and regulations. The criteria for the grant are specified in the act. SECTION 191.1200

TELEHEALTH

This act expresses the state's recognition of the delivery of health care via telehealth as a safe, practical and necessary practice in the state. By January 1, 2010, the Department of Health and Senior Services shall promulgate quality control rules to be used in removing and improving the service of telehealth practitioners. SECTIONS 191.1250 to 191.1277

This act is similar to portions of SS/SCS/SB 1283 (2008).

ADRIANE CROUSE

01/05/2009 Prefiled

01/07/2009 S First Read--SB 149-Dempsey (S20)

01/22/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 150 ***

0941S.011

SENATE SPONSOR: Griesheimer

SB 150 - This act specifies that any money paid after June 30, 2010, as overtime or compensatory time to members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) shall not be included in the calculation of average compensation for the closed plan and shall not be included in the calculation of final average pay for the year 2000 plan.

EMILY KALMER

01/06/2009 Prefiled

01/07/2009 S First Read--SB 150-Griesheimer (S20)

01/22/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S172)

EFFECTIVE: August 28, 2009

*** SB 151 ***

0440S.011

SENATE SPONSOR: Clemens

SB 151 – Current law requires high school students to complete a personal finance course in order to graduate. This act requires them to fulfill that requirement by completing a course offered by their school district or the virtual public school. Students will not be able to test out of the requirement.

This act is identical to SB 1232 (2008).

MICHAEL RUFF

01/06/2009 Prefiled

01/07/2009 S First Read--SB 151-Clemens (S20)

EFFECTIVE: August 28, 2009

*** SB 152 ***

0785S.021

SENATE SPONSOR: Clemens

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 to be eligible for the loan program.

EMILY KALMER

01/06/2009 Prefiled

01/07/2009 S First Read--SB 152-Clemens (S20)

EFFECTIVE: August 28, 2009

*** SB 153 ***

0122S.011

SENATE SPONSOR: Clemens

SB 153 - 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 further specifies that any return on savings given by a co-op to its members for the purchase of milk products shall not be considered a violation of the Unfair Milk Sales Practices Act.

ERIKA JAQUES

01/06/2009 Prefiled

01/07/2009 S First Read--SB 153-Clemens (S20)

EFFECTIVE: August 28, 2009

*** SB 154 ***

0965S.011

SENATE SPONSOR: Goodman

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 of a public water supply district or a water company.

This act is similar to SB 245 (2007).

ERIKA JAQUES

01/06/2009 Prefiled

01/07/2009 S First Read--SB 154-Goodman (S21)

EFFECTIVE: August 28, 2009

*** SB 155 ***

0870S.011

SENATE SPONSOR: Goodman

SB 155 - The Office of Administration shall administer the Missouri Accountability Portal website to provide the public with information relating to state contracts and tax credit issuance. The Governor shall submit ordered and detailed information regarding state contracts as part of the state budget.

This act is similar to HB 975 (2007) and SB 1204 (2008).

CHRIS HOGERTY

01/06/2009 Prefiled

01/07/2009 S First Read--SB 155-Goodman (S21)

EFFECTIVE: August 28, 2009

*** SB 156 ***

0871S.011

SENATE SPONSOR: Goodman

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

01/06/2009 Prefiled

01/07/2009 S First Read--SB 156-Goodman (S21)

EFFECTIVE: August 28, 2009

*** SB 157 ***

0935S.021

SENATE SPONSOR: Schmitt

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 Central, East, Northwest, Southeast, and Southwest Missouri Autism Projects may provide certain services, including assessment, advocacy training, 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.

ADRIANE CROUSE

01/06/2009 Prefiled

01/07/2009 S First Read--SB 157-Schmitt (S21)

EFFECTIVE: August 28, 2009

*** SB 158 ***

0784S.011

SENATE SPONSOR: Clemens

SB 158 - This act provides that the Department of Agriculture has jurisdiction over the interstate and intrastate movement of animals as it relates to the health and management of privately-owned captive deer. Deer owners shall be responsible for costs incurred by the department for any inspections conducted under the act.

ERIKA JAQUES

01/06/2009 Prefiled

01/07/2009 S First Read--SB 158-Clemens (S21)

EFFECTIVE: August 28, 2009

*** SB 159 ***

0444S.011

SENATE SPONSOR: Clemens

SB 159 - 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 quail or pheasants, 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 quail or pheasants exceeds \$3,000.

Any person who pleads guilty to or is found guilty of stealing livestock, quail, or pheasants valued at over \$3,000 and who has a prior conviction for stealing livestock, quail, or pheasants shall serve at least 80% of his or her prison sentence before being eligible for probation, parole, or release.

This act is similar to SB 941 (2008), SCS/SB 473 (2007) and SCS/SB 1100 (2006).

ERIKA JAQUES

01/06/2009 Prefiled

01/07/2009 S First Read--SB 159-Clemens (S21)

EFFECTIVE: August 28, 2009

*** SB 160 ***

0665S.011

SENATE SPONSOR: Crowell

SB 160 - This act changes the scheduling of ephedrine, pseudoephedrine, and phenylpropanolamine to be Schedule III controlled substances. Such Schedule III drugs require a doctor's prescription to be obtained. However, any dietary supplements, herbs, or natural products that are not otherwise prohibited by law and that contain naturally occurring ephedrine alkaloids in a matrix or organic material such that the substances do not exceed fifteen percent of the total weight of the supplements, herbs, or natural products, shall be exempt from the Schedule III status as a controlled substance.

Also, upon written application by a manufacturer, the Department of Health may exempt by rule, any product containing ephedrine, pseudoephedrine, or phenylpropanolamine because it is formulated to effectively prevent conversion of the active ingredient into methamphetamine, from the scheduling of the substances. Upon notification of the state highway patrol that it has probable cause to believe an exempt product does not effectively prevent conversion of the active ingredient into methamphetamine, the department may issue an emergency rule revoking the exemption pending a full hearing.

Because of the scheduling change of these substances, the provisions governing the logging and storing of information regarding over-the-counter sales of such substances are no longer necessary and are

repealed.

SUSAN HENDERSON MOORE

01/07/2009 S First Read--SB 160-Crowell (S22)

EFFECTIVE: August 28, 2009

*** SB 161 ***

0728S.011

SENATE SPONSOR: Crowell

SB 161 - This act removes language requiring that the board of trustees of 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 SB 997 (2008).

EMILY KALMER

01/07/2009 S First Read--SB 161-Crowell (S22)

EFFECTIVE: August 28, 2009

*** SB 162 ***

0921S.011

SENATE SPONSOR: Crowell

SB 162 - The Office of Administration shall administer the Missouri Accountability Portal website to provide the public with information relating to state contracts and tax credit issuance. The Governor shall submit ordered and detailed information regarding state contracts as part of the state budget.

This act is similar to HB 975 (2007) and SB 1204 (2008).

CHRIS HOGERTY

01/07/2009 S First Read--SB 162-Crowell (S22)

EFFECTIVE: August 28, 2009

*** SB 163 ***

0543S.011

SENATE SPONSOR: Justus

SB 163 - This act authorizes an individual income tax deduction, for tax years beginning on or after January 1, 2009, for taxpayers who purchase a qualified hybrid vehicle, powered by a combination of an electric motor and gasoline engine, which is manufactured in the United States. The deduction is limited to the lesser of ten percent of the vehicle's purchase price or two thousand dollars. The provisions of the act will expire on December thirty-first six years from the effective date.

This act is similar to the perfected version of the HCS/HB 1326 (2008).

JASON ZAMKUS

01/08/2009 S First Read--SB 163-Justus (S80)

EFFECTIVE: August 28, 2009

*** SB 164 ***

1026S.011

SENATE SPONSOR: Justus

SB 164 - This act authorizes the City of Grandview to seek voter approval to levy a sales tax of up to one-half percent to fund public safety improvements for the city. Such improvements may include expenditures on equipment, city employee salaries and benefits, and facilities for police, fire, and emergency medical providers.

JASON ZAMKUS

01/08/2009 S First Read--SB 164-Justus (S80)

EFFECTIVE: August 28, 2009

*** SB 165 ***

0920S.011

SENATE SPONSOR: Justus

SB 165 - This act authorizes the City of Grandview to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promoting tourism. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

This act is identical to the SCS/SB 1089 (2008).

JASON ZAMKUS

01/08/2009 S First Read--SB 165-Justus (S80)

EFFECTIVE: August 28, 2009

*** SB 166 ***

0829S.011

SENATE SPONSOR: Justus

SB 166 - This act authorizes trustees of irrevocable trusts 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 defines the domicile of a trust's creator for the purposes of publishing notice to creditors in a local newspaper.

This act is similar to HB 2273 (2008).

EMILY KALMER

01/08/2009 S First Read--SB 166-Justus (S80)

EFFECTIVE: August 28, 2009

*** SB 167 ***

0845S.021

SENATE SPONSOR: Rupp

SB 167 - Under this act, health carriers that issue or renew health benefit plans on or after August 28, 2009, must provide individuals less than 21 years of age coverage for the diagnosis and treatment of Autism spectrum disorders.

The act prohibits health carriers from denying or refusing to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminating or restricting coverage on an individual or their dependent solely because the individual is diagnosed with an autism spectrum disorder.

The act sets forth the coverage limits for autism spectrum disorder. Coverage under the act is limited to treatment that is ordered by the insured's treating licensed physician or licensed psychologist, in accordance with a treatment plan.

The treatment plan shall include all elements necessary for the health benefit plan or health carrier to appropriately pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment and goals.

Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to request a review of that treatment not more than once every 6 months unless the health carrier and the individual's treating physician or psychologist agrees that a more frequent review is necessary.

Under the terms of the act, coverage provided for applied behavior analysis shall be subject to a maximum benefit of \$72,000 per year, but shall not be subject to any limits on the number of visits by an individual to an autism service provider for applied behavior analysis.

Coverage under the act for services other than applied behavior analysis shall not be subject to any limits on the number of visits an individual may make to an autism service provider.

After December 31, 2010, the director of the Department of Insurance, Financial and Professional Registration shall, on an annual basis, adjust the maximum benefit (for applied behavioral analysis) for

inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers.

Payments made by a health carrier on behalf of a covered individual for any care, treatment, intervention, service or item, the provision of which was for the treatment of a health condition unrelated to the covered individual's autism spectrum disorder, shall not be applied toward any maximum benefit established under the act.

The health care services required by the act shall not be subject to any greater deductible, coinsurance or co-payment than other physical health care services provided by a health benefit plan.

To the extent any payments or reimbursements are being made for services rendered by a direct implementer for applied behavior analysis, such payments or reimbursements shall be made to either:

- (1) The person who is supervising the direct implementer, who is certified as a board certified behavior analyst by the Behavior Analyst Certification Board; or
- (2) The entity or group for whom such supervising person works or is associated.

The provisions of the act do not apply to health benefit plans offered solely to individuals.

The provisions of the act do not apply to various forms of supplemental insurance policies such as specified disease policies or Medicare supplement policies.

The provisions of this act are similar to provisions contained in HB 2351 (2008), SB 1229 (2008), and SB 1122 (2008).

