

95th General Assembly

1st Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**February 23 - 27, 2009**

Prepared by  
Divisions of Research and Computer Information Systems

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

SS SCS SB 1

0404S.05P

SENATE SPONSOR: Scott

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

All preneed providers shall be registered to conduct business in Missouri, 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. (333.315)

All preneed sellers shall be registered to conduct business in Missouri, 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. (333.320)

Preneed agents selling contracts on behalf of a seller shall be of good moral character, and have successfully passed a Missouri law examination. (333.325)

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

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

In the case of a trust funded contract, sellers shall place 100% of payments in trust within 60 days of receipt of the funds from the purchaser but may retain up to 5% of the contract price as a non-refundable origination fee. Sellers are allowed to withdraw from the trust, up to 10% of the total contract payments. 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 and providers are entitled to all of the income of the trust according to the terms of the contract, less the administration fees, which shall accrue through the life of the trust only to be distributed upon termination of the trust. (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. (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. (436.450)

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

Purchasers may cancel a revocable contract any time without cause. In the case of a joint account funded contract, all deposited funds shall be returned to the purchaser and interest shall be distributed as provided in the agreement between the seller and purchaser. In the case of a trust funded contract, all of the trust property including any percentage of the 10% allowed to be withdrawn but excluding interest, shall be returned to the purchaser. The insurance contract shall determine distribution in the case of an insurance funded contract. (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. (436.457)

Purchasers may select a different provider and shall not be assessed any fee for doing so. In such

cases, the seller has the option to cancel the contract by paying the provider all of the trust property including principal and income. (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. (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. (436.470)

Those who knowingly and willfully violate any of the aforementioned provisions is guilty of a class C felony. (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. (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. (436.505)

Up to \$10,000 set aside in a trust designated to pay for funeral expenses that are not part of a preneed contract shall not be considered assets when determining eligibility for public assistance. Overages after disposition shall be paid to the state up to the amount of public assistance provided with the remainder to those designated in the trust. (208.010)

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 Conducted S Financial and Governmental Organizations and Elections Committee  
02/02/2009 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (0404S.04C)  
02/05/2009 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS (S254)  
02/10/2009 SS for SCS S offered (Scott)--(0404S.05F) (S278)  
02/10/2009 Bill Placed on Informal Calendar (S279)  
02/12/2009 SA 1 to SS for SCS S offered & adopted (Scott)--(0404S05.22S) (S296-297)  
02/12/2009 SA 2 to SS for SCS S offered & adopted (Scott)--(0404S05.24S) (S297)  
02/12/2009 SA 3 to SS for SCS S offered & adopted (Goodman)--(0404S05.19S) (S297-301)  
02/12/2009 SS for SCS, as amended, S adopted (S301)  
02/12/2009 Perfected (S301)  
02/16/2009 Reported Truly Perfected S Rules Committee (S310)  
02/16/2009 Referred S Governmental Accountability and Fiscal Oversight Committee (S310)  
02/19/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
02/19/2009 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
02/19/2009 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S338)  
02/19/2009 S Third Read and Passed (S340)  
02/19/2009 H First Read (H360)  
02/23/2009 H Second Read (H392)  
02/26/2009 Referred H Special Standing Committee on Professional Registration and Licensing Committee (H418)  
03/04/2009 Hearing Scheduled H Special Standing Committee on Professional Registration and Licensing Committee--(12:00 pm - HR 4)

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)

02/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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 and Engler (S8)

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

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

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
02/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
02/10/2009 Voted Do Pass S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

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

SCS SB 5

0233S.03C

SENATE SPONSOR: Griesheimer

SCS/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. The act shall not be applicable to property owned, used, or operated for rail purposes.

#### ESTABLISHMENT, POWERS, AND OPERATION OF PLANNING COMMISSIONS

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

If a specified percentage of voters sign a petition to form a planning commission, the election authority shall place the question before the voters on the ballot. This act contains petition and ballot language. If the voters approve the formation of a commission, one shall be formed and have the same rights as other planning commissions.

The county commission shall appoint members to the planning commission, and shall, by resolution, ordinance, or order, establish the procedures for membership, compensation, terms, vacancies, and removal. Once formed, the commission shall elect officers and adopt rules.

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

#### COMPREHENSIVE PLAN

The purpose of a comprehensive plan is to guide and accomplish the coordinated, efficient, and orderly physical development of the county. The planning commission may determine the applicability to the county

of certain elements, such as land use, transportation, housing, community facilities, economic development, natural, cultural, or historical resources, human services, community design, and sustainability. The comprehensive plan developed by the commission may contain policies regarding any of these elements.

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

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

#### SUBDIVISION REGULATIONS

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

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

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

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

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

#### REVIEW OF PUBLIC IMPROVEMENTS

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

#### MAJOR STREET PLAN

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

#### ZONING REGULATIONS

A planning commission may recommend, and the county commission may adopt, zoning regulations. Prior to adopting zoning regulations, the county commission shall submit the question of whether it should adopt such regulations to the voters. The act describes what the zoning regulations may include and what they may regulate, 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.

Under this act, farm buildings and farm structures that are not designated as flood plains are exempt from zoning regulations.

#### ZONING PROCEDURES

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

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

#### BOARD OF ZONING ADJUSTMENT

Any county commission, which has adopted a zoning map and regulations, shall appoint a county board of zoning adjustment. The board shall consist of 5 residents with not more than 2 being residents of incorporated areas. After the initial members have staggered terms, the members shall serve four-year terms.

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

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

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

#### VIOLATIONS AND PENALTIES

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

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

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

#### MISCELLANEOUS PROVISIONS

The authority granted under this act shall not be used to deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted. The authority granted shall also not interfere with public utility services 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 HB 1832 (2008) and SB 729 (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)  
 02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/18/2009 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (0233S.03C)  
 02/26/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S419)  
 03/03/2009 SS for SCS S offered (Griesheimer)--(0233S.04F)  
 03/03/2009 SA 1 to SS for SCS S offered & adopted (Griesheimer)--(0233S04.01S)  
 03/03/2009 SA 2 to SS for SCS S offered (Griesheimer)--(0233S04.02S)  
 03/03/2009 Bill Placed on Informal Calendar  
 03/03/2009 S Informal Calendar S Bills for Perfection--SB 5-Griesheimer, SCS, SS for SCS & SA 2 (pending)

EFFECTIVE: August 28, 2009

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\*\*\* 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 Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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

0196S.011

SENATE SPONSOR: Griesheimer

SS/SB 7 - This act modifies various provisions relating to political subdivisions.

#### SECTION 48.030

This section 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 section is identical to HCS/SB 820 (2008), SB 38 (2009), and HB 257 (2009).

#### SECTION 49.310

This section allows Caldwell County to establish a or holding facility outside of the county seat.

This section is identical to SB 457 (2009).

#### SECTION 49.710

Under this section, the county commission of any county without a charter form of government shall have the power to adopt ordinances requiring property owners to control brush on county right-of-ways or county maintenance easements that are part of the property owner's land that is adjacent to the county road.

Before charging a person with an ordinance violation, the county commission shall notify the property owner of the ordinance requirements, return receipt requested. The commission shall allow the owner thirty days from the date of return receipt or refusal of acceptance of delivery to control the brush. The property owner shall be granted an automatic thirty-day extension for hardship if the owner notifies the commission



within the first thirty-day period of such reasons. The property owner may be granted a second thirty-day extension upon a vote of the commission.

Any property owner in violation of such a county ordinance may be ordered to pay a civil fine of not more than ten dollars per day. If the owner is found to be in violation of the ordinance, the county shall take action to control the brush as provided under Section 263.245, RSMo, not more than thirty-days after the fine was initially imposed.

This section is identical to SB 385 (2009).

#### SECTIONS 50.660 & 50.783

Under this section, a county is not required to obtain bids on purchases of \$6,000 or less. Currently, such amount is set at \$4,500.

Under current law, counties may waive competitive bidding when the County Commission determines that there is only one feasible source for the supply. This act requires counties to post notice on such proposed purchases of over \$6,000 and advertise the commission's intent to make such purchase in the newspaper at least ten days in advance. Currently, the commission must post notice for such proposed purchases of at least \$3,000 and also advertise in the newspaper for such purchases of at least \$5,000.

This section is identical to SB 256 (2009).

#### SECTIONS 52.290, 52.312, & 54.010

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 these sections, 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 these sections, counties adopting a charter form of government after January 1, 2008, shall be required to establish such a fund as well.

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

These sections are identical to SCS/SB 123 (2009).

#### SECTIONS 52.361, 52.370, 55.140, 55.190, 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071

These sections allow certain counties of the first and second classification to collect property taxes using electronic records and disbursements. County collectors of these counties are required by the fifteenth day of each month to file, with the county clerk and auditor, a detailed statement of all taxes and license fees collected during the preceding month. These sections modify the provisions regarding the payment of taxes in dispute.

These sections are similar to HB 148 (2009).

#### SECTION 59.319

This section increases certain user fees collected by county recorders from \$4 to \$7. Of the fee, three dollars, rather than two dollars, shall be deposited into the recorder's fund and two dollars, rather than one dollar, shall be used by the secretary of state for preservation of local records. Also, two dollars instead of one dollar shall be used to support land surveying activities. All requests for records dated after December 31, 1969, shall be made to the office in which the record was originally filed.

This section is identical to SCS/SB 362 (2009).

## SECTION 65.610

This section allows the county commission, upon a majority vote, to put the issue of abolishing the county's township organization to a vote of the people. Currently, it requires a petition by 10% of the voters to submit the issue to a vote.

## SECTION 67.280

This section 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.

## SECTION 67.281

A builder of family residences or multi-unit dwellings with no more than four units must offer purchasers to install fire sprinklers in the residence. No purchaser of such residences shall be denied the right to choose to install the fire sprinkler or decline the offer by the political subdivision's code, ordinance, rule, regulation, order or resolution. Such provisions must provide the mandatory option for purchasers to choose and the requirement that builders offer to purchasers such option.

## SECTION 67.410

If a building commissioner issues an order to demolish, secure, repair, or clean up a property found to be a public nuisance, the cost shall be certified to the city clerk or officer in charge of finance, who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property. The certified cost shall be collected by the city collector or other official collecting taxes. If the certified cost is not paid, the tax bill shall be considered delinquent.

This section removes the provision allowing the taxpayer to pay such tax bill back in installments over ten years and instead the collection of such taxes shall be governed by the general laws on delinquent taxes.

## SECTION 67.1360

This section authorizes the City of Ashland to seek voter approval for the imposition of a transient guest tax of not less than two percent nor more than five percent per occupied room per night. The tax authorized by this act must be separately stated from all other charges and taxes.

This section authorizes the governing body of Montgomery County to seek voter approval for the imposition of a transient guest tax. The amount of the tax will be at least two, but not more than five percent per occupied room per night, and all revenue derived from such tax will be used by the county to promote tourism.

This section is similar to SB 248 (2009) and SB 276 (2009).

## SECTION 67.1361

This section allows the revenue derived from the transient guest tax for St. Joseph and Buchanan County be used for capital expenditures incurred in connection with tourism and convention facilities.

## SECTION 67.2000

This section allows real property owners in Caldwell, Clinton, Daviess, and DeKalb counties to seek voter approval for the creation of exhibition center and recreational facility districts. If such a district is created, it may seek voter approval for the imposition of a one-quarter of one percent sales tax, for a period not to exceed twenty-five years, to fund the district.

This section is identical to SB 386 (2009).

## SECTION 67.3000

It shall be lawful for Caldwell County to enter into a contract with private corporations engaged in delivering water at wholesale for domestic consumption. The county may also acquire, own, and hold, with private corporations, water mains.

This section is identical to SB 456 (2009).

## SECTION 71.275

The governing body of a municipality may annex a research park that is compact and contiguous to the existing municipal boundaries if the property has not been sold within the previous six months and the

municipality receives the written consent of all the property owners. The municipality and county shall adopt reciprocal ordinances authorizing the annexation. A "research park" is defined as an area developed by a university to be used by technology-intensive and research-based companies as a business location.

This section is identical to SB 377 (2009).

#### SECTIONS 79.450 & 320.121

If the governing body of Riverside enacts an ordinance prohibiting the selling of fireworks within its boundaries, any fireworks retailer located in a permanent building within such boundaries at the time of enactment shall not be subject to such ordinance and may continue to operate if otherwise properly licensed and remains in a permanent building.

#### SECTION 82.860

This section authorizes the City of Joplin to impose, upon voter approval, a transient guest tax of up to 8% per occupied room, per night for the promotion of tourism including, but not limited to, the construction, maintenance, and operation of tourism, cultural, artistic, and other attractions and amenities.

This section is identical to HB 710 (2009).

#### SECTION 94.271

This section 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.

This section is identical to SB 165 (2009).

#### SECTION 94.400

Currently, constitutional charter cities with a population between 10,000 and 300,000 are authorized to levy property taxes for certain municipal purposes, including libraries, hospitals, public health, and museum purposes. This act allows any city with a population of not less than 5,000 to do so.

This section is identical to HB 572 (2009).

#### SECTIONS 94.510 & 94.550

Currently, under the general city sales tax law, cities may impose a city sales tax, upon voter approval, at a rate of one-half of 1%, seven-eighths of 1%, or 1%, and the City of St. Louis may impose the tax at a rate not to exceed one and three-eighths percent, for the benefit of the city. These sections specify that the combined rate of sales taxes adopted under the city sales tax law cannot exceed 2%. This modification is not to be construed as a new tax or an increase in the current levy of an existing tax for the purpose of Section 22, Article X, of the Missouri Constitution, commonly known as the Hancock Amendment, which requires voter approval; and cities that have already imposed and collected taxes under the city sales tax law can continue to do so without voter approval as a continuation of a tax previously approved by the voters of the city.

These sections are similar to HB 169 (2009).