STEPHEN WITTE

01/08/2009 S First Read--SB 167-Rupp (S80)

EFFECTIVE: August 28, 2009

*** SB 168 ***

0750S.011

SENATE SPONSOR: Shoemyer

SB 168 - This act allows the governing body of a city, town, village or county to submit a proposal to the voters of such city, town village or county allowing the municipality to impose a property tax to fund cemetery maintenance. The tax authorized under this act shall not exceed one fourth of one cent per one hundred dollars assessed valuation and shall not become effective until approved by the voters of the city, town village or county.

This act is identical to the Perfected version of Senate Bill 822 (2008).

JASON ZAMKUS

01/08/2009 S First Read--SB 168-Shoemyer (S80)

EFFECTIVE: August 28, 2009

*** SB 169 ***

1001S.011

SENATE SPONSOR: Shoemyer

SB 169 - This act provides that no applicant shall be enrolled in a Medicare Advantage plan until two business days have passed since the initial personal solicitation and the applicant has signed a disclosure form. Personal solicitation includes either an on-site presentation at a facility or a home meeting with an insurance agent. The disclosure shall be signed and dated by both the applicant and the agent on the day of the initial personal solicitation and shall include:

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

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

This act is identical to SB 773 (2008).

ADRIANE CROUSE

01/08/2009 S First Read--SB 169-Shoemyer and Engler (S80)

EFFECTIVE: August 28, 2009

*** SB 170 ***

0083S.021

SENATE SPONSOR: Shoemyer

SB 170 - This act modifies the membership of the MO HealthNet Oversight Committee by adding an optometrist, a nurse, a mental health professional, a licensed physical therapist, as well as representatives from a not-for-profit health network serving rural counties and providing both patient-based and provider member services, the state association representing the majority of the long-term care facilities licensed in this state, the durable medical equipment industry, a Medicaid managed care organization, a rural health clinic and a federally qualified health clinic. This act also specifies that the committee shall have three patient advocates rather than two. Of the three advocates, one advocate shall represent children, one the disabled, and one the elderly community. In addition, rather than designating two primary care physicians and two physicians, the act now references four licensed physicians, two each from rural and urban areas, and board certified in their specialty.

This act is similar to SS/SCS/SB 821 (2008).

ADRIANE CROUSE

01/08/2009 S First Read--SB 170-Shoemyer (S80)

EFFECTIVE: August 28, 2009

*** SB 171 ***

0545S.011

SENATE SPONSOR: Griesheimer

SB 171 - 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.

SUSAN HENDERSON MOORE

01/08/2009 S First Read--SB 171-Griesheimer (S80)

EFFECTIVE: August 28, 2009

*** SB 172 ***

0445S.011

SENATE SPONSOR: Green

SB 172 - This act prohibits the Metropolitan Sewer District (MSD) from charging any landowner for storm water management services if MSD does not provide sanitary sewer service to the landowner's property.

ERIKA JAQUES

01/08/2009 S First Read--SB 172-Green (S80)

EFFECTIVE: August 28, 2009

*** SB 173 ***

0512S.021

SENATE SPONSOR: Green

SB 173 - This act creates the Renewable Energy Generation Grant Program, which shall be administered

by the Department of Natural Resources. Subject to appropriations, grants shall be awarded to homeowners in Missouri for the purchase and installation of equipment used for generating electricity from renewable sources such as solar and wind power. Grants shall be limited to either 80% of the cost to purchase and install the equipment, or \$10,000, whichever is less. The cumulative amount of grant money awarded through the program shall not exceed \$5,000,000 per year. Inspections by licensed electricians and building inspectors shall be required. The department is authorized to promulgate rules for the program regarding eligibility and qualifying equipment. The program shall sunset in 6 years unless reauthorized. Equipment purchased for the grant program shall be exempt from sales tax.

ERIKA JAQUES

01/08/2009 S First Read--SB 173-Green (S80)

EFFECTIVE: August 28, 2009

*** SB 174 ***

0966S.011

SENATE SPONSOR: Griesheimer

SB 174 - 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 realized 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. The time line for the assessment, levy and appeal of property taxes is changed with regard to certain counties.

The act modifies laws regarding the payment of taxes in dispute. Under current law, for the homestead preservation tax credit the homestead exemption limit will be based on the increase in tax liability from the base year to the year prior to the application year for all applications for credits filed between December 31, 2008, and December 31, 2011. This act modifies the term base year with regard to new homeowners who are approved for the first time after satisfying the three year ownership requirement so that the base year for such taxpayers will be the year following the first year in which such taxpayer acquired ownership of the homestead. The act adds two alternate members to the St. Louis City board of equalization and changes the date by which members must be appointed from the second Monday in May to the first day of July.

This act contains an emergency clause.

JASON ZAMKUS

01/12/2009 S First Read--SB 174-Griesheimer (S92)

EFFECTIVE: August 28, 2009

*** SB 175 ***

0939S.021

SENATE SPONSOR: Schmitt

SB 175 - 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 contain ten points of information, which are described in the act.

Each school district must provide a copy of "The Parents' Bill of Rights" at least ten days prior to the IEP meeting to the parent or parents of a child with an IEP. At the meeting, the parents must indicate whether they have received it.

MICHAEL RUFF

01/12/2009 S First Read--SB 175-Schmitt (S92)

EFFECTIVE: August 28, 2009

*** SB 176 ***

0824S.021

SENATE SPONSOR: Stouffer

SB 176 - 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 1, 2010.

The provisions of this act shall expire on November 1, 2012.

ADRIANE CROUSE

01/12/2009 S First Read--SB 176-Stouffer (S92)

EFFECTIVE: August 28, 2009

*** SB 177 ***

0652S.011

SENATE SPONSOR: Stouffer

SB 177 - This act opens up salvage pool sales or salvage disposal sales to residents of the United States. Under current law, salvage pool sales or salvage disposal sales are only open to licensed salvage dealers and to persons from foreign countries who purchase salvage vehicles for export outside of the United States. The act also requires operators of salvage pool sales or subsequent purchasers, who sell nonrepairable vehicles to non-U.S. residents, to stamp the titles to such vehicles with the words "FOR EXPORT ONLY." The current law only assigns this duty to the seller of a nonrepairable vehicle.

STEPHEN WITTE

01/12/2009 S First Read--SB 177-Stouffer (S92)

EFFECTIVE: August 28, 2009

*** SB 178 ***

1007S.011

SENATE SPONSOR: Stouffer

SB 178 - 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. The act also removes the current statutory sunset clause which would extinguish the commission's authority to enter into design-build highway projects on July 1, 2012.

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. The performance bond or 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, unless the commission determines in writing supporting by specific findings that a performance bond or bonds in such amount is impractical, in which case the commission shall establish the amount of the performance bond or bonds.

This act contains an emergency clause.

STEPHEN JOHN WITTE

01/12/2009 S First Read--SB 178-Stouffer (S92-93)

EFFECTIVE: Emergency Clause

*** SB 179 ***

1104S.011

SENATE SPONSOR: Wright-Jones

SB 179 - 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.

STEPHEN WITTE

01/12/2009 S First Read--SB 179-Wright-Jones (S93)

EFFECTIVE: August 28, 2009

*** SB 180 ***

0084S.011

SENATE SPONSOR: Bartle

SB 180 - This act specifies that knowledge of one's location is not necessary to commit certain criminal acts, including drug distribution near a school, park, or public housing or residence or loitering near a school by a sexual offender.

SUSAN HENDERSON MOORE

01/13/2009 S First Read--SB 180-Bartle (S113)

EFFECTIVE: August 28, 2009

*** SB 181 ***

0159S.011

SENATE SPONSOR: Bartle

SB 181 - 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 a domestic assault case 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.

SUSAN HENDERSON MOORE

01/13/2009 S First Read--SB 181-Bartle (S113)

EFFECTIVE: August 28, 2009

*** SB 182 ***

0601S.011

SENATE SPONSOR: Bartle

SB 182 - This act prohibits a person from using or attempting to use a false or misleading diploma, as described in the act, 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 act is a Class C misdemeanor.

MICHAEL RUFF

01/13/2009 S First Read--SB 182-Bartle (S113)

EFFECTIVE: August 28, 2009

*** SB 183 ***

0541S.011

SENATE SPONSOR: Bartle

SB 183 - This act requires the Department of Social Services to develop a program to test applicants or recipients of temporary assistance for needy families (TANF) benefits when a case worker believes, based on reasonable suspicion, that such person engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance after an administrative hearing shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this act to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health. Also, if a parent is deemed ineligible for TANF benefits due to the provisions of this act, his or her dependent child's eligibility for such benefits shall not be affected and an appropriate protective payee may be established for the benefit of the child. The department shall promulgate rules to develop the screening and testing provisions of this section.

This act is identical to SB 1259 (2008).

ADRIANE CROUSE

01/13/2009 S First Read--SB 183-Bartle (S113)

EFFECTIVE: August 28, 2009

*** SB 184 ***

0563S.011

SENATE SPONSOR: Bartle

SB 184 - 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 this act.

The owner of a dog that bites, without substantial provocation, a person while in a public or lawful private place shall be strictly liable for damages to the bitten individual. Owners of such dogs shall also be strictly liable for any damage incurred to property or livestock by their dogs. If a dog owner is found liable by a court for such damages, the owner shall also be assessed a civil fine up to \$1,000.

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

The act's provisions do not apply to dogs 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" under the act. Dogs owned or utilized by a law enforcement agency who bite in the course of their employ are exempt from the provisions of the act.

This act is similar to SB 834 (2008).

ERIKA JAQUES

01/13/2009 S First Read--SB 184-Bartle (S113)

EFFECTIVE: August 28, 2009

*** SB 185 ***

0940S.011

SENATE SPONSOR: Bray

SB 185 - Currently, Section 386.266, RSMo, provides certain utilities the opportunity to apply for alternate rate schedules in several circumstances. This act removes two of these options. It removes the option for gas utilities to apply for alternate rate schedules due to a variation in weather and/or conservation and removes the option for electric, gas or water utilities to apply for alternate rate schedules due to costs related to environmental regulations.

This act is similar to SB 1080 (2008), SB 94 (2007), and SB 880 (2006).

ERIKA JAQUES

01/13/2009 S First Read--SB 185-Bray (S113)

EFFECTIVE: August 28, 2009

*** SB 186 ***

1008S.011

SENATE SPONSOR: Bray

SB 186 - This act creates the Healthy Pet Act.

Pet dealers are required to have their dogs and cats examined by a licensed veterinarian no greater than 30 days prior to sale. The act requires that pet dealers provide a written statement to the purchaser of any

dog or cat containing certain facts about the animal's birth, breeding, physical traits, and medical history. The written statement shall also include a statement signed by both the pet dealer and the purchaser that the animal has no known disease, illness, or adverse health condition or the statement shall alternatively disclose any known disease, illness or adverse health condition.

The act requires pet dealers to maintain certain records for up to 12 months following the date of sale of any dog or cat.

Pet dealers are prohibited from selling any dog or cat with any obvious clinical sign of an infectious, contagious, parasitic, or communicable disease or with any condition for which hospitalization or nonelective surgery is required.

Individuals who unknowingly purchase a sick dog or cat are entitled to a remedy from the pet dealer when: within 20 days of the purchase, a licensed veterinarian states in writing that the animal suffers from or has died from a condition that existed on or before the date of purchase; or within 2 years of the purchase, a licensed veterinarian states in writing that the animal possesses or has died from a congenital or hereditary condition for which hospitalization or nonelective surgery was required. Available remedies to the purchaser of such a sick dog or cat are provided in the act.

In order to receive a remedy, a purchaser of a sick dog or cat must, within 10 days of receiving the veterinarian's diagnosis, notify the pet dealer and provide a written statement from the veterinarian to the pet dealer. The act lists certain information that must be included in the veterinarian's statement.

Remedies are not required to be provided by a pet dealer to a purchaser of a sick dog or cat if: the illness or death of the pet resulted from maltreatment by the purchaser or from an event that occurred after the pet's purchase from the dealer; the purchaser did not administer veterinarian-recommended treatment for the illness (except when the cost of treatment plus the exam fee exceeds the pet's purchase price); the pet's illness or condition was disclosed at time of purchase; or if the purchaser does not return all registration documents to the pet dealer if the pet is returned for refund or exchange.

If a pet dealer disputes a purchaser's request for a remedy under this act, the pet dealer can have the animal examined by a licensed veterinarian of his or her choosing.

The act requires pet dealers to post a statement about consumers rights under this act and specifies requirements for the size and wording of the notification. Pet dealers and purchasers of dogs and cats are also required to sign a statement at the time of purchase that the purchaser was provided notification of his or her rights under this act. The act requires certain additional notification provided to purchasers of pets sold as being registered or able to be registered.

The act does not limit any authority under other laws.

Pet dealers who advertise any animal as being registered or able to be registered with an animal registering organization shall provide the purchaser of any such animal the appropriate registration documents within 120 days of the date of purchase.

The act is identical to SB 914 (2008).
ERIKA JAQUES

01/13/2009 S First Read--SB 186-Bray (S113)

EFFECTIVE: August 28, 2009

*** SB 187 ***

0600S.011

SENATE SPONSOR: Vogel

SB 187 - Current law allows any county, city which is the county seat of any county, and various other cities to impose a tax, not to exceed five percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. This act increases the maximum levy from five percent to seven percent. Such increase will become effective only upon voter approval.

This act is similar to Senate Bill 900 (2008).
JASON ZAMKUS

01/13/2009 S First Read--SB 187-Vogel (S113)

EFFECTIVE: August 28, 2009

*** SB 188 ***

0544S.02I

SENATE SPONSOR: Dempsey

SB 188 - 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.

This act is similar to SS/SB 1240 (2008).
SUSAN HENDERSON MOORE

01/13/2009 S First Read--SB 188-Dempsey, et al (S113)

EFFECTIVE: August 28, 2009

*** SB 189 ***

1103S.01I

SENATE SPONSOR: Shields

SB 189 - This act repeals provisions of law which currently prohibit any Kansas City police officer from:

- (1) Belonging to a political party committee;
- (2) Soliciting any person to vote for or against any political candidate, party, or organization;
- (3) Making contributions of any kind for political activity; or
- (4) Allowing any solicitation of contributions to take place on police department property.

This act also repeals the provision which prohibits any person from soliciting a police officer or a member of the police board for any political purpose.

This act is identical to SB 18 (2007).
SUSAN HENDERSON MOORE

01/14/2009 S First Read--SB 189-Shields (S120)

EFFECTIVE: August 28, 2009

*** SB 190 ***

1000S.02I

SENATE SPONSOR: Shoemyer

SB 190 – This act requires all offices occupied by elected officials in the state capitol building to be readily accessible to and usable by individuals with disabilities by December 31, 2014.

This act is similar to SB 848 (2008).

ADRIANE CROUSE

01/14/2009 S First Read--SB 190-Shoemyer (S120)

EFFECTIVE: December 31, 2009

*** SB 191 ***

0851S.021

SENATE SPONSOR: Shoemyer

SB 191 - 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 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 repeals the provision which allows for the annual limit on tax credit issuance to be exceeded and institutes an additional per project annual cap of ten million dollars.

JASON ZAMKUS

01/14/2009 S First Read--SB 191-Shoemyer (S120)

EFFECTIVE: August 28, 2009

*** SB 192 ***

0848S.011

SENATE SPONSOR: Shoemyer

SB 192 - 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 also repeals one version of Section 577.023, RSMo, which is currently doubly-enacted.

This act is similar to SB 861 (2008).

SUSAN HENDERSON MOORE

01/14/2009 S First Read--SB 192-Shoemyer (S120)

EFFECTIVE: August 28, 2009

*** SB 193 ***

0827S.011

SENATE SPONSOR: Shoemyer

SB 193 - This act authorizes the Department of Economic Development to issue up to two million dollars in tax credits annually to encourage equity investments in qualified Missouri manufacturing businesses. Qualified Missouri businesses must be a manufacturing business, in need of venture capital, which will base its operations from an existing facility located in a distressed community. Such business must create at least fifty new jobs, offer health insurance to all of its full-time employees, and pay at least fifty percent of such health insurance premiums. Investors who contribute the first three million dollars in equity investment to a qualified Missouri business may be issued a tax credit equal to fifty percent of the investment. Tax credits authorized under this act can be carried forward for up to five years or sold. Qualified Missouri businesses, for which investment tax credits are issued, which fail to comply with the provisions of this act within seven years of tax credit issuance will be forced to repay the amount of tax credits issued to investors.

JASON ZAMKUS

01/14/2009 S First Read--SB 193-Shoemyer (S120)

EFFECTIVE: August 28, 2009

*** SB 194 ***

0564S.011

SENATE SPONSOR: Shoemyer

SB 194 - This act creates procedures that a patent holder of genetically-modified seed must follow before entering onto private farmland to take plant samples. Specifically, the patent holder must notify the farmer in writing of the suspected breach of contract or patent infringement; provide a copy of the notification to the director of the Department of Agriculture; obtain written permission from the farmer to enter the property; and

inform the farmer of the required procedures described in the act.

The farmer must respond in writing to a request to take samples within 10 days of receipt of the request. The patent holder may petition a court for permission to enter the property and may also seek a protective order if the patent holder has reason to believe that a crop to be sampled may be intentionally damaged or destroyed. Once permission has been granted by either the farmer or a court, the patent holder may enter the property in order to take samples. The farmer or the patent holder may request to have the Department of Agriculture present at the sampling or actually conduct the sampling. The department may charge reasonable fees for any sampling activities it conducts, for which the patent holder is responsible for paying. The results from any sampling must be sent via registered letter to all parties involved within 30 days after the results are first reported.

A violation of the act by a patent holder is punishable by penalty of no less than \$50,000 per violation.

The act creates certain immunity from liability for farmers on whose property is found evidence of a patented genetically-modified plant when the farmer did not knowingly buy or acquire the plant, otherwise acted in good faith, and the presence of the plant is minimal.

The act requires that any contract for the purchase of patented genetically-modified seed shall comply with the provisions of the act or else the contract shall be considered in violation of state law and shall be null and void.

ERIKA JAKUES

01/14/2009 S First Read--SB 194-Shoemyer (S120)

EFFECTIVE: August 28, 2009

*** SB 195 ***

0795S.011

SENATE SPONSOR: Shoemyer

SB 195 - This act creates the Missouri Seed Availability and Competition Act. Farmers who want to retain patented seed from a current harvest for planting the following season must register with the Department of Agriculture and pay a fee of \$7 per bushel of saved seed. The fees are to be deposited into the Genetically Engineered Seed Fund, which is created by the act. Six dollars per bushel collected are to be remitted to the patent holder of the seed on a quarterly basis. One dollar is to be retained by the Department for actual administrative costs of the fund. Any unused administrative funds are to be directed to a subaccount of the fund for use by the University of Missouri for agricultural research and development.

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

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

This act is identical to SB 847 (2008) and similar to SB 68 (2007) and HB 1300 (2006).

ERIKA JAKUES

01/14/2009 S First Read--SB 195-Shoemyer (S120)

EFFECTIVE: August 28, 2009

*** SB 196 ***

1060S.011

SENATE SPONSOR: Shoemyer

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 provided to the district 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 HB 234 (2009).

ERIKA JAQUES

01/14/2009 S First Read--SB 196-Shoemyer (S120)

EFFECTIVE: August 28, 2009

*** SB 197 ***

1021S.011

SENATE SPONSOR: Goodman

SB 197 – This act provides that no licensed health care professional shall charge, bill, or solicit payment for anatomic pathology services, unless the services are rendered personally by the health care professional or under the health care professional's direct supervision. No patient, insurer, third-party payor, hospital, public health clinic, or nonprofit health clinic shall be required to reimburse any licensed health care professional for charges or claims submitted in violation of this act. The provisions of this act shall not be construed to mandate the assignment of benefits for anatomic pathology services. Nothing will prohibit the billing of a referring laboratory for services when samples must be sent to another specialist nor will a referring physician be prohibited from sending a patient's specimen to any laboratory providing anatomic pathology services.

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

This act is similar to SB 817 (2008), SB 467 (2007) and SB 1076 (2006).

ADRIANE CROUSE

01/14/2009 S First Read--SB 197-Goodman (S120)

EFFECTIVE: August 28, 2009

*** SB 198 ***

1108S.011

SENATE SPONSOR: McKenna

SB 198 – This act modifies teacher and school employee retirement plans. Members of the Public School Retirement System (PSRS) who have retired, are age 75 or older, and have received certain cost-of-living increases totaling 80% of the retirement allowance established at retirement prior to January 1, 2010, will be made special consultants as described in the act. From January 1, 2010 through January 1, 2015, they will receive an amount equal to \$5 per month multiplied by their years of service. This amount will be added to their monthly annuity.

Members of the Public Education Employee Retirement System (PEERS) who have retired, are age 75 or older, and have received certain cost-of-living increases totaling 80% of the retirement allowance established at retirement prior to January 1, 2010, will be made special consultants as described in the act. From January 1, 2010, through January 1, 2015, they will receive an amount equal to \$3 per month multiplied by their years of service. This amount will be added to their monthly annuity.

This act is similar to SB 1042 (2008) and HCS/HB 661 (2007).

MICHAEL RUFF

01/14/2009 S First Read--SB 198-McKenna (S121)

EFFECTIVE: August 28, 2009

*** SB 199 ***

1116S.011

SENATE SPONSOR: McKenna

SB 199 - The act defines responsible persons for the purposes of tax liability for limited liability companies. The act eliminates certain duplicate filing requirements for articles of acceptance, articles of merger, and resignation of agents for nonprofit corporations.

If the general partners of a limited partnership withdraw and the remaining partners decide to continue the partnership, the act allows a new general partner to sign the certificate of amendment and attest to the specific event of withdrawal.