#### SECTION 94.577

Currently, under the capital improvements city sales tax law, cities not in St. Louis County may impose a sales tax, upon voter approval, at a rate of one-eighth, one-fourth, three-eighths, or one-half of 1% for the purpose of funding, operating, and maintaining capital improvements. Municipalities in charter counties are authorized to impose a capital improvements tax under Section 94.890, RSMo. This section specifies that the combined rate of sales taxes adopted under the capital improvement city sales tax law cannot exceed 1%. This modification is not to be construed as a new tax or an increase in the current levy of an existing tax for the purpose of the Hancock Amendment which requires voter approval; and cities that have already imposed and collected taxes under the city sales tax law can continue to do so without voter approval as a continuation of a tax previously approved by the voters of the city.

This section is similar to HB 169 (2009).

#### SECTION 94.902

This section 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.

This section is identical to SB 164 (2009).

#### SECTION 94.1011

This section authorizes the City of Waynesville, upon voter approval, to impose a transient guest tax of up to three percent per occupied hotel and motel room per night. The revenues derived from the tax must be used to fund the construction, maintenance, and repair of a multipurpose conference and convention center.

This section is identical to HB 1967 (2008), HB 28 (2009) and SB 387 (2009).

#### SECTION 137.1040

This section 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 section is identical to the Perfected version of Senate Bill 822 (2008) and SB 168 (2009).

#### SECTIONS 140.150, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, and 140.420

These sections change the provisions regarding the sale of real property for the collection of delinquent taxes. The collector is required to send up to three notices prior to a tax sale to the publicly recorded owner of record of the real property. The first notice is by first class mail, the second by certified mail, and a third notice is sent if the certified mail is returned unsigned to both the owner of record and the occupant of the real property at least 15 days before the fourth Monday in August.

The purchase price of the property at a third offering must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs. The certificate of purchase will be issued to an agent if the purchaser is a nonresident. The purchaser is required to pay a fee to the collector to record the certificate of purchase. After the third offering, the collector's deed or trustee's deed will have priority over all the other liens or encumbrances on the property sold except for real property taxes or federal liens.

If the delinquent land tax sale results in an amount greater than the amount of debt, taxes, interest, and costs; the excess proceeds must be held in trust in the county treasury for three years for the publicly recorded owner or owners of the property sold or their legal representatives. After three years, any amount not called for will be deposited into the county's school fund.

The redemption periods for the owner of record to redeem tax sale property are revised; and the owner must reimburse the purchaser for all costs of sale, including the cost for recording the certificate of purchase, the fee to record the release of the certificate, the cost of the title search, the cost of the required certified mail notifications, interest at the rate specified on the certificate, and any taxes paid by the purchaser plus 8% interest.

These sections are identical to HB 261 (2009).

#### SECTION 141.160

In Jackson County and St. Louis County, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.

#### SECTION 182.802

This section authorizes public library districts to seek voter approval for a sales tax of not more than one half of one cent to fund the operation, and maintenance of libraries within the boundaries of such library district. Public library districts are defined as any city library district, county library district, city-county library district, municipal library district, consolidated library district or urban library district.

This section is identical to SB 266 (2009).

## SECTION 190.054

This section provides that the current term of the director representing Subdistrict 6 of the St. Charles ambulance district shall be extended one year. At the end of such term, the district shall hold an election and the term of the new director shall be three years.

This section is identical to SB 337 (2009).

## SECTION 190.056

Under this section, 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 section is identical to SB 978 (2008) and SB 122 (2009).

## SECTION 204.569

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

The section contains an emergency clause.

This section is identical to SCS/SB 242 (2009).

## SECTION 247.031

The section 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 section 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 section is identical to HB 234 (2009) and SB 196 (2009).

#### SECTION 321.227

This section authorizes any fire protection district, located within St. Louis County, which has property located within its jurisdiction for which taxes have been abated or redistributed to seek voter approval to impose a sales tax. The sales tax cannot exceed one percent and must result in a reduction to the district's property tax levy which will decrease property tax revenues by an amount equal to fifty percent of the district's sales tax revenues received from the fire protection district sales tax fund in the previous year.

#### SECTIONS 650.396 & 650.399

Under current law, any county which has established an emergency communications system commission may, upon voter approval, levy and collect a property tax to fund the establishment, operation, and maintenance of an emergency communications system. These sections would give such counties the option to seek voter approval to impose the property tax or a sales tax not to exceed one-tenth of one percent to fund the establishment, operation, and maintenance of an emergency communications system. The department of revenue will collect the sales tax revenues and deposit them into the newly created county emergency communications fund for distribution to the counties from which they were collected.

These sections are identical to SB 494 (2009).

SUSAN HENDERSON MOORE

SA 1 - REMOVES THE PROVISION AUTHORIZING A TRANSIENT GUEST TAX FOR JOPLIN FROM THE BILL (SECTION 82.860)

SA 2 - ALLOWS SUGAR CREEK TO IMPOSE A TRANSIENT GUEST TAX

SA 3 - ALLOWS KANSAS CITY TO ENACT ORDINANCES TO ALLOW THE CITY BUILDING OFFICIAL TO PETITION THE CIRCUIT COURT IN THE COUNTY WHERE A VACANT NUISANCE BUILDING IS LOCATED FOR THE APPOINTMENT OF A RECEIVER TO REHABILITATE THE BUILDING, DEMOLISH IT, OR SELL IT TO A QUALIFIED BUYER

SA 4 - ALLOWS ST. LOUIS CITY TO INCREASE ITS SEMIANNUAL REGISTRATION FEE FOR CERTAIN VACANT PROPERTY TO \$500

SA 5 - REMOVES SECTIONS 79.450 & 320.121 REGARDING FIREWORKS ORDINANCES IN RIVERSIDE FROM THE BILL

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 Conducted S Jobs, Economic Development and Local Government Committee
02/09/2009	Voted Do Pass S Jobs, Economic Development and Local Government Committee
02/26/2009	Reported from S Jobs, Economic Development and Local Government Committee to Floor (S419)
03/03/2009	SS S offered (Griesheimer)--(0196S.02F)
03/03/2009	SA 1 to SS S offered & adopted (Griesheimer)--(0196S02.01S)
03/03/2009	SA 2 to SS S offered & adopted (Callahan)--(0196S02.05S)
03/03/2009	SA 3 to SS S offered & adopted (Justus)--(8070S09.01S)
03/03/2009	SA 4 to SS S offered & adopted (Smith)--(0196S02.13S)
03/03/2009	SA 5 to SS S offered & adopted (Shields)--(0196S02.15S)

03/03/2009 Bill Placed on Informal Calendar

03/03/2009 S Informal Calendar S Bills for Perfection--SB 7-Griesheimer, with SS (pending)

EFFECTIVE: Varies

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

SCS SB 8

0194S.02C

SENATE SPONSOR: Champion

SCS/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 five members, including a senior manager of an accredited crime lab, a prosecuting attorney, a criminal defense attorney, a licensed law enforcement officer employed by a county or municipality in a management position, 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. In the event the commission takes a vote concerning only a particular crime laboratory, the appointee serving as a senior crime laboratory manager or law enforcement officer shall recuse himself or herself from such vote if it involves the crime laboratory employing such manager or a crime laboratory operated by the municipality employing the officer.

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 Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/16/2009 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (0194S.02C)  
-Consent02/18/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS -  
Consent (S327)

02/24/2009 Removed S Consent Calendar (S373)

02/26/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS  
(S420)

03/03/2009 S Formal Calendar S Bills for Perfection--SB 8-Champion, with SCS

EFFECTIVE: August 28, 2009

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

SCS#2 SB 9

0368S.03P

SENATE SPONSOR: Champion

SCS #2/SB 9 - This act modifies the membership of the MO HealthNet Oversight Committee by specifying that of the two physician members, one shall be a licensed psychiatrist.

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 Conducted S Health, Mental Health, Seniors and Families Committee

02/03/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0368S.02C) - Consent  
 02/04/2009 SCS Reported from S Health, Mental Health, Seniors and Families Committee to Floor - Consent (S248)  
 02/10/2009 Removed S Consent Calendar (S279)  
 02/17/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0368S.03C) - Consent  
 02/18/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS#2 - Consent (S327)  
 02/25/2009 SCS#2 S adopted (S388)  
 02/25/2009 S Third Read and Passed - Consent (S388 / H421)  
 02/26/2009 H First Read (H421)  
 03/02/2009 H Second Read (H428)

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)  
 02/04/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

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

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

0441S.01I

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

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

SCS SB 15

0439S.04P

SENATE SPONSOR: Nodler

SCS/SB 15 - This act authorizes the Governor to convey state property in Jasper County to Missouri Southern State University. The property shall not be conveyed until the Joplin Regional Center has been relocated to different property.

This act is similar to SB 1010 (2008) and is identical to HB 282 (2009).

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)

02/17/2009 Hearing Conducted S General Laws Committee

02/17/2009 SCS Voted Do Pass S General Laws Committee (0439S.04C) - Consent

02/18/2009 Reported from S General Laws Committee to Floor w/SCS - Consent (S328)

02/25/2009 SCS S adopted (S391)

02/25/2009 S Third Read and Passed - Consent (S391-392 / H421)

02/26/2009 H First Read (H421)

03/02/2009 H Second Read (H428)

EFFECTIVE: August 28, 2009

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

0522S.01I

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)

02/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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

0235S.01I

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

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

0250S.02C

SENATE SPONSOR: Bray

SS/SCS/SB 18 - This act creates a Universal Health Assurance Commission to allow the study of implementing a universal health assurance program for the purpose of providing a single, publicly financed statewide program to provide comprehensive, necessary health care services, including preventive screening, for all residents of the state. The commission shall have as one of its goals the immediate implementation of less restrictive income methodologies for the MO HealthNet elderly and permanently and totally disabled population, facilitating the inclusion of small employers in the state employee health care plan and the study of any other possible coverage expansions in the MO HealthNet populations while the establishment of universal health coverage is achieved. The commission shall submit annual reports with a plan and recommendations for such implementation.

The Missouri Health Care Trust Fund is also created to allow for federal payments received as a result of any waiver from the Department of Health and Human Services to be used for implementing a universal health assurance program.

This act also raises the income limit for eligibility for MO HealthNet services for the elderly and permanently and totally disabled populations from 85% of the federal poverty level to 100% of the federal poverty level. As to the permanently and totally disabled population, this act allows the Family Support division to exclude certain income or resources of a parent or parents in determining the applicant's eligibility for MO HealthNet benefits.

The definition of "affordable employer-sponsored health care insurance" for health care for uninsured children (CHIP) program is also modified. It is now defined as health insurance requiring no monthly premiums for families with a gross income between 151 and 225% of the federal poverty level and no more than a 50 dollar a month premium for families with a gross income between 226% and 300% of the federal poverty level.

This act also 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.

The small employer health care portion of the bill is identical to SB 741 (2008), SB 267 (2007), SB 593 (2006), SB 277 (2005) and HB 1412 (1998).

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)  
02/04/2009 Hearing Conducted S Progress and Development Committee  
02/18/2009 SCS Voted Do Pass S Progress and Development Committee (0250S.02C)  
02/19/2009 Reported from S Progress and Development Committee to Floor w/SCS (S344)  
02/25/2009 SS for SCS S offered (Bray)--(0250S.03F) (S399)  
02/25/2009 Bill Placed on Informal Calendar (S399)  
03/03/2009 S Informal Calendar S Bills for Perfection--SB 18-Bray, et al, with SCS & SS for SCS (pending)

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.02P

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)  
01/27/2009 Hearing Conducted S General Laws Committee  
02/03/2009 Voted Do Pass S General Laws Committee  
02/05/2009 Reported from S General Laws Committee to Floor (S254)  
02/11/2009 Bill Placed on Informal Calendar (S285)  
02/11/2009 Perfected (S286)  
02/12/2009 Reported Truly Perfected S Rules Committee (S294)  
02/19/2009 S Third Read and Passed (S338-339)  
02/19/2009 H First Read (H360)  
02/23/2009 H Second Read (H392)

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
02/17/2009 Hearing Conducted S General Laws Committee  
02/24/2009 Voted Do Pass S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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

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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)  
02/04/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
02/11/2009 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee  
02/12/2009 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S294)



02/18/2009 Bill Placed on Informal Calendar (S328)

03/03/2009 S Informal Calendar S Bills for Perfection--SB 29-Stouffer

EFFECTIVE: August 28, 2009

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

0146S.01I

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)

02/11/2009 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2009

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

0330S.01P

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 Conducted S Transportation Committee

01/29/2009 Voted Do Pass S Transportation Committee-Consent

01/29/2009 Reported from S Transportation Committee to Floor - Consent (S218)

02/12/2009 S Third Read and Passed - Consent (S295 / H323)

02/16/2009 H First Read (H323)

02/17/2009 H Second Read (H332)

EFFECTIVE: August 28, 2009

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

0057S.01I

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

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\*\*\* 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

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\*\*\* 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

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

0518S.01I

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

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

SCS SBs 36 & 112

0517S.03P

SENATE SPONSOR: Goodman

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

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

12/01/2008 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 Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
02/02/2009 SCS Voted Do Pass (w/SCS/SBs 36 & 112) S Judiciary and Civil and Criminal Jurisprudence Committee (0517S.03C)  
02/05/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S254)  
02/11/2009 SCS S adopted (S285)  
02/11/2009 Perfected (S285)  
02/12/2009 Reported Truly Perfected S Rules Committee (S294)  
02/12/2009 Referred S Governmental Accountability and Fiscal Oversight Committee (S302)  
02/16/2009 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
02/17/2009 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S319)  
02/19/2009 S Third Read and Passed (S339-340)  
02/19/2009 H First Read (H360)  
02/23/2009 H Second Read (H392)

EFFECTIVE: August 28, 2009

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

SCS SB 37

0516S.02P

SENATE SPONSOR: Goodman

SCS/SB 37 - This act modifies various provisions relating to the public defender system.