This act is identical to SB 214 (2007) and SB 940 (2008).
CHRIS HOGERTY

01/14/2009 S First Read--SB 199-McKenna (S121)

EFFECTIVE: August 28, 2009

*** SB 200 ***

0452S.011

SENATE SPONSOR: Cunningham

SB 200 - This act revises the term "stealing-related offense" as it is used in Section 570.040, RSMo, to include robbery. The act 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 act is identical to HB 1473 (2008).
SUSAN HENDERSON MOORE
01/14/2009 S First Read--SB 200-Cunningham (S121)

EFFECTIVE: August 28, 2009

*** SB 201 ***

0454S.011

SENATE SPONSOR: Cunningham

SB 201 - A person performing a lawful seizure because of a dog fighting violation, whether acting under the authority of a warrant or not, shall be given a disposition hearing within 30 days of the filing of the request in order to grant immediate disposition of the impounded dog. The person seizing the dog shall place it in the care of a veterinarian, animal shelter, or animal control authority. If such people are not available, the dog shall not be impounded unless diseased or disabled. The dog shall be humanely killed if a veterinarian determines the dog is diseased or disabled beyond recovery. No person who lawfully seizes a dog shall be liable for necessary property damage.

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

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

This act is similar to HCS/HB 2416 (2008) and SB 818 (2008).
SUSAN HENDERSON MOORE
01/14/2009 S First Read--SB 201-Cunningham (S121)

EFFECTIVE: August 28, 2009

*** SB 202 ***

1073L.011

SENATE SPONSOR: Schaefer

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. A violation of this provision shall be considered an unfair trade practice.

This act is identical to SB 505 (2007).

STEPHEN JOHN WITTE

01/14/2009 S First Read--SB 202-Schaefer (S121)

EFFECTIVE: August 28, 2009

*** SB 203 ***

1054S.011

SENATE SPONSOR: Justus

SB 203 - This act provides that upon receiving a valid, lawful prescription for a contraceptive, a pharmacy has a duty to dispense the contraceptive or a suitable alternative permitted by the health care provider who issued the prescription. The pharmacy must fill the prescription without delay and consistent with the normal time frame for filling any other prescription. If the contraceptive or suitable alternative is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptives not in stock. If the patient prefers, the prescription must either be transferred to a local pharmacy of the patient's choice or returned to the patient.

This act also provides that nothing in the provisions of this act shall interfere with a pharmacist's screening for potential drug therapy problems, contraindications, or other potential interaction problems.

A pharmacy has a duty to treat each customer in a non-judgmental manner and ensure that each customer is not subjected to indignity, humiliation, breaches of confidentiality, or pressure to fill or not fill the prescription. In addition, the duties to fill the prescription under this act shall also apply to emergency contraception sold over the counter to persons of legal age.

Violation of the provisions of this act shall subject the licensed pharmacy to disciplinary action by the Board of Pharmacy.

This act is substantially similar to SB 948 (2008) and SCS/SB 72 (2007).

ADRIANE CROUSE

01/15/2009 S First Read--SB 203-Justus (S128)

EFFECTIVE: August 28, 2009

*** SB 204 ***

0974S.031

SENATE SPONSOR: Goodman

SB 204 - This act licenses certain psychologists to prescribe certain medications and test blood and urine to monitor treatment. Prescribing psychologists are not authorized to order electro-convulsive therapy.

Before a psychologist is licensed as a prescribing psychologist they must:

- Complete 400 hours of didactic educational instruction or complete a postdoctoral masters degree in psychopharmacology.
- Complete a one year supervised fellowship with a full-time caseload of patients during which they provide medication management, psychological evaluations, and therapeutic services.
- Pass a national exam.
- Maintain medical liability insurance.

For the first year of licensure the prescribing psychologist shall have a collaborative practice agreement with a physician. After the first year of licensure, the prescribing psychologist must maintain a referral agreement with a physician to provide for the diagnosis and treatment of medical conditions.

This act is similar to SB 917 (2008), HB 350 (2007), and SB 701 (2007).

EMILY KALMER

01/15/2009 S First Read--SB 204-Goodman, et al (S128)

EFFECTIVE: August 28, 2009

*** SB 205 ***

0999S.011

SENATE SPONSOR: Shoemyer

SB 205 - This act prohibits the condemnation of property owned by a gun club or sportsmen's club.

This act is identical to SB 860 (2008).

SUSAN HENDERSON MOORE

01/15/2009 S First Read--SB 205-Shoemyer (S129)

EFFECTIVE: August 28, 2009

*** SB 206 ***

1088S.011

SENATE SPONSOR: Shoemyer

SB 206 - This act requires salaries for state employees, excluding elected officials and certain other public officials, to be annually adjusted according to the most recent percentage change in the Consumer Price Index for Missouri's region as reported by the United States Department of Labor, Bureau of Labor Statistics.

This act is similar to SB 860 (2004), SB 11 (2005), SB 733 (2006), SB 392 (2007), and SB 867 (2008).

CHRIS HOGERTY

01/15/2009 S First Read--SB 206-Shoemyer (S129)

EFFECTIVE: August 28, 2009

*** SB 207 ***

0794S.011

SENATE SPONSOR: Rupp

SB 207 - This act requires companies that own or license personal information about Missouri residents to notify the affected individuals if the company discovers that security of the personal information has been breached. The notification must be made without unreasonable delay, but may be delayed by a law enforcement agency if the notification would compromise an investigation or homeland security.

Certain pieces of information must be included in the notification, such as the approximate date of the breach, the type of personal information compromised, the steps being taken to protect further breaches, and certain advice and contact information.

The act provides an exception to the notification requirements if it is determined that no reasonable likelihood of financial harm could result to any affected consumer from the breach.

Notification to affected consumers of a breach may be made in writing, via e-mail, or by telephone. In cases when the cost of notifying would exceed \$250,000, when there are over 500,000 affected people to notify, when the company does not have sufficient contact information, or if the company cannot determine which consumers are affected by a breach, the company may use alternate notification procedures as described.

Companies shall notify the Attorney General in cases where the personal information of over 1,000 Missourians has been breached.

Companies that maintain their own notification procedures for security breaches that are consistent with this act shall be deemed in compliance with this act if they follow their procedures. Similarly, if a company maintains procedures for security breaches under another state's laws or federal law, and it follows those procedures, the company shall be deemed in compliance with this act.

The Attorney General may bring action for actual damages for willful and knowing violations of this act as well as may seek a civil penalty of up to \$150,000 per security breach.

ERIKA JAQUES

01/15/2009 S First Read--SB 207-Rupp (S129)

EFFECTIVE: August 28, 2009

*** SB 208 ***

1025S.011

SENATE SPONSOR: Rupp

SB 208 – This act creates a method of obtaining teacher certification from the state board of education for individuals to teach no more than ten hours per week. Individuals must have a bachelor's degree or higher degree and five years of gainful employment and professional experience in that area suitable to provide a basis to teach. The certificate must be limited to the major area of study and professional experience of the holder. Certificate holders will be limited to instruction in one subject area and are exempt from the other requirements for certificate holders.

MICHAEL RUFF

01/15/2009 S First Read--SB 208-Rupp (S129)

EFFECTIVE: August 28, 2009

*** SB 209 ***

0561S.011

SENATE SPONSOR: Clemens

SB 209 - This act creates a central filing system in the office of the Secretary of State for filing financing statements to perfect a security interest in farm products. The Secretary of State shall operate and maintain the system and compile information from all the statements into a master list organized according to farm product and further arranged in alphabetical order by last name of the debtor, by social security number of the debtor, geographically by county, and by crop year. Individuals may register with the Secretary of State to receive the list in return for a \$30 registration fee and an annual fee, the sum of which depends on the type of list requested. Requirements relating to additional fees and electronic requests are provided and all fees collected by the Secretary of State shall be deposited in the Secretary of State's technology trust fund. The Secretary of State is given the authority to promulgate rules to implement the system.

In accordance with the Food Security Act, 7 U.S.C. 1631, the Secretary of State shall apply to the Secretary of the United States Department of Agriculture for certification of the central filing system.

Requirements for an effective filing statement are provided and such statements shall remain effective for 5 years from the date of filing, subject to extensions for additional periods of 5 years by refiling or filing a continuation statement within 6 months before the 5 year expiration.

When there is no outstanding secured obligation and no commitment to give value, the secured party shall notify the debtor of his or her right to receive a notice of lapse of the financing statement which shall lead to the removal of the name of the debtor from the files and lists compiled by the Secretary of State. In lieu of this notice, the secured party may acquire a waiver of the debtor of such right and a request by the debtor that the statement be retained on file. If the secured party does not furnish the notice or obtain the waiver, the secured party shall provide the debtor with a written notification of the debtor's right to have a notice of lapse filed within 10 days of final payment of all secured obligations.

A buyer in the ordinary course of business buying farm products covered by the central filing system shall take subject to the security interest identified under the system unless the buyer makes an inquiry into the system and the system does not correctly identify the debtor. Buyers take free of any security interest if the buyer obtains a waiver or release of the interest from the secured party.

CHRIS HOGERTY

01/15/2009 S First Read--SB 209-Clemens (S129)

EFFECTIVE: August 28, 2009

*** SB 210 ***

0877L.011

SENATE SPONSOR: Lembke

SB 210 - This act prohibits the Supreme Court from establishing or maintaining a mandatory bar association as part of the requirements for licensing as an attorney.

EMILY KALMER

01/20/2009 S First Read--SB 210-Lembke and Cunningham (S136)

EFFECTIVE: January 1, 2010

*** SB 211 ***

0878L.011

SENATE SPONSOR: Lembke

SB 211 - This act prohibits political subdivisions from using automated photo red light enforcement systems to enforce red light violations.

STEPHEN WITTE

01/20/2009 S First Read--SB 211-Lembke (S136)

EFFECTIVE: August 28, 2009

*** SB 212 ***

1277S.011

SENATE SPONSOR: Griesheimer

SB 212 - This act establishes the Small Business and Entrepreneurial Growth Act which provides tax incentives for small business expansion. Beginning January 1, 2010, small business employers will be allowed to retain new employee income tax withholdings for one year, if such employer increases payroll by at least twenty percent due to the creation of new jobs, or adds new employees so that the total number of employees is five or greater and such jobs pay at least eighty-five percent of the county average wage. Such employers will be allowed to retain all employee income tax withholding for two years if, in addition to the job creation and pay requirements, such employer offers health insurance and pays more than fifty percent of such premiums for all employees.

The provisions of this act are similar to provisions contained in the House Committee Substitute for Senate Substitute for Senate Bill 696 (2006).

JASON ZAMKUS

01/20/2009 S First Read--SB 212-Griesheimer (S136)

EFFECTIVE: August 28, 2009

*** SB 213 ***

1171S.011

SENATE SPONSOR: Scott

SB 213 - Currently, the minimum time for holding investments in the Missouri Higher Education Savings Program is 12 months. The act removes that requirement.

CHRIS HOGERTY

01/20/2009 S First Read--SB 213-Scott (S136)

EFFECTIVE: August 28, 2009

*** SB 214 ***

0066S.011

SENATE SPONSOR: Scott

SB 214 - This act changes the definition of "dealer" contained in Chapter 700, RSMo, back to its pre-SB 788 version. The act also changes the term "licensee" to "registrant" in subsection 4 of section 700.100.

STEPHEN WITTE

01/20/2009 S First Read--SB 214-Scott (S136)

EFFECTIVE: August 28, 2009

*** SB 215 ***

0321S.031

SENATE SPONSOR: Shields

SB 215 - This act establishes the procedure to establish a port improvement district.

ESTABLISHMENT OF A PORT IMPROVEMENT DISTRICT - This act establishes the Port Improvement

District Act. Under the terms of the act, a port authority may establish a port improvement district within its boundaries for the purpose of funding qualified project costs. The port authority board must hold public hearings on whether to create port improvement district. After the public hearing, the board may approve the petition to create a district by resolution. The port authority board must file a petition in circuit court requesting the creation of a port improvement district. Within 30 days of the circuit court's certification of the petition and establishment of the district, the board must file a copy of the board's resolution approving the petition, the certified petition and the court's judgment certifying and establishing the district with the Missouri Highways and Transportation Commission.

CONTENTS OF PETITION TO CREATE A DISTRICT - The act sets forth what information the petition must contain in order to be certified by the circuit court. For example, the petition must set forth a legal description of the district, the district's name, the maximum rate and duration of any proposed real property or sales tax, and the estimated revenues projected to be generated from such taxes.

PUBLIC HEARING ON PROPOSED PETITION - The act establishes the notice requirements the port authority board must follow prior to submitting the petition to the circuit court. A public hearing must be held on the proposed projects, proposed real property or sales taxes, and the establishment of the district. The act requires notice to be provided by both publication and mailing.

CIRCUIT COURT HEARING PROCEDURE - The act establishes the procedure in which the circuit court must conduct certification hearing. A copy of the petition must be served on all of the respondents (property owners, political subdivisions, etc.). The respondents will have 30 days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. The court will hear the case without a jury. The parties may appeal a circuit court's order in the same manner provided for other appeals.

NOTICE TO PUBLIC FOR CIRCUIT COURT HEARING - The act also establishes how the circuit clerk must provide notice to the public of the circuit court hearing. The statutory notice shall be published in a newspaper of general circulation once a week for four consecutive weeks.

TERMINATION OF DISTRICT - The act establishes a procedure in which a port improvement district may be terminated. The district may be terminated by a board resolution provided that there are no outstanding obligations secured by district revenues. Public hearings must be held before a district is terminated.

REAL PROPERTY TAX AUTHORIZED - SUBMISSION TO QUALIFIED VOTERS - Under the terms of the act, the port authority may levy a real property tax provided the qualified voters approve the tax by mail-in ballot. The act sets forth the sample ballot language. The act also establishes the procedure in which the real property taxes are collected and distributed.

SALES AND USE TAX AUTHORIZED - SUBMISSION TO QUALIFIED VOTERS - Under the terms of the act, the port authority may levy sales and use taxes within the district in increments of one-eighth of one percent, up to a maximum of one percent provided the sales and use tax is approved by the qualified voters in a mail-in ballot election. The act establishes a procedure for collecting and distributing the sales and use tax. Revenues generated from the sales and use tax must be deposited into a special trust fund. Port authorities may repeal by resolution any sales and use tax unless the repeal would impair the port authority's ability to repay any obligations the port authority has incurred to pay qualified project costs of the district.

ELECTION PROCEDURE FOR REAL PROPERTY AND SALES TAX - The act sets forth an election procedure that must be followed for any proposed real property tax or sales and use tax. After the board has passed a resolution approving the levying of a tax, the board must provide written notice of the resolution, along with the circuit court's certified question regarding the tax, to the election authority. After receiving the written notice of the resolution and the court's certified question, the election authority must specify a date upon which the election shall occur. In addition, the election authority must publish notice of the election in a newspaper of general circulation. The election authority must mail ballots to the qualified voters. Each qualified voter shall have one vote. The act requires the port authority to reimburse the election authority for the costs incurred to conduct an election. A port authority may propose a real property tax and a sales and use tax question to the district's qualified voters in the same election.

STATUTE OF LIMITATIONS FOR CHALLENGING VALIDITY OF DISTRICT'S CREATION OR VALIDITY OF TAXES - Under the terms of the act, no lawsuit to set aside an established district or a tax shall be brought after the expiration of 90 days from the effective date of the resolution establishing such district in question or the effective date of the resolution levying such real property or sales tax.

ANNUAL REPORTS BY PORT AUTHORITIES - The act requires port authorities that have formed port improvement districts to file reports with the Department of Transportation and the local political subdivision in which the district was formed stating the services provided, the revenues collected and expenditures made by the district during the fiscal year. The port authority must submit an annual report of the district's financial transactions to the state auditor.

STEPHEN WITTE

01/20/2009 S First Read--SB 215-Shields (S136)

EFFECTIVE: August 28, 2009

*** SB 216 ***

1058S.011

SENATE SPONSOR: Scott

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. The debtor may voluntarily prepay fees, and the provider may accelerate collection of fees once the provider has obtained offers of settlement from creditors for at least ½ of the debt in the plan.

Debt settlement providers are required to carry insurance in the amount of at least 1 million dollars.

The Attorney General is charged with the enforcement of these provisions and injunctions and orders for restitution may be issued for violations.

This act is similar to SB 1108 (2008).

CHRIS HOGERTY

01/21/2009 S First Read--SB 216-Scott (S147)

EFFECTIVE: August 28, 2009

*** SB 217 ***

0997S.011

SENATE SPONSOR: Goodman

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.

CHRIS HOGERTY

01/21/2009 S First Read--SB 217-Goodman (S147)

EFFECTIVE: August 28, 2009

*** SB 218 ***

0781S.021

SENATE SPONSOR: Ridgeway

SB 218 - This act provides that as of January 1, 2010, a parent may request by written demand to the juvenile court a jury trial for proceedings regarding involuntary termination of parental rights. By November 1, 2009, the Missouri Supreme Court shall develop appropriate jury instructions for termination of parental rights cases heard by a jury. At least one of the instructions shall direct the jury to find whether the termination of parental rights will or will not be in the best interests of the child.

ADRIANE CROUSE

01/22/2009 S First Read--SB 218-Ridgeway (S162)

EFFECTIVE: January 1, 2010

*** SB 219 ***

1243S.011

SENATE SPONSOR: Ridgeway

SB 219 - This act allows the court, as a condition of probation or parole, 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 or parole, 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.

Although an aggravated offender is not eligible for probation or parole for 60 days, the court may suspend execution of up to 30 days of such term if, as a condition of probation and parole, the person abstains from drinking alcohol as demonstrated by continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of six times per day for not less than 60 days but not more than 120 days.

A chronic offender is not eligible for probation or parole until he or she has served two years of imprisonment; however, the court may grant probation if the person qualifies for the one hundred twenty day shock treatment program and he or she, as a condition of probation, abstains from drinking alcohol as demonstrated by continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of six times per day for not less than 6 months but not more than 2 years.

SUSAN HENDERSON MOORE

01/22/2009 S First Read--SB 219-Ridgeway (S162-163)

EFFECTIVE: August 28, 2009

*** SB 220 ***

1173S.011

SENATE SPONSOR: Goodman

SB 220 - 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 \$60,000 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 cigarette listed in a certification, a manufacturer must pay the State Fire Marshal a \$250 fee. Cigarettes must be recertified every three years.

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 wholesale dealers and agents to which they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the State Fire Marshal, Department of Revenue, and Attorney General to inspect package markings.

Manufacturers, wholesale dealers, agents, 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 retail dealer, 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 law enforcement or the State Fire Marshal discovers cigarettes that have not been certified or marked, he or she may seize the cigarettes, which shall then be destroyed. The holder of the trademark rights shall be allowed to inspect the cigarettes prior to destruction.

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 State Fire Marshal. The Attorney General, department, State Fire Marshal, and law enforcement personnel are authorized to examine the records of persons possessing, controlling, or occupying premises where cigarettes are stored or sold. Such persons are required to give such people 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 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 September 1, 2010.

This act is similar to HB 205 (2009).

SUSAN HENDERSON MOORE

01/22/2009 S First Read--SB 220-Goodman (S163)

EFFECTIVE: August 28, 2009

*** SB 221 ***

1313S.011

SENATE SPONSOR: Goodman

SB 221 - 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 act is identical to SB 1238 (2008).

SUSAN HENDERSON MOORE

01/22/2009 S First Read--SB 221-Goodman (S163)

EFFECTIVE: August 28, 2009

*** SB 222 ***

1023S.011

SENATE SPONSOR: Goodman

SB 222 - This act removes the requirement that court orders in paternity cases include the Social Security numbers of the parties.

The act also modifies the requirement that petitions, answers, and judgments in actions for divorce or legal separation include the Social Security numbers of the parties and their children. Instead, in certain actions the parties must file family court information sheets which include the Social Security numbers and current employment information. The judgment in actions for divorce or legal separations will state that the Social Security numbers of the parties were provided to the court in family court information sheets. The family court information sheets shall be sealed by the court and not subject to public inspection. For good cause shown, the court may release information contained in the family court information sheet.

EMILY KALMER

01/22/2009 S First Read--SB 222-Goodman (S163)

EFFECTIVE: August 28, 2009

*** SB 223 ***

1331S.011

SENATE SPONSOR: Goodman

SB 223 - This act regulates sexually oriented businesses.

As of August 28, 2009, no person shall establish a sexually oriented business within 1,000 feet of a preexisting school, house of worship, state-licensed day care, public library, public park, residence, or other sexually oriented business.

No person shall establish a sexually oriented business if a person with an influential interest in such business has been convicted of, or released from confinement, for certain crimes within the last eight years.

This act prohibits a person from knowingly appearing nude in a sexually oriented business. No employee of such a business shall knowingly appear in a semi-nude condition, unless he or she remains on a stage at least six feet from the patrons and at least eighteen inches from the floor in a room that is at least 600 square feet. Also, such employees appearing semi-nude shall not knowingly touch a patron or the clothing of a patron.

A sexually oriented business that exhibits films, videos, or other reproductions with an emphasis on displaying specified sexual activities or specified anatomical areas must comply with the following requirements:

- 1) the operator's station must have an unobstructed view of all areas where patrons are permitted except the restroom;
- 2) the operator's station must not exceed 32 square feet;
- 3) if more than one operator's station exists, there must be an unobstructed view of each area where patrons are permitted from at least one of the operator's stations;
- 4) the view from the operator's station must be by direct line of sight;
- 5) the operator shall ensure that at least one employee is on duty in the operator's station at all times patrons are there; and
- 6) the operator and employees must ensure that view areas remain unobstructed.

Sexually oriented businesses that do not meet the requirements for stages or interior specifications on August 28, 2009, shall have 180 days to comply. During such period, any employee who appears semi-nude shall remain at least six feet from all patrons.

No sexually oriented business shall be open between the hours of midnight and 6:00 a.m and no person shall knowingly sell, use, or consume alcohol on the premises. No person shall knowingly allow a person under the age of eighteen on the premises.

In order to violate the provisions of this act, the person must have committed such acts knowingly or recklessly. An act of an employee shall be imputed to the business, only if an officer or manager knowingly or recklessly allows such act to occur on the premises. A violation of this act shall be deemed a misdemeanor punishable by a fine not to exceed \$500 or imprisonment not to exceed 90 days. Any business repeatedly operated in violation of this act shall constitute a public nuisance and shall be subject to civil abatement proceedings.