#### SECTION 600.011

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

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

#### SECTION 600.015

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

#### SECTION 600.017

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

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

#### SECTION 600.021

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

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

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

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

#### SECTION 600.040

The state shall pay for the parking costs for public defender system employees.

## SECTION 600.042

Under this section, the director shall fix the compensation of all public defender system employees except for the deputy directors.

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

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

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

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

## SECTION 600.045

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

- (1) the public defender shall continue to make indigency determinations and inform the court of the status of defendants requesting services;
- (2) If, after consulting with the prosecutor, the court determines a case can be disposed of without a jail or prison sentence, the court may proceed without the provision of counsel to the defendant;
- (3) If a jail or prison sentence remains possible, the court shall place the case on a waiting list for defender services;
- (4) The court shall determine the order in which cases will be placed on its waiting list for services.

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

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

## SECTION 600.086

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

## SECTION 600.090

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

## SECTION 600.096

This section requires public offices to provide public defenders with photographs, recordings, and

electronic files at no cost.

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

SA 1 - ADDS ONE MEMBER TO THE PUBLIC DEFENDER COMMISSION AND REQUIRES ONE MEMBER OF THE COMMISSION TO BE AN ASSISTANT PUBLIC DEFENDER WITH AT LEAST ONE YEAR OF SERVICE

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)  
01/27/2009 Hearing Conducted S General Laws Committee  
02/03/2009 SCS Voted Do Pass S General Laws Committee (0516S.02C)  
02/05/2009 Reported from S General Laws Committee to Floor w/SCS (S254)  
02/11/2009 SA 1 to SCS S offered (Justus)--(0516S02.01S) (S286)  
02/11/2009 Bill Placed on Informal Calendar (S286)  
02/24/2009 SA 1 to SCS S adopted (S374)  
02/24/2009 SCS, as amended, S adopted (S374)  
02/24/2009 Perfected (S374)  
02/25/2009 Reported Truly Perfected S Rules Committee (S384)  
02/25/2009 Referred S Governmental Accountability and Fiscal Oversight Committee (S385)  
02/26/2009 Hearing Scheduled But Not Heard S Governmental Accountability and Fiscal Oversight Committee  
03/02/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
03/02/2009 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
03/03/2009 S Formal Calendar S Bills for Third Reading--SCS for SB 37-Goodman (In Fiscal Oversight)

EFFECTIVE: August 28, 2009

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

0319S.01P

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 Conducted S Jobs, Economic Development and Local Government Committee  
02/09/2009 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
02/11/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S286)  
02/17/2009 Removed S Consent Calendar (S322)  
02/26/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S419)  
03/03/2009 SA 1 S offered & adopted (Purgason)--(0319S01.04S)  
03/03/2009 Perfected

EFFECTIVE: August 28, 2009

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

0372S.01I

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.02I

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.01I

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)

03/04/2009 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

03/04/2009 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2009

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

0442S.011

SENATE SPONSOR: Pearce

This bill has been combined with SB 65

12/01/2008 Prefiled

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

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

02/03/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

03/03/2009 Bill Combined (w/SCS/SBs 65 & 43)

EFFECTIVE: August 28, 2009

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

SCS SB 44

0438S.04C

SENATE SPONSOR: Pearce

SCS/SB 44 - This act creates new requirements for private jails. Private jails are facilities not owned or operated by the state, a county, or a municipality that confine or detain prisoners who are awaiting trial, awaiting sentencing, or serving a sentence in jail.

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. The administrator shall immediately refer all reports to the county sheriff.

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

It shall be an infraction, subject to a civil penalty of not less than one hundred dollars but not more than one thousand dollars, for any person or company to willfully fail to make a report required by this act. The action to recover such penalty shall be a civil action brought by the county attorney in the name of the county where the report was required to be made. Except for such infraction, Section 221.095 and 221.097, RSMo, shall not create any new civil cause of action,

Any person who makes a report, or who testifies in an administrative or judicial proceeding arising from

the report, shall be immune from any civil or criminal liability for making such a report or for testifying, unless the person acted with malice.

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

The provisions of Section 221.095 and 221.097, RSMo, shall not be construed to grant law enforcement any power to inspect, control, or direct the operations of private jails or to make reports or recommendations regarding their operation.

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

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

This act requires private jailers to check for outstanding warrants through MULES before releasing an individual, in the same manner as county jailers. If an outstanding charge or warrant exists, the private jail administrator must tell the appropriate agency and transfer the individual accordingly. If a private jail administrator purposefully fails to perform a warrant check with the intent to release the person, he or she is guilty of a class A misdemeanor. An administrator shall not be liable for failing to perform a warrant check if the MULES system is not accessible.

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

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

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

SUSAN HENDERSON MOORE

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)  
 02/11/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/25/2009 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (0438S.04C)  
 02/26/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S419)  
 03/03/2009 SA 1 to SCS S offered (Pearce)--(0438S04.04S)

EFFECTIVE: August 28, 2009

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

SCS SBs 45, 212, 136, 278, 279, 285 &amp; 288

0528S.08C

SENATE SPONSOR: Pearce

SCS/SBs 45, 212, 136, 278, 279, 285 & 288 - The act removes the requirement that applicants for the BUILD program consider locating within another state and state the disparity in costs exist between such state and Missouri and increases the annual tax credit cap from fifteen million to twenty million dollars. The act allows an existing headquarters to receive tax credits for new or expanded business facilities for expansions done before January 1, 2015. At least twenty-five new employees and at least one million dollars in new investment must be attributed to such expansion. Buildings on multiple, non-contiguous property will be considered one facility if the buildings are within the same municipality.

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-five million dollars annually. The department is required to deny any application received for certain other economic development incentives which, in addition to the benefits received under the new markets program by the entity, either directly or indirectly, would exceed the projected state benefit. 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.

The secondary mining use tax credit program is created to provide a tax credit for taxpayers, including not-for-profit insurance companies, that incur expenses for the utilization of an existing mine for secondary uses equal to the lesser of hundred percent of such costs or one hundred thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of one million dollars.

The Business Relocation for Secondary Mining Use Tax Credit program is created to provide a tax credit to taxpayers, including not-for-profit insurance companies, that incur expenses in relocating to an existing mine for use of the mine other than mining equal to the lesser of fifty percent of such costs or ten thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of one hundred thousand dollars.

The Abandoned Mine Safety Tax Credit Program is created to provide a tax credit, to taxpayers, including not-for-profit insurance companies, that incur expenses in implementing safety measures or devices in abandoned mines, equal to the lesser of fifty percent of such expenses or fifty thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of five hundred thousand dollars.

The act creates a one thousand dollar refundable state income tax credit for taxpayers who purchase a new or existing home between the effective date of the act and the end of this year. The tax credit program is capped at four million dollars and expires December 31, 2010. The act creates a state and local sales and use tax exemption for utilities, machinery and equipment used or consumed by certain businesses, which after the effective date of the act, commence operations in a facility located in an underground mine which contains at least five hundred thousand square feet of space which could be used by such business. The exemption will expire for taxpayers twenty years from the date the taxpayer is approved for the exemption. The sales tax exemption created by this act and benefits available under the Missouri Quality Jobs Act are mutually exclusive of one another such that any business which receives a tax benefit under one is ineligible for receipt of the other.

Under current law, historic preservation tax credits are authorized for twenty-five percent of eligible rehabilitation costs. This act reduces the amount of the credit to twenty percent of the eligible rehabilitation costs. Tax credit recipients and the Department of Economic Development are required to report job creation resulting from tax credit utilization.

The Department of Economic Development is allowed to authorize up to \$5 million in tax credits per year to encourage equity investment in technology-based early stage Missouri companies, commonly referred to as angel investments. 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.

Records pertaining to a business project with which the Department of Economic Development, the Economic Development Export Finance Board, or a regional planning commission may be deemed closed records. The Department of Economic Development is allowed to include pre-employment training in its new or expanding industry training. The act specifies what services may be provided including development of training plans, the provision of training through qualified training staff, fees for training professionals, and transportation expenses if the training can be more effectively provided outside the community where the jobs will be located.

The aggregate cap on small business incubator tax credit authorization is increased from five hundred thousand dollars to one million per tax year. The act modifies provisions of law which authorize a tax credit for qualified research expenses. The tax credit will be equal to ten percent of qualified research expenses incurred during the taxable year unless such expenses were incurred in a distressed community, in which case the credit will be equal to twenty-five percent of such expenses. Eligibility for receipt of the tax credit is limited to taxpayers with less than two hundred twenty-five employees, seventy-five percent of which must be employed within the state. Such taxpayers must be engaged, on a for-profit basis, in the development of medical instruments and devices, medical diagnostics and therapeutics, plant science products, or pharmaceutical or veterinary products with agricultural applications in order to receive the credit. Under current law, no qualified research expense tax credits may be approved, awarded or issued after January 1, 2005. This act removes the prohibition on approval and issuance of tax credits and increases the annual tax credit cap from nine million seven hundred thousand to three million dollars provided that at least two million dollars in tax credits be authorized for qualified research expenses incurred in distressed communities. No more than five hundred thousand dollars may be allocated annually per taxpayer unless such taxpayer incurred the qualified research expenses in a distressed community in which case such taxpayer may not receive more than one million dollars in tax credits annually.

The act creates a new tax credit for qualified research expenses. The amount of the tax credit will be based upon the increase in a taxpayer's qualified research expenses over average of the three preceding year's expenses. A taxpayer can receive a tax credit equal to: three percent of the amount of increased expenses which do not exceed two million five hundred thousand dollars; five percent of the amount of increased expenses which exceed two million five hundred thousand but do not exceed five million dollars; and seven and one half percent of the amount of increased expenses which exceed five million dollars. The Department of Economic Development is prohibited from issuing more than seven million dollars in qualified research tax credits annually. Qualified research expenses will be limited to those incurred in the research and development of agricultural biotechnology, plant genomics products, diagnostic and therapeutic medical devices, and prescription pharmaceuticals consumed by humans or animals. Expenses incurred in the research, development, or manufacturing of power system technology for aerospace, space, defense, or implantable or wearable medical devices are also permitted. The department director may allow a taxpayer to transfer up to forty percent of the tax credits issued, but not yet claimed, between January 1, 2010, and December 31, 2016. The Director of the Department of Economic Development must act between August 1 and August 15th on tax credit applications filed between January 1 and July 1st for claims from the previous year. A formula is provided by which tax credits will be issued if the eligible claims for the credits exceed the annual cap. No one taxpayer can be issued more than thirty percent of the total amount of tax credits authorized in any calendar year. Taxpayers are prohibited from simultaneously receiving benefits under this program and the other qualified research tax credit program contained in the act.

The act specifies that if the department fails to respond within thirty days of a Quality Jobs Program applicant's notice of intent, the notice is deemed a disapproval. Currently, the notice is deemed an approval if the department fails to respond within thirty days. The act specifies how the department must apply certain definitions when a business that has already received an approved notice of intent later files another notice of intent and eliminates the per-company annual cap on technology business projects. Qualified companies which file for, or publically announce intentions to seek, bankruptcy protection in the form of a reorganization will still be able to receive benefits under the quality jobs program provided certain conditions are met. The act also increases the annual limit on tax credit issuance for the Missouri Quality Jobs Act from sixty million dollars to one hundred twenty million dollars.

The Small Business and Entrepreneurial Growth Act is established to provide 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: employs more than five employees and increases payroll by at least twenty percent due to the creation of new jobs which pay at least eighty-five percent of the county average wage; or employs less than five employees and 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. No more than five million dollars in benefits will be available annually under the small business and entrepreneurial growth act.

The act contains an emergency clause.

The act is identical to the senate committee substitute for house committee substitute for house bill 191 (2009).

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 Conducted S Jobs, Economic Development and Local Government Committee  
02/11/2009 SCS Voted Do Pass (SCS/SBs 45, 212, 136, 278, 279, 285, 288) S Jobs, Economic Development and Local Government Committee (0528S.08C)  
02/12/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S294)  
02/17/2009 Bill Placed on Informal Calendar (S319)  
03/03/2009 S Informal Calendar S Bills for Perfection--SBs 45, 212, 136, 278, 279, 285 & 288-Pearce, with SCS (pending)

EFFECTIVE: August 28, 2009

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

0529S.01I

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)  
02/02/2009 Hearing Cancelled S Judiciary and Civil and Criminal Jurisprudence Committee  
02/23/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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

SCS SB 47

0192S.02P

SENATE SPONSOR: Scott

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

This act is similar to the perfected version of 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)  
01/27/2009 Hearing Conducted S General Laws Committee  
02/03/2009 SCS Voted Do Pass S General Laws Committee (0192S.02C) - Consent  
02/04/2009 Reported from S General Laws Committee to Floor w/SCS - Consent (S248)  
02/12/2009 SCS S adopted (S296)  
02/12/2009 S Third Read and Passed - Consent (S296 / H324)  
02/16/2009 H First Read (H324)  
02/17/2009 H Second Read (H332)

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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)  
02/25/2009 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
02/25/2009 Hearing Scheduled But Not Heard S Education Committee  
03/04/2009 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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)  
02/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/28/2009 Hearing Conducted S Education Committee  
02/11/2009 Voted Do Pass S Education Committee - Consent  
02/18/2009 Reported from S Education Committee to Floor - Consent (S327)  
02/25/2009 S Third Read and Passed - Consent (S389-390 / H421)  
02/26/2009 H First Read (H421)  
03/02/2009 H Second Read (H428)

EFFECTIVE: August 28, 2009

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\*\*\* 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

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

SCS SB 57

0374S.02C

SENATE SPONSOR: Stouffer

SCS/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)

02/11/2009 Hearing Conducted S Transportation Committee

02/18/2009 SCS Voted Do Pass S Transportation Committee (0374S.02C)

02/26/2009 Reported from S Transportation Committee to Floor w/SCS (S420)

03/03/2009 S Formal Calendar S Bills for Perfection--SB 57-Stouffer, with SCS

EFFECTIVE: August 28, 2009

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

0165S.01I

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)  
02/04/2009 Hearing Conducted S Transportation Committee  
02/11/2009 Voted Do Pass S Transportation Committee  
02/12/2009 Reported from S Transportation Committee to Floor (S295)  
02/18/2009 Bill Placed on Informal Calendar (S329)  
03/03/2009 S Informal Calendar S Bills for Perfection--SB 58-Stouffer

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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

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

0063S.021

SENATE SPONSOR: Wilson

SCS/SB 61 - This act creates the "Comprehensive Tobacco Control Trust Fund," which shall be funded by monies received from the strategic contribution payments under the Tobacco Master Settlement Agreement. The Commission for Comprehensive Tobacco Control is established in the Department of Health and Senior Services. The Commission shall fund evidence-based prevention and cessation programs designated by the Commission for comprehensive tobacco control.