Nothing in this act shall prevent a political subdivision from enacting local ordinances regulating sexually oriented businesses.

This act is similar to HB 321 (2009).
SUSAN HENDERSON MOORE

01/22/2009 S First Read--SB 223-Goodman (S163)

EFFECTIVE: August 28, 2009

*** SB 224 ***

0998S.021

SENATE SPONSOR: Goodman

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.

CHRIS HOGERTY

01/22/2009 S First Read--SB 224-Goodman (S163)

EFFECTIVE: August 28, 2009

*** SB 225 ***

1312S.011

SENATE SPONSOR: Goodman

SB 225 - Under this act, it shall not be a prerequisite to a release on bail that a criminal charge of any kind has been filed.

This act is identical to SB 1237 (2008).

SUSAN HENDERSON MOORE

01/22/2009 S First Read--SB 225-Goodman (S163)

EFFECTIVE: August 28, 2009

*** SB 226 ***

1205S.011

SENATE SPONSOR: Bartle

SB 226 - This act regulates sexually oriented businesses.

As of August 28, 2009, no person shall establish a sexually oriented business within 1,000 feet of a preexisting school, house of worship, state-licensed day care, public library, public park, residence, or other sexually oriented business.

No person shall establish a sexually oriented business if a person with an influential interest in such business has been convicted of, or released from confinement, for certain crimes within the last eight years.

This act prohibits a person from knowingly appearing nude in a sexually oriented business. No employee of such a business shall knowingly appear in a semi-nude condition, unless he or she remains on a stage at least six feet from the patrons and at least eighteen inches from the floor in a room that is at least 600 square feet. Also, such employees appearing semi-nude shall not knowingly touch a patron or the clothing of a patron.

A sexually oriented business that exhibits films, videos, or other reproductions with an emphasis on displaying specified sexual activities or specified anatomical areas must comply with the following requirements:

1) the operator's station must have an unobstructed view of all areas where patrons are permitted except the restroom;

2) the operator's station must not exceed 32 square feet;

3) if more than one operator's station exists, there must be an unobstructed view of each area where patrons are permitted from at least one of the operator's stations;

4) the view from the operator's station must be by direct line of sight;

5) the operator shall ensure that at least one employee is on duty in the operator's station at all times patrons are there; and

6) the operator and employees must ensure that view areas remain unobstructed.

Sexually oriented businesses that do not meet the requirements for stages or interior specifications on August 28, 2009, shall have 180 days to comply. During such period, any employee who appears semi-nude shall remain at least six feet from all patrons.

No sexually oriented business shall be open between the hours of midnight and 6:00 a.m and no person shall knowingly sell, use, or consume alcohol on the premises. No person shall knowingly allow a person under the age of eighteen on the premises.

In order to violate the provisions of this act, the person must have committed such acts knowingly or recklessly. An act of an employee shall be imputed to the business, only if an officer or manager knowingly or recklessly allows such act to occur on the premises. A violation of this act shall be deemed a misdemeanor punishable by a fine not to exceed \$500 or imprisonment not to exceed 90 days. Any business repeatedly operated in violation of this act shall constitute a public nuisance and shall be subject to civil abatement proceedings.

Nothing in this act shall prevent a political subdivision from enacting local ordinances regulating sexually oriented businesses.

SUSAN HENDERSON MOORE

01/22/2009 S First Read--SB 226-Bartle (S163)

EFFECTIVE: August 28, 2009

*** SB 227 ***

1142S.011

SENATE SPONSOR: Dempsey

SB 227 - Under current law, certain dangerous wild animals may not be kept unless they are registered with local law enforcement except if the animals are kept in a zoo, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge. This act removes the exception for animal refuges. The act also adds the criteria that research laboratories and scientific and educational institutions must be accredited, veterinary hospitals must be permitted by the Missouri Veterinary Medical Board, and zoos must be accredited by the Association of Zoos and Aquariums in order for the exception to apply.

The act removes the margay, jaguarundi, coyote, and certain reptiles from the list of animals for which registration is required.

The act specifies that the law enforcement agency responsible for receiving the registrations is the chief law enforcement official in each county or in the City of St. Louis, or his or her designee.

Any such dangerous wild animal shall be registered within 5 days of being acquired or moved into any county or the city of St. Louis. The act adds the requirement that registration of such animals must be renewed annually.

The chief law enforcement official in each county or in St. Louis is required to maintain the registry of dangerous wild animals and make the registry available for disaster preparedness, emergencies, and to the general public via a website. The official can charge a registration fee to cover the administrative expenses associated with maintaining the registry not to exceed \$50 for a first registration or \$25 for a renewal registration. Animal refuges that operate as non-profit organizations are exempt from the fee provisions.

The act specifies the information that must be recorded as part of the animal's registration.

Any animal required to be registered under this act shall be identifiable by a microchip or other reliable identification device.

The act prohibits the bringing of any such dangerous wild animal to a public, commercial, or retail establishment unless it is a veterinarian or veterinary clinic. The animals shall not come into contact with

anyone other than the owner, possessor, handler, or veterinarian.

A violation of the act is a Class A misdemeanor.

The act is similar to SB 1032 (2008).

ERIKA JAQUES

01/22/2009 S First Read--SB 227-Dempsey (S163)

EFFECTIVE: August 28, 2009

*** SB 228 ***

1109S.031

SENATE SPONSOR: Scott

SB 228 - The act creates the Missouri Clean and Renewable Energy Construction Act.

The act modifies the construction work in progress (CWIP) law to allow financing costs associated with the construction of certain types of "clean energy" and "low carbon-producing" power plants to be recoverable by an electric company through its customer rates prior to plant start-up. Eligible power plants include nuclear facilities, coal-fired power plants that minimize air emissions using carbon sequestration or similar techniques, and power plants that generate energy from renewable sources such as wind, solar, and biomass.

Subsidiary corporations created by an electric company for the purpose of building or operating a nuclear plant or low carbon-emitting coal-fired plant shall be considered and treated as the electric company under the act.

Electric companies may apply to the Public Service Commission (PSC) for a project development order, which is an order issued by the PSC establishing the prudence of an electric company's decision to incur preconstruction costs for a clean energy or low carbon-producing power plant. The act specifies the information required to be in the application and provides deadlines by which the PSC is supposed to respond to an application. All costs associated with preconstruction activities shall be recoverable through customer rates, unless it is demonstrated during a rate proceeding before the PSC that a cost was incurred imprudently by the electric company. If the electric company decides not to build the power plant after a project development order has been issued, the associated costs are still recoverable through customer rates, provided that the decision to not build the power plant is reasonable.

Electric companies may apply to the PSC for a facility review order, which is an order issued by the PSC that establishes the prudence of the anticipated construction costs to build a clean energy or low carbon-producing power plant. The act specifies the information required to be in the application, which includes the anticipated construction schedule, capital costs, and revised rate information.

The act lists information to be included in any facility review order issued by the PSC, which includes a construction schedule, components of capital costs including contingencies, return on equity, and various rate-related pieces of information. An electric company may petition the PSC to modify a facility review order. The act provides deadlines by which the PSC is supposed to respond to a facility review order application or to a request to amend a facility review order.

Provided that the electric company adheres to the construction schedule and costs listed in the facility review order, the electric company may recover the construction financing costs through customer rates. The PSC can disallow any construction cost that is shown during a rate hearing to have materially or adversely deviated from the facility review order to the extent that such deviation stems from imprudence on the part of the company. Deviations caused by forces or factors beyond the company's control shall not be considered imprudence on the part of the company.

The act provides that if the Clean and Renewable Energy Construction Act is modified in the future in such a way as to limit or prohibit construction financing costs to be recovered through rates, any costs incurred by an electric company up to that point shall still be recoverable.

Electric companies that have been issued a facility review order must report to the PSC semi-annually until the power plant is in operation. The act lists information required in the report. The PSC shall monitor the construction of and expenditure of capital associated with building the power plant.

The act provides procedures for an electric company to request to revise its rates as it incurs additional construction costs. If the PSC finds that any previously approved rates resulted in an excess of revenue above the amount approved in the facility review order, the electric company shall credit its customers' bills over the subsequent 4 monthly billing cycles. Similarly, if any previously approved rates resulted in a recovery less than the amounts specified in the facility review order, the difference is recoverable from customers over the next 4 monthly billing cycles. Electric companies shall promptly notify their customers of any increase in rates approved by the PSC in a revised rate order for construction costs.

If construction of the power plant gets cancelled, the associated construction costs may still be recovered through rates, provided that the decision to cancel the construction is reasonable.

Once a power plant under a facility review order is constructed, the PSC shall audit the company's finances in relation to the project and its cost recovery for purposes of determining compliance with the facility review order. Any over- or under-recovery of costs shall be credited or charged, respectively, to the customers.

Procedures for re-hearing a PSC order are provided in the act.

The act restricts courts from hearing any matter over which the act expressly gives the PSC jurisdiction and restricts any state, regional, or local government from requiring any additional approval for the construction of a clean energy or low carbon-producing power plant beyond what is required in the act.

ERIKA JAQUES

01/22/2009 S First Read--SB 228-Scott, et al (S163)

EFFECTIVE: August 28, 2009

*** SB 229 ***

1112S.011

SENATE SPONSOR: Bray

SB 229 - This act requires hospitals, beginning January 1, 2010, to compile, post and make available upon request, daily staffing information in the patient care area of each unit of the hospital. The staffing information shall contain the number of registered professional nurses, licensed practical nurses, and certified nurse aides providing direct patient care in the hospital. Each hospital is also required to compile the daily information and submit a monthly staffing report to the Department of Health and Senior Services.

This act is substantially similar to SB 1113 (2008) and HB 799 (2007).

ADRIANE CROUSE

01/22/2009 S First Read--SB 229-Bray (S163)

EFFECTIVE: August 28, 2009

*** SB 230 ***

1278S.011

SENATE SPONSOR: Bray

SB 230 - This act adopts the Uniform Planned Community Act substantially in conformance to the act drafted and approved by the National Conference of Commissioners on Uniform State Laws in 1980. The act is nearly identical to the Uniform Condominium Act, Chapter 448, RSMo, differing mainly on the nature of planned communities and condominiums. The act contains comprehensive provisions for creating, governing, managing, and terminating planned community developments.

This act is virtually identical to SB 1005 (2008) and SB 589 (2007).

STEPHEN WITTE

01/22/2009 S First Read--SB 230-Bray (S163-164)

EFFECTIVE: August 28, 2009

*** SB 231 ***

1201S.011

SENATE SPONSOR: Cunningham

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 make a reasonable effort to notify such third party. The third party has the opportunity to recover such property within five business days of the date notice is received. If the landlord is unable to notify the third party, he or she 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

01/22/2009 S First Read--SB 231-Cunningham (S164)

EFFECTIVE: August 28, 2009

*** SB 232 ***

0846S.011

SENATE SPONSOR: Cunningham

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

01/22/2009 S First Read--SB 232-Cunningham (S164)

EFFECTIVE: August 28, 2009

*** SB 233 ***

0450S.011

SENATE SPONSOR: Cunningham

SB 233 – 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.

This act is identical to HB 1874 (2008).

MICHAEL RUFF

01/22/2009 S First Read--SB 233-Cunningham (S164)

EFFECTIVE: August 28, 2009

*** SB 234 ***

0542S.011

SENATE SPONSOR: Cunningham

SB 234 – School boards may modify teacher salary schedules based on teachers' experience and credentials, not solely limited to years of teaching experience and academic credentials. The salary schedule must be applied equitably to all teachers who are similarly qualified. A salary schedule may also include other qualifications, including classroom performance, provided the schedule applies equitably to all teachers of similar qualifications. (Section 168.110)

School districts may provide hiring incentives or salary schedule modifications as described in the act to attract and retain teachers based upon need for teachers in demonstrated shortage areas. School districts may also provide hiring incentives or salary schedule modifications to attract and retain teachers who have experience or credentials that are well-suited to a district's need for academic improvement. Teachers may

be required to teach in the district for a period of up to three years. School districts will have decision-making authority on whether to provide such incentives or modifications. (Section 168.126)

This act is similar to HB 2181 (2008).
MICHAEL RUFF

01/22/2009 S First Read--SB 234-Cunningham (S164)

EFFECTIVE: August 28, 2009

*** SB 235 ***

0247S.031

SENATE SPONSOR: Cunningham

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 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).

This act also modifies the definition of manufactured home contained in various provisions of the Revised Statutes of Missouri to match the definition contained in Missouri's Uniform Commercial Code (§400.9-102).

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).

This act also changes the definition of "Dealer" for purposes of the "Manufactured Home Installation Act" contained in Chapter 700 back to its pre-SB 788 version so that a dealer is a person who sells 4 or more manufactured homes in any consecutive twelve-month period (Section 700.650). The act also changes the term "licensee" to "registrant" in subsection 4 of section 700.100. These provisions are also contained in SB 214 (2009).

STEPHEN WITTE

01/22/2009 S First Read--SB 235-Cunningham (S164)

EFFECTIVE: August 28, 2009

*** SB 236 ***

1316L.011

SENATE SPONSOR: Lembke

SB 236 - This act modifies Missouri's prompt pay law. Under the proposed act, the definition of health carrier is modified to include self-insured health plans. The act also amends the definition of "request for additional information" to mean a health carrier's electronic request for additional information from a claimant which specifies what information is needed in order to process the claim for payment. The act deletes the definition of the term "suspends the claim." Under the terms of the act, a health carrier must send an electronic acknowledgment of the date of receipt of an electronically filed claim by a health or a third-party contractor within one working day. Within 15 days (current law allows 10 working days) after receipt of a filed claim by a health carrier, the carrier must send an electronic notice of the status of the claim.

The act modifies the interest and penalty provision for failing to promptly pay a claim. Under the proposed act, if the health carrier has not paid the claimant on or before the 45th processing day from the date of the receipt of the claim, the carrier must pay the claimant 1.5% interest per month (current law is 1% per month) and a penalty in an amount equal to one-fifth of the claim per day. The interest and penalties cease to accrue on the day a petition is filed in court to recover payment on a claim. If a court determines that a health carrier has failed to pay a claim, interest, or penalty without good cause, the court shall enter judgment for attorney fees. If the court determines that a health care provider has filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees related to the defense.

Under the terms of the act, any claim for which the health carrier has not communicated a specific reason for the denial shall not be considered denied under the prompt pay statutes. The act also provides that any request by a carrier for additional information shall be reasonable in scope and pertain solely to the carrier's determination of liability.

STEPHEN WITTE

01/22/2009 S First Read--SB 236-Lembke (S164)

EFFECTIVE: August 28, 2009

*** SB 237 ***

1212L.011

SENATE SPONSOR: Lembke

SB 237 - This act creates a multistate nursing licensure compact for registered nurses and licensed practical/vocational nurses. This compact allows licensed registered nurses and licensed practical/vocational

nurses to practice nursing in states which participate in the nurse licensure compact. All states wishing to participate in the compact must adopt articles of authorization listed by the act:

ARTICLE I - Finding and Declaration of Purpose;

ARTICLE II - Definitions;

ARTICLE III - General Provisions and Jurisdiction;

ARTICLE IV - Applications for Licensure in a Party State;

ARTICLE V - Adverse Actions;

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

ARTICLE VII - Coordinated Licensure Information Systems;

ARTICLE VIII - Compact Administration and Interchange of Information;

ARTICLE IX - Immunity;

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

ARTICLE XI - Construction and Severability.

This act is similar to SB 664 (2006) and HB 556 (2005).
EMILY KALMER

01/22/2009 S First Read--SB 237-Lembke (S164)

EFFECTIVE: August 28, 2009

*** SRM 1 ***

1024S.011

SENATE SPONSOR: Green

SRM 1 - This Senate Remonstrance expresses opposition of the recent grant of \$25 million in tax credits by the Missouri Development Finance Board to the Kansas City Chiefs Football team as a misplaced use of essential tax incentives that would be better used for our state's education programs and job creation.

JASON ZAMKUS

01/08/2009 S First Read--SRM 1-Green (S78)

01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 1 ***

1028S.011

SENATE SPONSOR: Shields

SCR 1 - This resolution appoints a 34-member joint committee to assist in the plans for the General Assembly to participate in the inauguration of Missouri's executive officials.

JIM ERTLE

01/07/2009 S Offered (S7)

01/07/2009 S Adopted (S7-8)

01/07/2009 Reported to House (H32)

01/12/2009 H Adopted (H44-45 / S106)

01/12/2009 Senate Inaugural Committee - Barnitz, Bray, Callahan, Champion, Days, Dempsey, Engler, Goodman, Green, Griesheimer, Justus, McKenna, Scott, Shields, Shoemyr, Stouffer, Vogel, Wright-Jones (S106)

01/12/2009 House Inaugural Committee - Richard, Pratt, Tilley, Parson, Franz, Nieves, Ruestman, Allen, Zerr, Denison, Nance, LeVota, Kuessner, Roorda, Swinger, Curls, Lampe, Bringer (H46 / S106)

EFFECTIVE: upon approval

*** SCR 2 ***

0590S.011

SENATE 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

01/07/2009 S First Read--SCR 2-Crowell (S22)

01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 3 ***

0251S.011

SENATE SPONSOR: Justus

SCR 3 - This resolution urges ratification of the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 28 (2008) and SCR 30 (2008).

ADRIANE CROUSE

01/08/2009 S First Read--SCR 3-Justus (S79)

01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 4 ***

0850S.011

SENATE SPONSOR: Wright-Jones

SCR 4 - This Senate concurrent resolution creates a Joint Interim Committee on Child Support Enforcement Reform to increase the number of noncustodial parents participating in the financial and emotional needs of their children and expresses the General Assembly's support for the special child support dockets know as "Fathering Courts".

This resolution is identical to HCR 37 (2008).

ADRIANE CROUSE

01/12/2009 S Offered--SCR 4-Wright-Jones (S90-91)

01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 5 ***

0388S.021

SENATE SPONSOR: Stouffer

SCR 5 - This resolution urges Congress to deny any request that would authorize a study of the Missouri River's congressionally authorized purposes. Under the resolution, the General Assembly also urges Missouri's Congressional delegation to actively oppose the authorization and funding of the Missouri River study proposed by the upstream states.

STEPHEN WITTE

01/12/2009 S Offered--SCR 5-Stouffer (S91-92)

01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 6 ***

0520S.011

SENATE SPONSOR: Lager

SCR 6 - This concurrent resolution rejects the salary increases for judges, legislators and statewide elected officials recommended by the Citizen's Commission on Compensation for Elected Officials.

This resolution is similar to SCR 4 (2007).

JIM ERTLE

01/13/2009 S First Read--SCR 6-Lager (S112)
01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 7 ***

0587S.011

SENATE SPONSOR: Pearce

SCR 7 - This concurrent resolution urges Congress to secure greater energy independence for the United States by allowing new off-shore drilling in areas where there is a high likelihood of resource recovery.
ERIKA JAQUES

01/14/2009 S Offered--SCR 7-Pearce (S119-120)
01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 8 ***

0751S.011

SENATE SPONSOR: Shoemyer

SCR 8 - This concurrent resolution urges the U.S. Congress to support the continuation of horse processing in the United States, offer incentives to help create horse processing plants throughout the country, and oppose any legislation introduced in the new session of Congress that would restrict horse processing.

This SCR is similar to SCR 35 (2008).
ERIKA JAQUES

01/15/2009 S First Read--SCR 8-Shoemyer (S127-128)
01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 9 ***

0585S.011

SENATE SPONSOR: Shoemyer

SCR 9 - This concurrent resolution urges Congress to amend the federal Patent Act so that the offspring of a patented seed are not covered under the original patent and inadvertent possession of a patented seed or its offspring is not considered patent infringement.
ERIKA JAQUES

01/15/2009 S First Read--SCR 9-Shoemyer (S128)
01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)

EFFECTIVE: upon approval

*** SCR 10 ***

1160S.011

SENATE SPONSOR: Rupp

SCR 10 - This concurrent resolution rescinds Missouri's 1983 call for a constitutional convention to adopt an amendment requiring a balanced federal budget.
JASON ZAMKUS

01/21/2009 S Offered--SCR 10-Rupp (S146-147)
01/22/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S167)

EFFECTIVE: upon approval

*** SCR 11 ***

0863S.041

SENATE SPONSOR: Bartle

SCR 11 - This Senate concurrent resolution expresses the General Assembly's opposition to the federal Freedom of Choice Act.
ADRIANE CROUSE

01/22/2009 S offered (S161-162)

01/26/2009 Resolutions Calendar--SCR 11-Bartle, et al

EFFECTIVE: upon approval

*** SCR 12 ***

0258S.011

SENATE SPONSOR: Bray

SCR 12 - This resolution urges ratification of the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 28 (2008) and SCR 30 (2008).
ADRIANE CROUSE

01/22/2009 S First Read--SCR 12-Bray (S162)

01/26/2009 Resolutions Calendar--SCR 12-Bray

EFFECTIVE: upon approval

*** SJR 1 ***

0246S.011

SENATE SPONSOR: Bartle

SJR 1 - This constitutional amendment, if approved by voters, would create the Missouri Savings Account. The account will be comprised of funds deposited annually at a rate of 2% of the general revenue appropriations for that year. If general revenue collections do not increase by 3% or more by the end of a fiscal year, the monies deposited in the fund that year shall lapse and be used for the next year's expenditures.

In any year in which there is a budget shortfall or when the consensus revenue estimate forecasts a decrease in revenue for the upcoming year, the General Assembly may utilize 1/3 of the monies in the fund for budgetary purposes. If the balance in the account reaches 1/3 of general revenue collections for any fiscal year, the excess shall lapse to general revenue.