This act is similar to 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 Cancelled S Health, Mental Health, Seniors and Families Committee

02/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/17/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0063S.05C)

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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)

02/10/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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 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)  
02/04/2009 Hearing Conducted S Education Committee  
02/11/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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

0503S.011

SENATE SPONSOR: Rupp

SCS/SBs 65 & 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 given permission to receive;
- relating to a recent or current business relationship or a current personal relationship;
- that are preceded by a live operator who obtains the receiver's consent to play the message;
- from a public safety agency or other entity notifying a person of an emergency;
- from school districts to students, parents, or employees;
- from employers to employees about work-related issues;
- 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. Automatic dialing announcing devices are prohibited from being used to call Missourians' personal phones unless the device will disconnect within 10 seconds of the receiver hanging up. In addition to other penalties as described, violators of these provisions 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 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.

The act repeals section 407.1110, which required the Attorney General to create a no-call consumer education advisory group as well as conduct certain no-call outreach and education activities.

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, et at (S13)  
01/22/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S169)  
02/03/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
03/03/2009 SCS Voted Do Pass (w/SCS SBs 65 & 43) S Commerce, Consumer Protection, Energy and the Environment Committee (0503S.03C)

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
02/16/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
03/02/2009 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent

EFFECTIVE: August 28, 2009

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\*\*\* 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 Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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

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

0234S.01I

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

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

SCS SB 71

0326S.02C

SENATE SPONSOR: Stouffer

SCS/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 developmental 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)  
01/29/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
02/23/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
02/23/2009 SCS Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee - Consent (0326S.02C)  
02/25/2009 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor w/SCS - Consent (S384)  
03/03/2009 S Consent Calendar--SB 71-Stouffer, with SCS

EFFECTIVE: August 28, 2009

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

SCS SB 72

0369S.03C

SENATE SPONSOR: Stouffer

SCS/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, residential care 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 transferred beds are from skilled nursing, residential care 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; and
- (3) The proposed new health care facility otherwise satisfies all conditions of licensure under current law.

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

This act is similar 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 Conducted S Health, Mental Health, Seniors and Families Committee  
02/03/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0369S.03C)  
02/19/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S344)  
02/24/2009 Bill Placed on Informal Calendar (S368)  
03/03/2009 S Informal Calendar S Bills for Perfection--SB 72-Stouffer, with SCS

EFFECTIVE: August 28, 2009

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

0371S.01I

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 and Engler (S14)

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

02/11/2009 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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)  
02/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
02/10/2009 Voted Do Pass S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
02/11/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/28/2009 Hearing Conducted S Education Committee  
02/11/2009 Voted Do Pass S Education Committee - Consent  
02/18/2009 Reported from S Education Committee to Floor - Consent (S327)  
02/25/2009 S Third Read and Passed - Consent (S390 / H422)  
02/26/2009 H First Read (H422)

03/02/2009 H Second Read (H428)

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)

02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

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)

02/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

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

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

0559S.01P

SENATE SPONSOR: Purgason

SB 84 - This act designates various highways and bridges within Missouri.

SPECIALIST JAMES M. FINLEY MEMORIAL BRIDGE - This act designates a bridge in Laclede County as the "Specialist James M. Finley Memorial Bridge".

DRUNK DRIVING RISK REDUCTION AWARENESS PROGRAM - Under this act, the Department of Transportation shall establish and administer a drunk driving risk reduction awareness program. This act shall be known as "David's Law." The signs shall be placed at or near the scene of the accident. Under the act, signs shall be attached to an existing highway sign, street light, or guard rail. The signs shall be placed upon the state highways in accordance with placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

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

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

The signs developed by the department shall resemble a Missouri license plate and shall feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase "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. The drunk driving risk reduction awareness program provisions are contained in SB 93 (2009)(section 227.295).

HEROES WAY INTERSTATE INTERCHANGE DESIGNATION PROGRAM - 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.

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

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 Conducted S Transportation Committee  
 02/18/2009 Voted Do Pass S Transportation Committee  
 02/19/2009 Reported from S Transportation Committee to Floor (S345)  
 02/25/2009 Bill Placed on Informal Calendar (S401)  
 02/25/2009 SA 1 S offered & adopted (Crowell)--(0559S01.01S) (S402-404)  
 02/25/2009 SA 2 S offered & adopted (Green)--(8026S09.01S) (S404-405)  
 02/25/2009 Perfected (S405)  
 02/26/2009 Reported Truly Perfected S Rules Committee (S420)  
 03/03/2009 S Formal Calendar S Bills for Third Reading--SB 84-Purgason

EFFECTIVE: August 28, 2009

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 - 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 and Engler (S15)

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

02/11/2009 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2009

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

0558S.01I

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

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

SCS SB 88

0552S.02P

SENATE SPONSOR: Stouffer

SCS/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.

This act authorizes law enforcement officers to tow abandoned vehicles abandoned by persons who elude arrest for offenses the officer would have taken the offender into custody. The act also authorizes law enforcement officers to immediately remove abandoned property from the right of way of any interstate highway, freeway, or state highway if the abandoned property is creating a traffic hazard. Currently, this provision of law only authorizes the Department of Transportation to immediately remove the hazard from a state highway.

STEPHEN 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)

02/11/2009 Hearing Conducted S Transportation Committee

02/18/2009 SCS Voted Do Pass S Transportation Committee (0552S.02C)

02/19/2009 Reported from S Transportation Committee to Floor w/SCS (S345)

02/26/2009 SA 1 to SCS S offered & Ruled out of order (McKenna)--(8035S09.01S) (S421-422)

02/26/2009 SCS S adopted (S422)

02/26/2009 Perfected (S422)

03/02/2009 Reported Truly Perfected S Rules Committee (S436)

03/03/2009 S Formal Calendar S Bills for Third Reading--SCS for SB 88-Stouffer

EFFECTIVE: August 28, 2009

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

SCS SB 89

0448S.03C

SENATE SPONSOR: Stouffer

SCS/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.

The department shall require disclosure statements by newly hired and currently employed inspectors and surveyors of long-term care facilities regarding his or her past employment in long-term care facilities and the past employment of family members and close friends in long-term care facilities. Any long-term care facility may notify the department if there is a concern about an inspector or surveyor based on the public disclosure statements. The act delineates the department's duties upon receiving such notification of concern.

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 Conducted S Health, Mental Health, Seniors and Families Committee  
 02/10/2009 Voted Do Pass S Health, Mental Health, Seniors and Families Committee  
 02/12/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor (S294)  
 02/12/2009 Unanimous consent to return committee report (S301)  
 02/17/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0448S.03C)  
 02/19/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S344)  
 02/24/2009 SA 1 to SCS S offered (Green)--(0448S03.01S) (S369)  
 02/24/2009 SSA 1 for SA 1 to SCS S offered (Callahan)--(0448S03.01F) (S369)  
 02/24/2009 Bill Placed on Informal Calendar (S369)  
 03/03/2009 S Informal Calendar S Bills for Perfection--SB 89-Stouffer, with SCS, SA 1 & SSA 1 for SA 1 (pending)

EFFECTIVE: August 28, 2009

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

0447S.01I

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.01I

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

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

0399S.01I

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

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

SCS SB 93

0397S.02C

SENATE SPONSOR: Green

SCS/SB 93 - Under this act, the Department of Transportation shall establish and administer a drunk driving risk reduction awareness program. This act shall be known as "David's Law." The signs shall be placed at or near the scene of the accident. Under the act, signs shall be attached to an existing highway sign, street light, or guard rail. The signs shall be placed upon the state highways in accordance with placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing.

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

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

The signs developed by the department shall resemble a Missouri license plate and shall feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim of

the drunk driving accident was killed, and the phrase "Who's Next?".

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

STEPHEN WITTE

12/03/2008 Prefiled  
01/07/2009 S First Read--SB 93-Green (S16)  
01/22/2009 Second Read and Referred S Transportation Committee (S170)  
02/04/2009 Hearing Conducted S Transportation Committee  
02/18/2009 SCS Voted Do Pass S Transportation Committee (0397S.02C)  
02/26/2009 Reported from S Transportation Committee to Floor w/SCS (S420)  
03/03/2009 S Formal Calendar S Bills for Perfection--SB 93-Green, with SCS

EFFECTIVE: August 28, 2009

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

0253S.01I

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)  
02/25/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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

0324S.01I

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

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

SCS SB 96

0225S.02C

SENATE SPONSOR: Justus

SCS/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

If a foster care pupil is absent from school because of a change in placement by the court or child placing agency, or because of a verified court appearance or related court-ordered activity, the pupil's grades and credits will be calculated as of the date the pupil left school. Such absence will not result in a lowering of the pupil's grades.

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

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

For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education, or his or her designee, will be an ombudsman to assist the family support team and school district. The ombudsman will have the final decision over discrepancies regarding school day length. A full school day of education will be provided pending the ombudsman's final decision.

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)  
02/17/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
02/24/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0225S.02C) - Consent  
02/25/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS - Consent (S383)  
03/03/2009 S Consent Calendar--SB 96-Justus, et al, with SCS

EFFECTIVE: August 28, 2009

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\*\*\* 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.01I

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.01I

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)

03/04/2009 Hearing Scheduled S Ways and Means Committee

EFFECTIVE: Contingent

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

SCS SB 100

0521S.03P

SENATE SPONSOR: Schaefer

SCS/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. Any unused balance over \$300,000 in the Fund in any fiscal year shall be returned to the fee payers on a pro-rata basis. The act requires the Department of Natural Resources to prepare a report for the General Assembly beginning



December 31, 2009, and every two years thereafter on all activities relating to the Environmental Radiation Monitoring Fund.

The act provides notification requirements for shippers of radioactive waste. Any shipper who fails to pay a fee or to provide notice of a shipment shall be liable for a civil penalty of an amount not to exceed ten times the amount of the original fee assessed and not paid.

The provisions of this act do not apply to radioactive waste being shipped by or for the federal government for military or national defense purposes.

The shipping fees and notification requirements, and the Department biennial report, shall sunset six years after the effective date of the section unless reauthorized by the General Assembly.

Shippers of certain radioactive waste by rail must provide dosimeters or personal radiation monitors to any railroad employee who is working in proximity to the shipment while in Missouri. The shipper must also notify each employee in writing of his or her recorded dosage of radiation within 90 days of the termination of the employee's exposure to the shipments.

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 Conducted S Transportation Committee  
02/11/2009 SCS Voted Do Pass S Transportation Committee (0521S.03C)  
02/12/2009 Reported from S Transportation Committee to Floor w/SCS (S295)  
02/18/2009 SA 1 to SCS S offered & adopted (Shoemyer)--(0521S03.02S) (S328-329)  
02/18/2009 SCS, as amended, S adopted (S329)  
02/18/2009 Perfected (S329)  
02/18/2009 Reported Truly Perfected S Rules Committee (S330)  
02/19/2009 S Third Read and Passed (S340-341)  
02/19/2009 H First Read (H360)  
02/23/2009 H Second Read (H392)

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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)

02/04/2009 Hearing Scheduled But Not Heard S Jobs, Economic Development and Local Government Committee

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)

02/05/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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

SCS SB 104

0158S.02P

SENATE SPONSOR: Justus

SCS/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 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)  
 02/10/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/17/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0158S.02C)  
 02/19/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S344)  
 02/24/2009 SCS S adopted (S369)  
 02/24/2009 Perfected (S369)  
 02/24/2009 Reported Truly Perfected S Rules Committee (S372)  
 02/24/2009 Referred S Governmental Accountability and Fiscal Oversight Committee  
 02/26/2009 Hearing Scheduled But Not Heard S Governmental Accountability and Fiscal Oversight Committee  
 03/02/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
 03/02/2009 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 03/03/2009 S Formal Calendar S Bills for Third Reading--SCS for SB 104-Justus, et al (In Fiscal Oversight)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

02/26/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

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)

02/05/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

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)

02/25/2009 Hearing Conducted S Progress and Development Committee

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)

02/25/2009 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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 Conducted S Transportation Committee

02/18/2009 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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

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

0581S.011

SENATE SPONSOR: Crowell

This bill has been combined with SB 36

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 Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/02/2009 Bill Combined w/(SCS/SBs 36 &112) (0517S.03C)

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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)  
02/04/2009 Hearing Conducted S Transportation Committee  
02/18/2009 Voted Do Pass S Transportation Committee - Consent  
02/25/2009 Reported from S Transportation Committee to Floor - Consent (S384)  
03/03/2009 S Consent Calendar--SB 114-Crowell

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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)  
02/25/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/28/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Re-referred S Commerce, Consumer Protection, Energy and the Environment Committee (S184)

02/03/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

02/24/2009 Hearing Scheduled But Not Heard S Commerce, Consumer Protection, Energy and the Environment Committee

03/03/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

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)

02/24/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

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)  
02/11/2009 Hearing Scheduled But Not Heard S Jobs, Economic Development and Local Government Committee  
02/18/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
02/25/2009 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
02/11/2009 Hearing Scheduled But Not Heard S Jobs, Economic Development and Local Government Committee

02/18/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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

0828S.01I

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.01I

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.01P

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)

02/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

02/17/2009 Voted Do Pass S Small Business, Insurance and Industry Committee

02/19/2009 Reported from S Small Business, Insurance and Industry Committee to Floor (S345)

02/26/2009 Perfected (S422)

03/02/2009 Reported Truly Perfected S Rules Committee (S436)  
 03/03/2009 S Formal Calendar S Bills for Third Reading--SB 126-Rupp

EFFECTIVE: August 28, 2009

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

0589S.011

SENATE SPONSOR: Rupp

SCS/SB 127 – This act requires the Governor to annually issue a proclamation that identifies the first week of March as "Math, Engineering, Technology & Science (METS) Week." The week may be observed through activities that will increase awareness of these areas and promote "METS" careers in Missouri. Such activities will include those which are in public schools.