This act is similar to SJR 6 (2005), SJR 3 (2007) and SJR 32 (2008).
JASON ZAMKUS

12/01/2008 Prefiled

01/07/2009 S First Read--SJR 1-Bartle (S21)

EFFECTIVE: Upon voter approval

*** SJR 2 ***

0245S.011

SENATE SPONSOR: Bartle

SJR 2 - This resolution authorizes the commission to conduct feasibility studies, fund, design, acquire, construct, maintain and operate toll facilities. The commission shall fix and collect tolls for the use of all toll facilities. The commission is authorized to issue state toll facility revenue bonds or refunding bonds authorized by the General Assembly without the consent of any other state agency or board. The commission is authorized to enter into contracts with other federal, state or local agencies to conduct its duties with respect to constructing toll facilities. Moneys obtained from toll facility revenue bonds, tolls and other fees shall be deposited in the state toll facility fund. Moneys in the fund shall stand appropriated without legislative action to be expended in the sole discretion of the commission. The commission is authorized to transfer moneys from the state road fund to the state facility fund to pay toll facility costs. Any such transfers from the state road fund shall be repaid in a time and manner determined by the commission. The commission is authorized to relocate or incorporate any public road or highway into a state toll facility project authorized by the General Assembly. Revenue generated from the toll roads shall not be included as a part of total state revenue, nor shall revenue expenditures be considered an "expense of state government" for the purposes of the Hancock Amendment.

This resolution is similar to SJR 31 (2008), SJR 1 (2007), SJR 24 (2006), SJR 11 (2005) and SJR 38 (2004)

STEPHEN WITTE

12/01/2008 Prefiled

01/07/2009 S First Read--SJR 2-Bartle (S21)

EFFECTIVE: Upon Voter Approval

*** SJR 3 ***

0079S.011

SENATE SPONSOR: Crowell

SJR 3 - Upon voter approval, this constitutional amendment creates an exception to the prohibition against laws retrospective in operation by allowing the sexual offender registry laws, any law restricting sex offenders from residing within a certain distance of a school or child-care facility, and any laws requiring felons to have a biological sample collected for purposes of DNA analysis, to be applied retrospectively.

This act is identical to SS/SCS/SJR 34 & 30 (2008).

SUSAN HENDERSON MOORE

12/02/2008 Prefiled

01/07/2009 S First Read--SJR 3-Crowell (S21)

EFFECTIVE: Upon voter approval

*** SJR 4 ***

0548S.011

SENATE SPONSOR: Cunningham

SJR 4 - This constitutional amendment, if approved by voters, would limit increases in assessed value due to reassessment of real property to the lesser of the percentage increase in the consumer price index for the Midwest Region or two percent until a transfer of ownership occurs. Upon a transfer of ownership, such property would be reassessed at its value for the year in which the transfer occurs.

JASON ZAMKUS

12/03/2008 Prefiled

01/07/2009 S First Read--SJR 4-Cunningham (S21)

EFFECTIVE: Upon voter approval

*** SJR 5 ***

0905S.011

SENATE SPONSOR: Schmitt

SJR 5 - This constitutional amendment, if approved by voters, would require the assessors in charter counties and the City of St. Louis to be elected officials.

JASON ZAMKUS

01/06/2009 Prefiled

01/07/2009 S First Read--SJR 5-Schmitt (S21)

EFFECTIVE: Upon voter approval

*** SJR 6 ***

0519S.011

SENATE SPONSOR: Lager

SJR 6 - Currently, the Missouri Constitution provides that the schedule of compensation filed by the Missouri Citizens' Commission on the Compensation of Elected Officials will become effective unless disapproved by a concurrent resolution adopted by two-thirds of the General Assembly prior to February 1 of the year after the schedule is filed. This constitutional amendment, if approved by the voters, provides that any schedule of compensation filed by the commission shall be deemed ineffective unless it is approved by a majority vote of the General Assembly prior to such date. Also, the schedule of compensation for judges must be considered separate and apart from the schedule of compensation for other public officials, and shall require a separate majority vote of the General Assembly in order to be effective.

This SJR is identical to SJR 19 (2007).

JIM ERTLE

01/13/2009 S First Read--SJR 6-Lager (S113)

EFFECTIVE: upon voter approval

*** SJR 7 ***

0821S.021

SENATE SPONSOR: Rupp

SJR 7 - This constitutional amendment, if approved by voters, would create the Missouri Revenue Retention Fund. The fund will be comprised of moneys deposited each year in which the state realizes revenue growth in an amount equal to five percent of such growth over the preceding year. In any fiscal year where the balance of the fund exceeds ten percent of the previous years general revenue expenditures, no transfer from general revenue to the fund will occur. Moneys in the fund will be available for appropriation in any year in which the state experiences a reduction in revenue from the preceding year.

In any year in which there is a budget shortfall or when the consensus revenue estimate forecasts a decrease in revenue for the upcoming year, the General Assembly may utilize 1/3 of the moneys in the fund for budgetary purposes.

This act is similar to SJR 6 (2005), SJR 3 (2007) and SJR 32 (2008) and SJR 1 (2009).

JASON ZAMKUS

01/14/2009 S First Read--SJR 7-Rupp (S121)

EFFECTIVE: Contingent

*** SJR 8 ***

0955S.011

SENATE SPONSOR: Shoemyer

SJR 8 - If approved by the voters, this constitutional amendment provides that the people of Missouri shall be allowed to practice hand-fishing, also known as "noodling," in the waters of the state.

ERIKA JAQUES

01/15/2009 S First Read--SJR 8-Shoemyer and Purgason (S129)

EFFECTIVE: Contingent

*** SJR 9 ***

0873L.011

SENATE SPONSOR: Lembke

SJR 9 - This constitutional amendment, if approved by the voters, would modify the procedures by which the Governor selects judges. It would also modify the membership of the Appellate Judicial Commission and Circuit Judicial Commission and make appointments to both commissions subject to the approval by the majority of the Senate. Members of the Circuit Judicial Commission would serve for a four year term.

Upon passage of this amendment, the terms of all members of the Appellate Judicial Commission and Circuit Judicial Commission would automatically expire.

Also, the Governor would have the authority, within sixty days of taking office, to remove members of the commissions who were appointed by the previous Governor.

Additionally, the list of applicants for judicial appointments would be a public record and posted on the supreme court's website. Nominees submitted to the Governor would be subject to a background check, which is not a public record, but must be available to the commission and the governor.

All information available to the commission would have to be made available to the Governor. All hearings, debates and votes would be open to the public, and would require seventy-two hours public notice. Only sessions limited to certain subjects would be closed to the public.

The procedures for all elections provided for in Section 25 of the Missouri Constitution will be established by the commission.

The commission will also certify expenses to the commissioner of administration, who will approve the expenses of administering the nonpartisan court plan.

EMILY KALMER

01/20/2009 S First Read--SJR 9-Lembke and Cunningham (S136)

EFFECTIVE: upon voter approval

*** SJR 10 ***

0874L.011

SENATE SPONSOR: Lembke

SJR 10 - This constitutional amendment, if approved by voters, would require that all impeachments be tried by the Missouri Senate. A two-thirds vote of all senators present would be required to convict. The chief justice of the Missouri Supreme Court would preside over any impeachment trial of the Governor.

EMILY KALMER

01/20/2009 S First Read--SJR 10-Lembke (S136)

EFFECTIVE: upon voter approval

*** SJR 11 ***

0875L.021

SENATE SPONSOR: Lembke

SJR 11 - This constitutional amendment, if approved by voters, would modify Missouri's bill of rights to include a statement that all persons have a natural right to economic freedom.

JASON ZAMKUS

01/20/2009 S First Read--SJR 11-Lembke (S137)

EFFECTIVE: Upon voter approval

*** SJR 12 ***

0937S.031

SENATE SPONSOR: Scott

SJR 12 - Upon voter approval, this constitutional amendment reaffirms a citizen's right to free expression of religion. The amendment specifies that individuals have the right to individual or group prayer in all private or public areas, as long as such prayer does not disturb the peace, disrupt a public meeting or assembly, or impede public access. Religious expression and prayer on government property is particularly allowed, so long as the expression or prayer abides within the same parameters placed upon any other free speech under similar circumstances.

The amendment also explicitly prohibits the establishment of any official state religion and any state coercion to participate in prayer or other religious activities.

The amendment specifically provides that the General Assembly and other governing bodies of political subdivisions may have ministers and clergy persons offer invocations or prayers at meetings or sessions of the General Assembly or other governing bodies.

The amendment also provides that students may engage in private and voluntary prayer, acknowledgment of God, or other religious expression, individually or in groups, and express their religious beliefs in school assignments without discrimination based on the religious content of their work.

This act is similar to HJR 55 (2008) and HJR 19 (2007).

EMILY KALMER

01/21/2009 S First Read--SJR 12-Scott (S147)

EFFECTIVE: Contingent

*** SR 49 ***

0901SR.01

SENATE SPONSOR: Griesheimer

SR 49 - This resolution authorizes the use of Senate Chamber by the Missouri Community College Association on Monday, February 23, 2009, from 9:00 a.m. to 11:00 a.m.

JIM ERTLE

01/15/2009 S First Read (S127)

01/15/2009 S adopted (S127)

EFFECTIVE: upon approval

*** SR 86 ***

1249S.06I

SENATE SPONSOR: Shields

SR 86 - This resolution changes Senate Rules 25 and 28 relating to Senate standing committees.
JIM ERTLE

01/21/2009 S Offered--SR 86-Shields (S147-150)

01/22/2009 S adopted (S157)

EFFECTIVE: upon approval

*** SR 102 ***

1371S.01I

SENATE SPONSOR: Bartle

SR 102 - This resolution authorizes the use of laptops by Senators, provided that if a senator is engaged in debate, he or she will close the screen completely during the period of debate.
JIM ERTLE

01/22/2009 S Offered--SR 102-Bartle (S156-157)

01/26/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

*** SR 103 ***

SENATE SPONSOR: Vogel

SR 103 - This resolution authorizes the use of the Senate Chamber by the Jefferson City Rotary Club on Monday, March 16, 2009.
JIM ERTLE

01/22/2009 S offered (S157)

01/22/2009 S adopted (S157)

EFFECTIVE: upon approval

*** SR 104 ***

0646S.01I

SENATE SPONSOR: Bray

SR 104 - This resolution authorizes the use of Senate Chamber by Missouri Girls State on June 24, 2009.
JIM ERTLE

01/22/2009 S offered (S158)

01/22/2009 S adopted (S158)

EFFECTIVE: upon approval

*** HCR 10 ***

1299L.011

SENATE SPONSOR: Engler

HOUSE HANDLER: Tilley

HCR010 Tilley, Steven

***** NO BILL SUMMARY *****

01/20/2009 Offered (H) (H124-125)
 01/20/2009 Adopted (H) (H125 / S139)
 01/20/2009 Reported to the Senate (S139)
 01/21/2009 S adopted (S145 / H141)
 01/22/2009 S Escort Committee appointed: Bray, Callahan, Days, Dempsey, Engler, Goodman, Green, Scott, Stouffer, Shields

*** HCR 11 ***

1300L.011

SENATE SPONSOR: Engler

HOUSE HANDLER: Tilley

HCR011 Tilley, Steven

***** NO BILL SUMMARY *****

01/20/2009 Offered (H) (H125)
 01/20/2009 Adopted (H) (H125 / S139)
 01/20/2009 Reported to the Senate (S139-140)
 01/21/2009 S adopted (S145-146 / H141)
 01/22/2009 S Escort Committee appointed: Bartle, Callahan, Cunningham, Days, Justus, Lembke, Mayer, Schaefer, Schmitt, Smith

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