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)  
 03/03/2009 Hearing Conducted S General Laws Committee  
 03/03/2009 SCS Voted Do Pass S General Laws Committee (0589S.02C) - Consent

EFFECTIVE: August 28, 2009

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

SS SCS SB 128

0320S.05P

SENATE SPONSOR: Rupp

SS/SCS/SB 128 - This act modifies the current law that authorizes the state highways and transportation commission to enter into design-build highway project contracts. Under this act, the current statutory restriction that limits the commission to only entering into three design-build highway projects is removed. In lieu of a specific number of projects, the total number of highway design-build project contracts awarded by the commission in any state fiscal year shall not exceed 3% of the total number of all state highway system projects listed in the commission's approved statewide transportation improvement program for that fiscal year.

The act 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. If the Commission determines that cost estimate for the project contract is expected to exceed \$250 million and performance bonds for that amount are impractical, the commission shall set the performance bond at the amount reasonably available, but not less than \$250 million and may require additional security for the balance of the estimate not covered by the performance bonds.

This act contains an emergency clause.

The provisions of this act are similar to SB 178(2009).

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)  
 01/28/2009 Hearing Conducted S Transportation Committee  
 01/29/2009 SCS Voted Do Pass S Transportation Committee (0320S.02C)  
 01/29/2009 Reported from S Transportation Committee to Floor w/SCS (S218)  
 02/09/2009 SA 1 to SCS S offered (Rupp)--(0320S02.01S) (S268)  
 02/09/2009 SA 1 to SA 1 to SCS S offered (Lager)--(0320S02.05S) (S268-269)  
 02/09/2009 Bill Placed on Informal Calendar (S269)  
 02/23/2009 SA 1 to SCS S withdrawn (S357)  
 02/23/2009 SS for SCS S offered (Rupp)--(0320S.05F) (S357)  
 02/23/2009 SA 1 to SS for SCS S offered & adopted (Rupp)--(0320S05.02S) (S357)  
 02/23/2009 SA 2 to SS for SCS S offered & defeated (Bray)--(0320S05.01S) (S357-358)  
 02/23/2009 SS for SCS, as amended, S adopted (S358)  
 02/23/2009 Perfected (S358)

02/24/2009 Reported Truly Perfected S Rules Committee (S370)  
02/25/2009 S Third Read and Passed - EC adopted (S385-386 / H404)  
02/25/2009 H First Read w/EC (H404)  
02/26/2009 H Second Read (H410)

EFFECTIVE: Emergency Clause

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\*\*\* 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 Cancelled S Transportation Committee  
02/04/2009 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2009

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

0584S.021

SENATE SPONSOR: McKenna

SCS/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. The act's provisions supercede any local law that regulates the use of electronic wireless devices by the operator of a motor vehicle.

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 Cancelled S Transportation Committee  
02/04/2009 Hearing Conducted S Transportation Committee  
02/18/2009 SCS Voted Do Pass S Transportation Committee (0584S.03C)

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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, et al (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)  
02/25/2009 Hearing Cancelled S Transportation Committee  
03/04/2009 Hearing Scheduled S Transportation Committee

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

This bill has been combined with SB 45

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 Conducted S Jobs, Economic Development and Local Government Committee  
02/11/2009 Bill Combined w/SCS/SBs 45, 212, 136, 278, 279, 285, 288

EFFECTIVE: August 28, 2009

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

0726S.011

SENATE SPONSOR: Rupp

This bill has been combined with SB 237

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)  
02/17/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
02/24/2009 Bill Combined (w/SCS/SBs 237 & 137)

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

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\*\*\* 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

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

SCS SB 140

0849S.09P

SENATE SPONSOR: Smith

SCS/SB 140 - Under this act, courts disposing of criminal nonsupport cases may be established by any



circuit court. Such court shall have the authority to refer defendants to education, vocational or employment training, substance abuse treatment, or work programs. After successful completion of a court-ordered treatment or training program or commencement of support payments, the defendant may have the charges, petition, or penalty against him or her dismissed, reduced, or modified.

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

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

Under this act, criminal nonsupport shall be a class A misdemeanor unless the total arrearage is in excess of an aggregate of twelve monthly payments, in which case, it is a class D felony. Currently, the crime is a class D felony if the person owes more than \$5,000 or has failed to pay six months of payments within the last twelve-month period.

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

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

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

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

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

12/22/2008 Prefiled  
01/07/2009 S First Read--SB 140-Smith and Wright-Jones (S19)  
01/22/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S172)  
01/26/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
02/09/2009 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (0849S.09C)  
02/12/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S294)  
02/17/2009 SCS S adopted (S319)  
02/17/2009 Perfected (S319)  
02/17/2009 Reported Truly Perfected S Rules Committee (S319)  
02/17/2009 Referred S Governmental Accountability and Fiscal Oversight Committee (S321)  
02/19/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
02/23/2009 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
02/24/2009 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S370)  
02/24/2009 S Third Read and Passed (S373-374 / H404)  
02/25/2009 H First Read (H404)  
02/26/2009 H Second Read (H410)

EFFECTIVE: August 28, 2009

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

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

This act also provides that a petitioner may file a petition to challenge entry of a judgment of paternity and 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 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 petitioner shall have filed such an action to set aside paternity within eighteen years of the entry of the original judgment of paternity.

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, unless the court makes written findings of fact and conclusions of law that it is not in the best interest of the parties to do so, and enter judgment setting aside the previous judgment of paternity and child support, including a previous acknowledgment of paternity, extinguish any existing child support arrearage, and order the Department of Health and Senior Services to modify the child's birth certificate accordingly upon a finding that the genetic test was properly conducted, accurate, and excludes the petitioner as the child's father.

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

The provisions of this act shall not apply to grant relief to the parent of any adopted child nor shall such provisions be construed to create a cause of action to recover child support or state debt previously paid under court order. The petitioner shall not have a right for reimbursement of any monies paid previously under said order.

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

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

ADRIANE CROUSE

12/22/2008 Prefiled

01/07/2009 S First Read--SB 141-Smith and Wright-Jones (S19-20)

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

02/03/2009 Hearing Conducted S General Laws Committee

02/10/2009 SCS Voted Do Pass S General Laws Committee (0866S.06C)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

02/19/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

02/18/2009 Hearing Cancelled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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

0823S.011

SENATE SPONSOR: Wright-Jones

SCS/SB 144 - This act provides that, subject to appropriations, two Prostate Cancer Pilot Programs shall be established within the Department of Health and Senior Services. One program shall be in the St. Louis area and one in either Pemiscot, New Madrid, or Dunklin counties. Once appropriated, the program shall fund prostate cancer screening and treatment services. The department shall distribute grants to local health departments and federally qualified health centers. This act also requires the program to provide cancer screening, referral services, treatment, and outreach and education activities.

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. An uninsured man is defined as one for whom services provided by the program are not covered by private insurance, MO HealthNet, or Medicare, while an economically challenged man is one who has a gross income up to 150 percent of the federal poverty level. The department shall promulgate rules establishing guidelines regarding eligibility and for implementation of the program.

The department is required to report to the Governor and the General Assembly regarding the number of individuals screened and treated by the program and any cost savings as a result of early treatment of prostate cancer three years from the date on which the grants were first administered under the act. This act will expire six years from the effective date, unless reauthorized by the General Assembly.

This act is similar to HB 2441 (2008).

ADRIANE CROUSE

12/31/2008 Prefiled

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

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

02/10/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/17/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0823S.03C)

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)

02/05/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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

0800S.01P

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)  
 02/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/10/2009 Voted Do Pass S Health, Mental Health, Seniors and Families Committee - Consent  
 02/11/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor - Consent (S286)  
 02/23/2009 S Third Read and Passed - Consent (S355-356 / H372)  
 02/23/2009 H First Read (H372)  
 02/24/2009 H Second Read (H381)

EFFECTIVE: August 28, 2009

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\*\*\* 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

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\*\*\* 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)

03/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

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 and Engler (S20)

01/26/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S182)

02/16/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

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

SCS SB 152

0785S.03P

SENATE SPONSOR: Clemens

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

EMILY KALMER

01/06/2009 Prefiled

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

01/26/2009 Second Read and Referred S Education Committee (S182)

02/04/2009 Hearing Conducted S Education Committee

02/11/2009 SCS Voted Do Pass S Education Committee (0785S.03C) - Consent

02/18/2009 Reported from S Education Committee to Floor w/SCS - Consent (S327)

02/25/2009 SCS S adopted (S388-389)  
 02/25/2009 S Third Read and Passed - Consent (S389 / H422)  
 02/26/2009 H First Read (H422)  
 03/02/2009 H Second Read (H428)

EFFECTIVE: August 28, 2009

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

0122S.03C

SENATE SPONSOR: Clemens

SCS/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 re-words this exception by expressly stating that any return on savings, or any economic benefit or service, given by a co-op to its members for the purchase of milk products shall not be considered a violation.

ERIKA JAQUES

01/06/2009 Prefiled  
 01/07/2009 S First Read--SB 153-Clemens (S20)  
 01/26/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S182)  
 02/11/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 02/18/2009 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee (0122S.03C) - Consent  
 02/25/2009 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS - Consent (S384)  
 03/03/2009 S Consent Calendar--SB 153-Clemens, with SCS

EFFECTIVE: August 28, 2009

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

0965S.01P

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)  
 01/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S183)  
 02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/09/2009 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/11/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S286)  
 02/23/2009 S Third Read and Passed - Consent (S355 / H372)  
 02/23/2009 H First Read (H372)  
 02/24/2009 H Second Read (H381)

EFFECTIVE: August 28, 2009

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

0870S.01I

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)

01/26/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S183)  
 02/05/2009 Hearing Scheduled But Not Heard S Governmental Accountability and Fiscal Oversight Committee  
 02/12/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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

0871S.01P

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)  
 01/26/2009 Second Read and Referred S General Laws Committee (S183)  
 02/03/2009 Hearing Conducted S General Laws Committee  
 02/10/2009 Voted Do Pass S General Laws Committee - consent  
 02/11/2009 Reported from S General Laws Committee to Floor - Consent (S287)  
 02/23/2009 S Third Read and Passed - Consent (S356 / H372)  
 02/23/2009 H First Read (H372)  
 02/24/2009 H Second Read (H381)

EFFECTIVE: August 28, 2009

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

SCS SB 157

0935S.03P

SENATE SPONSOR: Schmitt

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

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

ADRIANE CROUSE

01/06/2009 Prefiled  
 01/07/2009 S First Read--SB 157-Schmitt (S21)  
 01/26/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S183)  
 02/10/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/17/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0935S.03C) - Consent  
 02/18/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS - Consent (S327)  
 02/25/2009 SCS S adopted (S387)  
 02/25/2009 S Third Read and Passed - Consent (S387 / H422)  
 02/26/2009 H First Read (H422)  
 03/02/2009 H Second Read (H428)

EFFECTIVE: August 28, 2009

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

0784S.01I

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)

01/26/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S183)

02/25/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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

0444S.011

SENATE SPONSOR: Clemens

This bill has been combined with SB 261

01/06/2009 Prefiled

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

01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S183)

02/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/16/2009 Bill Combined w/(SCS/SBs 261, 159, 180, &181) (1517S.04C)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S183)

02/16/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S183)

03/05/2009 Hearing Scheduled S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S183)

02/19/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S183)

02/12/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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

1026S.011

SENATE SPONSOR: Justus

This bill has been combined with SB 165

01/08/2009 S First Read--SB 164-Justus (S80)

01/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S183)

02/11/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/18/2009 Bill Combined w/SCS/SBs 165, 164, 248, 168 S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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

SCS SBs 165, 164, 248 & 168

0920S.02C

SENATE SPONSOR: Justus

SCS/SBs 165, 164, 248, & 168 - 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 provision is identical to the SCS/SB 1089 (2008).

The City of Grandview may 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.

The City of Ashland is allowed to seek voter approval for the imposition of a transient guest tax of not less than two percent nor more than five percent per occupies room per night. The tax authorized by this act must be separately stated from all other charges and taxes.

The governing body of any city, town, village or county is authorized 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 provision is identical to the Perfected version of Senate Bill 822 (2008).

The City of Sugar Creek is authorized to seek voter approval to impose a transient guest tax upon charges for all sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds for the purpose of promoting tourism. The tax must be at least two percent, but may not exceed five percent per occupied room per night. This provision is identical to Senate Bill 1209 (2009).

JASON ZAMKUS

01/08/2009 S First Read--SB 165-Justus (S80)  
 01/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S183)  
 02/11/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/18/2009 SCS Voted Do Pass w/SCS/SBs 165, 164, 248, 168 S Jobs, Economic Development and Local Government Committee (0920S.02C) - Consent  
 02/25/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS - Consent (S383)  
 03/03/2009 S Consent Calendar--SBs 165, 164, 248 & 168-Justus, with SCS

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)  
 01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S183)  
 02/23/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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

0845S.021

SENATE SPONSOR: Rupp

SCS/SB 167 - Under this act, health carriers that issue or renew health benefit plans on or after January 1, 2010, 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 disorders. 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 benefit plan shall provide coverage for treatment not more than once every 6 months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary.

The act applies different annual maximum benefit levels for behavior analysis based upon the age of the child. The annual maximum benefit levels for behavior analysis are as follows:

- (1) \$72,000 per year for children under 6 years of age;
- (2) \$36,000 per year for children who are at least 6 years of age but less than 14 years of age; and
- (3) \$18,000 per year for children who are at least 14 years of age but less than 21 years of age.

The annual maximum benefits for applied behavior analysis 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 applied behavior analysis, such payments or reimbursements shall be made to either:

- (1) Any autism provider;
- (2) The person who is supervising an autism service provider, who is certified as a board certified behavior analyst by the Behavior Analyst Certification Board; or
- (3) The entity or group for whom such supervising person works or is associated.

The act provides the provisions of the autism mandate shall also apply to the following types of plans that are established, extended, modified or renewed on or after January 1, 2010:

- (1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);
- (2) All self-insured group arrangements, to the extent not preempted by federal law;
- (3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and
- (4) All self-insured school district health plans.

The provisions of the act also apply to limited mandate health insurance policies issued under section 376.995.

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 autism mandate shall apply to any health care plans issued to employees and their dependents under the Missouri Consolidated Health Care Plan on or after January 1, 2010.

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)

01/26/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S183)

02/17/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

03/03/2009 SCS Voted Do Pass S Small Business, Insurance and Industry Committee (0845S.07C)

EFFECTIVE: August 28, 2009

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

0750S.011

SENATE SPONSOR: Shoemyer

This bill has been combined with SB 165

01/08/2009 S First Read--SB 168-Shoemyer (S80)

01/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S183)

02/18/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/18/2009 Bill Combined w/SCS/SBs 165, 164, 248, 168 S Jobs, Economic Development and Local Government Committee

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)

01/26/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S183)

02/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

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)

01/26/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S183)

EFFECTIVE: August 28, 2009

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\*\*\* SB 171 \*\*\*

0545S.01P

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)

01/26/2009 Second Read and Referred S General Laws Committee (S183)

02/03/2009 Hearing Conducted S General Laws Committee

02/10/2009 Voted Do Pass S General Laws Committee - consent

02/11/2009 Reported from S General Laws Committee to Floor - Consent (S287)

02/23/2009 S Third Read and Passed - Consent (S356-357 / H373)

02/23/2009 H First Read (H373)

02/24/2009 H Second Read (H381)

EFFECTIVE: August 28, 2009

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\*\*\* SB 172 \*\*\*

0445S.01I

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 and Cunningham (S80)

01/26/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S183)

02/24/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

03/03/2009 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 173 \*\*\*

0512S.02I

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)

01/26/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S183)

02/05/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 174 \*\*\* SCS SB 174

0966S.03C

SENATE SPONSOR: Griesheimer

SCS/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 produced in the 2007 tax year excluding new construction and improvements as long as such rate does not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter approved rate. 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 Dec 31, 2008, and Dec 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. Charter counties are allowed to opt to delay the effective date of the requirement that they must provide taxpayers with notices of projected tax liability to no later than January 1, 2013. The effective date for all other counties and the City of St. Louis, for the projected tax liability notice requirement is moved back to January 1, 2013. Assessors and collectors are required to submit estimates of the costs necessary to comply with the projected tax liability notice requirement to the State Tax Commission.

The act creates a fund to receive appropriations and allocate moneys to assessors and collectors to offset the costs of implementing the projected tax liability notice requirements.

This act contains an emergency clause.

JASON ZAMKUS

01/12/2009 S First Read--SB 174-Griesheimer and Goodman (S92)

01/26/2009 Second Read and Referred S Ways and Means Committee (S183)

02/11/2009 Hearing Conducted S Ways and Means Committee

02/18/2009 SCS Voted Do Pass S Ways and Means Committee (0966S.03C)

02/26/2009 Reported from S Ways and Means Committee to Floor w/SCS (S419)

03/03/2009 SS for SCS S offered (Grisheimer)--(0966S.04F)

03/03/2009 SA 1 to SS for SCS S offered (Lager)--(0966S04.05S)

03/03/2009 Bill Placed on Informal Calendar

03/03/2009 S Informal Calendar S Bills for Perfection--SB 174-Griesheimer and Goodman, with SCS, SS for SCS & SA 1 (pending)

EFFECTIVE: Emergency Clause

\*\*\* SB 175 \*\*\*

0939S.02I

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)

01/26/2009 Second Read and Referred S Education Committee (S183)

02/11/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 176 \*\*\*

SCS SB 176

0824S.04C

SENATE SPONSOR: Stouffer

SCS/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 15, 2010.

The provisions of this act shall expire on November 1, 2012.

ADRIANE CROUSE

01/12/2009 S First Read--SB 176-Stouffer (S92)

01/26/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S183)

02/10/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/17/2009 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (0824S.04C)

02/26/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S419)

03/03/2009 S Formal Calendar S Bills for Perfection--SB 176-Stouffer, with SCS

EFFECTIVE: August 28, 2009

\*\*\* SB 177 \*\*\*

0652S.01I

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)

01/26/2009 Second Read and Referred S Transportation Committee (S183)

02/18/2009 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 178 \*\*\*

1007S.01I

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)

01/26/2009 Second Read and Referred S Transportation Committee (S183)

EFFECTIVE: Emergency Clause

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\*\*\* SB 179 \*\*\* SCS SB 179

1104S.02P

SENATE SPONSOR: Wright-Jones

SCS/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)

01/26/2009 Second Read and Referred S General Laws Committee (S183)

02/17/2009 Hearing Conducted S General Laws Committee

02/17/2009 SCS Voted Do Pass S General Laws Committee (1104S.02C) - Consent

02/18/2009 Reported from S General Laws Committee to Floor w/SCS - Consent (S328)

02/25/2009 SCS S adopted (S390-391)

02/25/2009 S Third Read and Passed - Consent (S391 / H422)

02/26/2009 H First Read (H422)

03/02/2009 H Second Read (H428)

EFFECTIVE: August 28, 2009

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\*\*\* SB 180 \*\*\*

0084S.01I

SENATE SPONSOR: Bartle

This bill has been combined with SB 261

01/13/2009 S First Read--SB 180-Bartle (S113)

01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S183)

02/16/2009 Bill Combined w/(SCS/SB 261, 159, 180, & 181) (1517S.04C)

EFFECTIVE: August 28, 2009

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\*\*\* SB 181 \*\*\*

0159S.01I

SENATE SPONSOR: Bartle

This bill has been combined with SB 261

01/13/2009 S First Read--SB 181-Bartle (S113)

01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S183)

02/16/2009 Bill Combined w/(SCS/SB 261, 159, 180, & 181) (1517S.04C)

EFFECTIVE: August 28, 2009

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\*\*\* SB 182 \*\*\*

0601S.01I

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)

01/26/2009 Second Read and Referred S Education Committee (S183)

01/28/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Progress and Development Committee (S183)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S General Laws Committee (S183)

02/10/2009 Hearing Scheduled But Not Heard S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S183)

02/03/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/26/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S184)

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/26/2009 Second Read and Referred S Ways and Means Committee (S184)

EFFECTIVE: August 28, 2009

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\*\*\* SB 188 \*\*\*

0544S.021

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)  
01/26/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S184)  
02/17/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
03/03/2009 SCS Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee (0544S.04C)

EFFECTIVE: August 28, 2009

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\*\*\* SB 189 \*\*\* SCS SB 189

1103S.03C

SENATE SPONSOR: Shields

SCS/SB 189 - Currently, Kansas City police officers and department employees are prohibited from belonging to a political party committee or serving as a ward committee person. Under this act, such officers and employees shall instead be prohibited from holding a partisan political office. This act repeals the provision of law which currently prohibits any Kansas City police officer or department employee from making contributions of any kind for political activity. Kansas City police officers and department employees shall be prohibited from soliciting any person to vote for or against any political candidate, party, or organization only while on duty, in uniform, or wearing clothing with any symbol, insignia, or words indicating his or her employment with the department.

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. Currently, officers are prohibited from allowing solicitations for contributions in police facilities. This act would also prohibit them from performing such solicitations in police facilities.

This act is similar to SB 18 (2007).

SUSAN HENDERSON MOORE

01/14/2009 S First Read--SB 189-Shields (S120)  
01/26/2009 Second Read and Referred S General Laws Committee (S184)  
02/03/2009 Hearing Conducted S General Laws Committee  
02/10/2009 SCS Voted Do Pass S General Laws Committee (1103S.03C)  
02/12/2009 Reported from S General Laws Committee to Floor w/SCS (S295)  
02/18/2009 SCS S adopted (S329)  
02/18/2009 Bill Placed on Informal Calendar (S329)  
03/03/2009 S Informal Calendar S Bills for Perfection--SCS for SB 189-Shields

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/26/2009 Second Read and Referred S General Laws Committee (S184)

EFFECTIVE: December 31, 2009

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\*\*\* SB 191 \*\*\*

0851S.02I

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)

01/26/2009 Second Read and Referred S Ways and Means Committee (S184)

02/16/2009 Re-referred S Governmental Accountability and Fiscal Oversight Committee

02/19/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

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)

01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S184)

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)

01/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S184)

02/11/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

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 JAQUES

01/14/2009 S First Read--SB 194-Shoemyer (S120)

01/26/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S184)

EFFECTIVE: August 28, 2009

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\*\*\* 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 JAQUES

01/14/2009 S First Read--SB 195-Shoemyer (S120)

01/26/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S184)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S184)

02/18/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/25/2009 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent

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)

01/26/2009 Second Read and Referred S General Laws Committee (S184)

02/10/2009 Hearing Conducted S General Laws Committee

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)

01/26/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S184)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S184)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S184)

02/23/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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 819 (2008).

SUSAN HENDERSON MOORE

01/14/2009 S First Read--SB 201-Cunningham (S121)

01/27/2009 Second Read and Referred S General Laws Committee (S191)

02/10/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 202 \*\*\*

SCS SB 202

1073S.03C

SENATE SPONSOR: Schaefer

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

This act is similar to SB 505 (2007).

STEPHEN JOHN WITTE

01/14/2009 S First Read--SB 202-Schaefer (S121)

01/27/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S191)

02/10/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

02/17/2009 SCS Voted Do Pass S Small Business, Insurance and Industry Committee (1073S.03C) - Consent

02/18/2009 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS - Consent (S328)

02/24/2009 Removed S Consent Calendar (S373)

02/26/2009 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS (S420)

03/03/2009 S Formal Calendar S Bills for Perfection--SB 202-Schaefer, with SCS

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S191)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S191)

03/02/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

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)

01/27/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S191)

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)

01/27/2009 Second Read and Referred S Ways and Means Committee (S191)

EFFECTIVE: August 28, 2009

\*\*\* SB 207 \*\*\*

0794S.011

SENATE SPONSOR: Rupp

SCS/SBs 207 & 245 - 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 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 risk of identity theft or other fraud to a consumer is reasonably likely to result 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 has exclusive authority to 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)

01/27/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S191)

02/17/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

03/03/2009 SCS Voted Do Pass (w/SCS/SBs 207 & 245) S Commerce, Consumer Protection, Energy and the Environment Committee (0794S.04C)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Education Committee (S191)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S191)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S191)

EFFECTIVE: January 1, 2010

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\*\*\* 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)

01/27/2009 Second Read and Referred S Transportation Committee (S191)

02/18/2009 Hearing Conducted S Transportation Committee

02/25/2009 Motion to vote bill do pass failed S Transportation Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 212 \*\*\*

1277S.011

SENATE SPONSOR: Griesheimer

This bill has been combined with SB 45

01/20/2009 S First Read--SB 212-Griesheimer (S136)

01/27/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S191)

02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/11/2009 Bill Combined w/SCS/SBs 45, 212, 136, 278, 279, 285, 288

EFFECTIVE: August 28, 2009

\*\*\* SB 213 \*\*\*

1171S.01I

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)

01/27/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S191)

EFFECTIVE: August 28, 2009

\*\*\* SB 214 \*\*\*

0066S.01I

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)

01/27/2009 Second Read and Referred S General Laws Committee (S191)

03/03/2009 Hearing Scheduled But Not Heard S General Laws Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 215 \*\*\*

0321S.03P

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.

**SA 1** - A petition to create a port improvement district must be signed by the property owners collectively owning more than 60% per capita of all owners of real property within the boundaries of the proposed district.

**SA 2** - The act provides that the state auditor shall have the power to audit port authorities.

**SA 3** - Under the act, any expenditure by a port authority that is over \$25,000 must be competitively bid.

**STEPHEN WITTE**

01/20/2009 S First Read--SB 215-Shields (S136)  
 01/27/2009 Second Read and Referred S Ways and Means Committee (S191)  
 02/11/2009 Hearing Conducted S Ways and Means Committee  
 02/18/2009 Voted Do Pass S Ways and Means Committee  
 02/19/2009 Reported from S Ways and Means Committee to Floor (S344)  
 02/24/2009 SA 1 S offered (Callahan)--(0321S03.01F) (S368)  
 02/24/2009 SA 1 to SA 1 S offered & adopted (Ridgeway)--(0321S03.02S) (S368)  
 02/24/2009 SA 1, as amended, S adopted (S368)  
 02/24/2009 SA 2 S offered & adopted (Callahan)--(0321S03.02F) (S368)  
 02/24/2009 SA 3 S offered & adopted (Callahan)--(0321S03.03F) (S368)  
 02/24/2009 Perfected, as amended (S368)  
 02/24/2009 Reported Truly Perfected S Rules Committee (S372)  
 02/25/2009 Motion to Third Read Bill S withdrawn  
 02/25/2009 Bill Placed on Informal Calendar (S386)  
 03/02/2009 S Third Read and Passed (S433-434)  
 03/03/2009 H First Read

EFFECTIVE: August 28, 2009

\*\*\* SB 216 \*\*\*

1058S.01I

SENATE SPONSOR: Scott

SCS/SB 216 - This act requires debt settlement providers only to provide debt settlement services under a debt settlement plan when performing the services for a fee.

Debt settlement services are defined as the negotiation, settlement, or alteration of the terms of payment of a consumer's debt with the consumer's creditor without receiving or holding money from a consumer for the purpose of distributing that money to the creditor.

Under the plan, the provider may only charge reasonable consideration not to exceed 4% of the principal amount of the debt in enrollment fees and 20% of the principal amount of the debt in aggregate fees. The balance shall be collected in equal payments over a period determined by the provider as long as the last payment is due no sooner than the median month in the plan. The debtor may voluntarily prepay fees, and the provider may collect fees on a pro rata basis once the provider obtains reasonable offers.

Debt settlement providers are required to carry insurance in the amount of at least 1 million dollars.

The Attorney General is charged with the enforcement of these provisions and injunctions and orders for restitution may be issued for violations.

This act is similar to SB 1108 (2008).

CHRIS HOGERTY

01/21/2009 S First Read--SB 216-Scott (S147)

01/27/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S191)

02/16/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

03/02/2009 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (1058S.02C)

EFFECTIVE: August 28, 2009

\*\*\* SB 217 \*\*\*

0997S.01P

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)

01/27/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S191)

02/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

02/17/2009 Voted Do Pass S Small Business, Insurance and Industry Committee - Consent

02/18/2009 Reported from S Small Business, Insurance and Industry Committee to Floor - Consent (S328)

02/25/2009 S Third Read and Passed - Consent (S392 / H422)

02/26/2009 H First Read (H422)

03/02/2009 H Second Read (H428)

EFFECTIVE: August 28, 2009

\*\*\* SB 218 \*\*\*

0781S.02I

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)

01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S191)

03/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: January 1, 2010

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\*\*\* 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, et al (S162-163)

01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S191)

02/16/2009 Hearing Cancelled S Judiciary and Civil and Criminal Jurisprudence Committee

02/23/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S191)

EFFECTIVE: August 28, 2009

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\*\*\* SB 221 \*\*\*

1023S.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)

01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S191)

02/16/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S191)

02/17/2009 Hearing Cancelled S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 223 \*\*\* SCS SBs 223 & 226

1331S.03C

SENATE SPONSOR: Goodman

SCS/SBs 223 & 226 - This act regulates sexually oriented businesses.

As of August 28, 2009, no person shall establish a sexually oriented business within 1000 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 contains a severability clause.

This act is similar to HB 321 (2009).

SUSAN HENDERSON MOORE

01/22/2009 S First Read--SB 223-Goodman (S163)  
01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S191)  
02/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
02/09/2009 SCS Voted Do Pass (w/SCS/SB 223 & 226) S Judiciary and Civil and Criminal Jurisprudence Committee (1331S.03C)  
02/12/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S294)  
02/17/2009 Bill Placed on Informal Calendar (S319)  
03/03/2009 S Informal Calendar S Bills for Perfection--SBs 223 & 226-Goodman, with SCS (pending)

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S191)  
03/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
03/02/2009 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - Consent

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S191)

EFFECTIVE: August 28, 2009

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\*\*\* SB 226 \*\*\*

1205S.011

SENATE SPONSOR: Bartle

This bill has been combined with SB 223

01/22/2009 S First Read--SB 226-Bartle (S163)  
01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S191)  
02/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
02/09/2009 Bill Combined w/SCS/SB 223 & 226

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/27/2009 Second Read and Referred S General Laws Committee (S191)  
02/10/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* 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)

01/27/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S191)

02/10/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 229 \*\*\*

1112S.01I

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)

01/27/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S191)

02/17/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/24/2009 Motion to vote bill do pass failed S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 230 \*\*\*

1278S.01I

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)

01/27/2009 Second Read and Referred S General Laws Committee (S191)

EFFECTIVE: August 28, 2009

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

SCS SB 231

1201S.02C

SENATE SPONSOR: Cunningham

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

If, after the sheriff completes the court-ordered execution, property is left by the tenant in or at the dwelling that is identified as the property of a third party, the landlord shall send notice to the third party by certified mail with a return receipt requested. The third party has the opportunity to recover the property within five business days of the date notice is received. If the landlord is unable to notify the third party, the landlord may dispose of the property and is not liable for the loss or damage.

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

EMILY KALMER

01/22/2009 S First Read--SB 231-Cunningham (S164)

01/27/2009 Second Read and Referred S General Laws Committee (S191)  
 02/03/2009 Hearing Conducted S General Laws Committee  
 02/17/2009 SCS Voted Do Pass S General Laws Committee (1201S.02C) - Consent  
 02/18/2009 Reported from S General Laws Committee to Floor w/SCS - Consent (S328)  
 02/23/2009 Removed S Consent Calendar (S361)  
 02/26/2009 Reported from S General Laws Committee to Floor w/SCS (S420)  
 03/03/2009 S Formal Calendar S Bills for Perfection--SB 231-Cunningham, with SCS

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)  
 01/27/2009 Second Read and Referred S Progress and Development Committee (S192)  
 02/18/2009 Hearing Conducted S Progress and Development Committee  
 02/25/2009 Voted Do Pass S Progress and Development Committee - Consent

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)  
 01/27/2009 Second Read and Referred S Education Committee (S192)

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)

01/27/2009 Second Read and Referred S Education Committee (S192)

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/27/2009 Second Read and Referred S Ways and Means Committee (S192)  
02/11/2009 Hearing Conducted S Ways and Means Committee  
02/18/2009 Voted Do Pass S Ways and Means Committee - Consent  
02/25/2009 Reported from S Ways and Means Committee to Floor - Consent (S383)  
03/03/2009 S Consent Calendar--SB 235-Cunningham

EFFECTIVE: August 28, 2009

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\*\*\* 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)  
01/27/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S192)  
02/24/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
03/03/2009 Voted Do Pass S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 237 \*\*\*

SCS SBs 237 &amp; 137

1212S.05C

SENATE SPONSOR: Lembke

SCS/SBs 237 & 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 compact does not relieve employers from complying with statutorily imposed obligations and does not supercede existing state labor laws.

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

EMILY KALMER

01/22/2009 S First Read--SB 237-Lembke (S164)

01/27/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S192)

02/17/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/24/2009 SCS Voted Do Pass (w/SCS/SB's 237 &amp; 137) S Health, Mental Health, Seniors and Families Committee (1212S.05C)

02/26/2009 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S419)

03/03/2009 S Formal Calendar S Bills for Perfection--SBs 237 &amp; 137-Lembke, with SCS

EFFECTIVE: August 28, 2009

\*\*\* SB 238 \*\*\*

1444S.01I

SENATE SPONSOR: Callahan

SB 238 - This act decouples Missouri law from the Internal Revenue Code to the extent that it allows a deduction for domestic production activities. To determine Missouri adjusted gross income taxpayers must "add-back", to federal adjusted gross income, any amount deducted as qualified production activities income, in order to determine such taxpayer's Missouri adjusted gross income.

JASON ZAMKUS

01/26/2009 S First Read--SB 238-Callahan (S179)

01/29/2009 Second Read and Referred S Ways and Means Committee (S220)

02/11/2009 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 239 \*\*\*

1106S.02I

SENATE SPONSOR: Bartle

SB 239 - This act modifies the daily rate of pay for senior judges and commissioners from fifty percent to seventy-five percent of the current annual salary of the office from which they retired attributable to one day of service.

EMILY KALMER

01/26/2009 S First Read--SB 239-Bartle and Justus (S179)

01/29/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S220)

EFFECTIVE: August 28, 2009

\*\*\* SB 240 \*\*\*

1391S.011

SENATE SPONSOR: Bray

SB 240 - Under the terms of this act, drivers for contract carriers that transport railroad employees must have a valid chauffeur's license (Class E license). Each contract carrier shall procure a recent driving record from each prospective driver. The contract carrier shall also conduct a review of the driving record of each applicant prior to his or her hiring. The act also requires contract carriers to maintain a personnel file on each driver who transports railroad employees.

Under the terms of the act, a contract carrier must limit the hours of service by a driver who transports railroad employees to 16 hours of total on duty time within any 24 hour period. A contract carrier that transports railroad employees shall require a driver who has 12 hours of actual vehicle operation within any 24 hour period or 16 hours of total on duty time within any 24 hour period to have at least 8 consecutive hours off duty before operating a vehicle under their employ again.

Under the act, a contract carrier who transports railroad employees shall maintain individual daily time records for a minimum of 6 months indicating the times all for-hire motor carrier drivers employed by them reported for duty, the corresponding times of relief from duty, total time driven each day, total time on duty each day, and total time off duty for each day. All records required to maintained under this section shall be made available for inspection by the department of transportation.

The act requires each contract carrier to maintain liability insurance in an amount not less than \$1,500,000 for each vehicle used to transport railroad employees.

This act is similar in many respects to SB 1265 (2008).

STEPHEN WITTE

01/26/2009 S First Read--SB 240-Bray (S179)

01/29/2009 Second Read and Referred S Transportation Committee (S220)

EFFECTIVE: August 28, 2009

\*\*\* SB 241 \*\*\*

0232S.011

SENATE SPONSOR: Bray

SB 241 - This act makes various modifications to Missouri tax law. The act:

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

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

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

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

(5) Eliminates the filing of single factor apportionment for multi-state income tax calculations (Sections

143.431, 143.451, 143.461, & 143.471);

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

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

The act has an effective date of September 1, 2009.

This act is similar to Senate Bill 743 (2008), Senate Bill 642 (2007), Senate Bill 717 (2006) & Senate Bill 360 (2005).

JASON ZAMKUS

01/26/2009 S First Read--SB 241-Bray (S179)

01/29/2009 Second Read and Referred S Ways and Means Committee (S220)

EFFECTIVE: September 1, 2009

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\*\*\* SB 242 \*\*\* SCS SB 242

1130S.02C

SENATE SPONSOR: Pearce

SCS/SB 242 - This act provides an alternate procedure to approve the issuing of bonds for a common sewer subdistrict that is partially or completely located in Cass County. Bonds may be issued for such a subdistrict if the subdistrict receives the written assent of 75% of the political subdivisions that do business with the subdistrict.

The act contains an emergency clause.

ERIKA JAQUES

01/26/2009 S First Read--SB 242-Pearce (S180)

01/29/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S220)

02/11/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/18/2009 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (1130S.02C) - Consent

02/25/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS - Consent (S383)

03/03/2009 S Consent Calendar--SB 242-Pearce, with SCS

EFFECTIVE: August 28, 2009

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\*\*\* SB 243 \*\*\* SCS SB 243

1410S.02P

SENATE SPONSOR: Pearce

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

STEPHEN WITTE

01/26/2009 S First Read--SB 243-Pearce (S180)

01/29/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S220)

02/09/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

02/16/2009 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (1410S.02C) - Consent

02/18/2009 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S327)

02/25/2009 SCS S adopted (S386)  
02/25/2009 S Third Read and Passed - Consent (S386-387 / H422)  
02/26/2009 H First Read (H422)  
03/02/2009 H Second Read (H428)

EFFECTIVE: August 28, 2009

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\*\*\* SB 244 \*\*\*

1115S.011

SENATE SPONSOR: Dempsey

SB 244 - This act requires the Division of Senior and Disability Services, within the Department of Health and Senior Services, to establish, subject to appropriations, a pilot project to allow certain relative caregivers to provide personal care services for disabled adults who cannot self-direct their care. The relative caregiver will receive state assistance for personal care services in the same manner as a caregiver providing consumer-directed personal care services for disabled adults. By December 31, 2013, the division shall evaluate the effectiveness of the pilot project as it relates to quality of care, participant satisfaction, and feasibility of continuing the program state-wide. Such evaluation shall be submitted to the department, Governor, and General Assembly.

The pilot project shall expire in six years unless re-authorized by the general assembly.

This act is substantially similar to HB 2568 (2008).

ADRIANE CROUSE

01/26/2009 S First Read--SB 244-Dempsey (S180)  
01/29/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S220)

EFFECTIVE: August 28, 2009

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\*\*\* SB 245 \*\*\*

0942S.011

SENATE SPONSOR: Schaefer

This bill has been combined with SB 207

01/26/2009 S First Read--SB 245-Schaefer (S180)  
01/29/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S220)  
02/17/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
03/03/2009 Bill Combined w/SCS SBs 207 & 245

EFFECTIVE: August 28, 2009

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\*\*\* SB 246 \*\*\*

1233L.011

SENATE SPONSOR: Schaefer

SB 246 - This act authorizes the a tax credit for contributions to qualifying regional economic development organizations. The credit will be equal to fifty of the contribution made. Tax credits are non-refundable, but may be carried forward five years or otherwise transferred. No more than twelve million dollars in tax credits may be issued annually and no more than thirty-six million dollars in credits may be issued over the life of the tax credit program. The provisions of this section will automatically sunset three years after the effective date of the act unless reauthorized by an act of the General Assembly.

This act is identical to House Bill 429 (2009).

JASON ZAMKUS

01/26/2009 S First Read--SB 246-Schaefer (S180)  
01/29/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S220)  
02/25/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 247 \*\*\*

1338S.011

SENATE SPONSOR: Schaefer

SB 247 - This act allows counties of the first classification to adopt, by order or ordinance, regulations to control the minimum standards of occupancy for residential units rented or leased and also to develop a program for licensing and inspecting the units. The county may recover the costs to administer the program through establishing reasonable fees.

SUSAN HENDERSON MOORE

01/26/2009 S First Read--SB 247-Schaefer (S180)

01/29/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S220)

02/25/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 248 \*\*\*

1339S.011

SENATE SPONSOR: Schaefer

This bill has been combined with SB 165

01/26/2009 S First Read--SB 248-Schaefer (S180)

01/29/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S220)

02/18/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/18/2009 Bill Combined w/SCS/SBs 165, 164, 248, 168 S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 249 \*\*\*

1211L.011

SENATE SPONSOR: Schaefer

SB 249 - This act modifies the manner in which certain business organizations may file with the Secretary of State.

The Secretary of State has the authority to establish a special handling and expedited services program. These services allow customers to purchase services that guarantee rapid processing on filings or other special handling.

A limited liability corporation may electronically file its original articles of incorporation for a fee of \$45 rather than the \$100 currently required for paper filings.

This act allows a corporation to change the filing month for its corporate registration report in return for an additional \$20 filing fee. Corporations may also opt to file the corporate registration report biennially rather than annually. The filing fee for choosing this option will be twice the fee currently required for filing annually. The Secretary of State may collect an additional \$10 fee, for deposit in the Secretary of State technology fund, for each biennial report. If the corporate registration report is not filed within 90 days, the Secretary of State may proceed with corporate dissolution.

This act is similar to SB 875 (2006), SB 368 (2007), HB 1923 (2008), and SB 1062 (2008).

CHRIS HOGERTY

01/26/2009 S First Read--SB 249-Schaefer (S180)

01/29/2009 Second Read and Referred S General Laws Committee (S220)

03/03/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 250 \*\*\*

1208S.011

SENATE SPONSOR: Smith

SB 250 - This act requires the Department of Corrections to develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates. The policy shall include testing and counseling upon intake, pretest and post-test counseling, HIV/AIDS prevention education, HIV testing upon request, HIV testing of pregnant women, comprehensive treatment, protection of confidentiality, opt-out provisions,

exposure incident testing, timely notification of test results, and testing, counseling and referral prior to reentry.

Inmates shall be allowed to obtain HIV tests upon request once per year or whenever an inmate has reason to believe he or she has been exposed to HIV.

Medical personnel shall provide inmates who test positive for HIV with timely comprehensive medical treatment, confidential counseling, and voluntary partner notification services. They shall discuss treatment options, the importance of antiretroviral therapy, and the side effects of medications. Personnel shall ensure that the facility formulary contains all FDA-approved medications necessary for comprehensive treatment and the facility is adequately supplied.

All inmates, except those who have already tested positive for HIV, shall be tested no more than three months prior to release, unless the inmate's release occurs without sufficient notice to the department to allow medical personnel time to perform such testing. Inmates shall have the right to refuse such routine HIV testing and shall be informed of such right orally and in writing. However, an inmate shall be tested, with or without consent, if there has been a possible transmission of HIV to any medical personnel, correctional staff, or other inmate.

Upon release, inmates who already tested positive shall receive confidential prerelease counseling, referrals to appropriate health care providers and social service agencies, and a thirty-day supply of necessary medications.

By February 1, 2011, the department shall provide a report annually to the governor and general assembly regarding the department's policies and procedures on testing, treatment, and prevention programs and to report statistical data on HIV/AIDS among the inmate population.

SUSAN HENDERSON MOORE

01/26/2009 S First Read--SB 250-Smith (S180)

01/29/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S220)

EFFECTIVE: August 28, 2009

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\*\*\* SB 251 \*\*\*

1200S.011

SENATE SPONSOR: Smith

SB 251 - Expenditures from contributions shall not be made to the spouse, dependent child, or sibling of a candidate, former candidate, or holder of elective office for salary, wages, fringe benefits, or payroll taxes.

Individuals and committees required to file campaign disclosure reports shall provide a link to the report on the homepage of the individual or committee within 21 days of disclosure to the Ethics Commission.

CHRIS HOGERTY

01/26/2009 S First Read--SB 251-Smith (S180)

01/29/2009 Second Read and Referred S General Laws Committee (S220)

EFFECTIVE: August 28, 2009

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\*\*\* SB 252 \*\*\*

0865S.011

SENATE SPONSOR: Smith

SB 252 - 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 forty percent of the investment. Tax credits for equity investment in technology-based early stage Missouri companies cannot be issued earlier than twelve months from the date of investment and are fully refundable. The department is prohibited from issuing more than one hundred thousand dollars in tax credits per taxpayer per year.

JASON ZAMKUS

01/26/2009 S First Read--SB 252-Smith, et al (S180)

01/29/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S220)



EFFECTIVE: August 28, 2009

\*\*\* SB 253 \*\*\*

1242S.011

SENATE SPONSOR: Justus

SB 253 – Any vacancies that occur on the school board of the Kansas City School District will be filled by special election instead of by appointment by board members. The State Board of Education is responsible for ordering a special election when a vacancy occurs.

MICHAEL RUFF

01/26/2009 S First Read--SB 253-Justus (S181)

01/29/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S220)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 254 \*\*\*

1393S.021

SENATE SPONSOR: Barnitz

SB 254 - This act creates a state income and corporate franchise tax credit for qualifying milk production. Beginning January 1, 2010, and the first day of each month thereafter, the director of the Department of Agriculture must report and make public the announced production price of milk for the state of Missouri based upon a three factor formula. The tax credit will only be available when the announced production price for the state exceeds the average Federal Uniform Price for Missouri. The amount of the credit will be based upon the difference in the announced production price for the state and the average Federal Uniform Price per one hundred pounds of milk produced in any month the credit is available. The tax credit is non-refundable, non-transferrable and valid only against the state tax liability for the tax year of issuance. The amount of tax credits annually available to taxpayers for qualifying milk production will depend upon the amount of tax credits which remain unissued, as of a date certain each year, under certain existing tax credit programs. The milk producer tax credit sunsets two years from the effective date of the act unless re-authorized by the General Assembly.

JASON ZAMKUS

01/27/2009 S First Read--SB 254-Barnitz and Shoemyer (S190)

01/29/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S220)

02/26/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 255 \*\*\*

1449S.011

SENATE SPONSOR: Pearce

SB 255 – This act modifies the composition of the Board of Curators for the University of Missouri. Current law provides that no more than one person will be appointed to the Board from each congressional district. This act provides that at least one but no more than two persons will be appointed from each congressional district.

MICHAEL RUFF

01/27/2009 S First Read--SB 255-Pearce (S190)

01/29/2009 Second Read and Referred S Education Committee (S220)

02/11/2009 Hearing Conducted S Education Committee

02/18/2009 Voted Do Pass S Education Committee

02/19/2009 Reported from S Education Committee to Floor (S344)

02/25/2009 SA 1 S offered (Smith)--(1449S01.01L) (S399-400)

02/25/2009 SA 1 to SA 1 S offered (Scott)--(1449S01.01F) (S400-401)

03/02/2009 SA 1 to SA 1 S withdrawn (S436)

03/02/2009 SA 1 S withdrawn (S436)

03/02/2009 SA 2 S offered &amp; Ruled out of order (Smith)--(1449S01.04S) (S436-442)

03/02/2009 Bill Placed on Informal Calendar (S442)

03/03/2009 S Informal Calendar S Bills for Perfection--SB 255-Pearce

EFFECTIVE: August 28, 2009

\*\*\* SB 256 \*\*\*

1337S.011

SENATE SPONSOR: Schaefer

SB 256 - Under this act, a county is not required to obtain bids on purchases of \$6,000 or less. Currently, such amount is set at \$4,500.

Under current law, counties may waive competitive bidding when the County Commission determines that there is only one feasible source for the supply. This act requires counties to post notice on such proposed purchases of over \$6,000 and advertise the commission's intent to make such purchase in the newspaper at least ten days in advance. Currently, the commission must post notice for such proposed purchases of at least \$3,000 and also advertise in the newspaper for such purchases of at least \$5,000.

SUSAN HENDERSON MOORE

01/27/2009 S First Read--SB 256-Schaefer (S190)

01/29/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S220)

02/18/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/25/2009 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent

EFFECTIVE: August 28, 2009

\*\*\* SB 257 \*\*\*

1341S.011

SENATE SPONSOR: Schaefer

SB 257 - This act authorizes counties to seek voter approval for the extension of certain taxes which, by law, are set to terminate after a term of years and provides ballot language for the submission of such question to voters.

JASON ZAMKUS

01/27/2009 S First Read--SB 257-Schaefer (S190)

01/29/2009 Second Read and Referred S Ways and Means Committee (S220)

02/11/2009 Hearing Conducted S Ways and Means Committee

02/18/2009 Motion to vote bill do pass failed S Ways and Means Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 258 \*\*\*

1334S.011

SENATE SPONSOR: Schaefer

SB 258 - Under this act, the county counselor of Boone County shall receive \$15,000, payable by the state, for duties relating to mental health and mental health facilities and an additional amount not to exceed \$15,000 for investigative and clerical personnel assisting with such duties.

SUSAN HENDERSON MOORE

01/27/2009 S First Read--SB 258-Schaefer (S190)

01/29/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S220)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 259 \*\*\*

1333S.011

SENATE SPONSOR: Wright-Jones

SB 259 - This act modifies the definition of weighted average daily attendance in the elementary and secondary education funding formula. Currently, the definition is computed, in part, by adding the product of .25 and the school district's free and reduced lunch pupil count that exceeds the free and reduced lunch threshold. This act changes the multiplier from .25 to 2.5.

MICHAEL RUFF

01/27/2009 S First Read--SB 259-Wright-Jones (S190)

01/29/2009 Second Read and Referred S Education Committee (S220)

EFFECTIVE: August 28, 2009

\*\*\* SB 260 \*\*\*

1369S.011

SENATE SPONSOR: Wright-Jones

SB 260 - This act establishes the Compassionate Assistance for Rape Emergencies (CARE) Act and provides that hospitals and health care facilities are required to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;
  - orally inform each victim that emergency contraception may be provided at the hospital;
  - provide the complete regimen of emergency contraception immediately to the victim who requests it;
- and
- follow the Department of Justice protocols on HIV/STI screening and prophylactic treatment.

Hospitals and health care facilities must ensure that they provide their employees with medically and factually accurate information about emergency contraception. The department shall develop, prepare, and produce informational materials relating to emergency contraception to hospitals and health care facilities. The informational materials must be medically and factually accurate, clearly written, and explain the nature of emergency contraception.

The department shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. If a hospital or a health care facility is not in compliance, then the department shall impose an administrative penalty of \$5,000/per woman who is denied information or emergency contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every 30 days that a hospital or health care facility is not in compliance, an additional administrative penalty of \$5,000 shall be imposed.

This act is substantially similar to provisions in SB 1215 (2008).  
ADRIANE CROUSE

01/27/2009 S First Read--SB 260-Wright-Jones (S190)

01/29/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S220)

EFFECTIVE: August 28, 2009

\*\*\* SB 261 \*\*\*

SCS SBs 261, 159, 180 &amp; 181

1517S.04C

SENATE SPONSOR: Bartle

SS/SCS/SBs 261, 159, 180 & 181 - This act modifies provisions relating to crime.

#### Section 173.754

This section 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. (Page 2)

This section is identical to SB 182 (2009).

#### Sections 195.214, 195.217, 195.218, 566.147 & 566.149

These sections specify 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. Also, the definition of "resides" is removed from Section 566.147, RSMo, restricting certain sexual offenders from residing within 1,000 feet of a school or child-care facility. (Pages 3 & 7)

#### Section 556.036

This section makes the statute of limitations five years, rather than three years, for the crimes of knowingly burning or exploding, arson in the second degree, and cases of arson in the first degree when the penalty is a class B felony. (Page 4)

#### Section 558.012

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 section 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 section 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.

This section is identical to SB 46 (2009). (Page 6)

#### Section 566.155

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

This section is identical to HB 106 (2009). (Page 10)

#### Section 566.226

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 such cases discretion to publicly disclose information regarding the defendant, which could be used to identify the victim. The victim may provide the court with a statement regarding whether he or she wishes such information to remain closed. The judge shall consider the welfare and safety of the victim and the victim's statement when deciding to disclose the information. (Page 11)

#### Section 570.030

This act modifies the definition of livestock in terms of what is considered a punishable offense for stealing. Under current law, it is a Class C felony to steal a horse, mule, ass, cattle, swine, sheep, or goat. This section adds calves, ratite birds (which include ostrich and emu), farm-raised fish, llamas, alpaca, buffalo, elk, and rabbits to the list of livestock for which it is a Class C felony to steal.

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

Any person who pleads guilty to or is found guilty of stealing livestock or captive wildlife held under permit issued by the conservation commission valued at over \$3,000 and who has a prior conviction for stealing such animals shall serve at least 80% of his or her prison sentence before being eligible for probation, parole, or release. (Page 12)

#### Section 570.040

This section 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 section is identical to HB 1473 (2008) and SB 200 (2009). (Page 15)

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

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

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

recklessly, rather than being committed with knowledge of the content and character of the material that is the subject of the offense. (Page 16)

#### Section 575.150

This section expands the crime of resisting arrest, stop, or detention to include resisting an arrest for a warrant issued by a court or probation and parole officer. The crime of resisting arrest shall be Class D felony for an arrest for a warrant issued for failure to appear on a felony case or a warrant issued for a probation violation on a felony case.

This section provides that it is not a defense to prosecution of a resisting arrest, stop, or detention offense that a court later determines that the arrest was made without valid probable cause.

This section is similar to SB 1238 (2008) and SB 221 (2009). (Page 21)

#### Section 577.023

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

This section contains an emergency clause.

This section is similar to SB 861 (2008) and identical to SB 192 (2009). (Page 22 & 26)

#### Section 577.029

This section repeals §577.029 as it passed in HB 574 (2007) and reenacts it as all new language.

This section contains an emergency clause. (Page 31)

SUSAN HENDERSON MOORE

#### SA 1 - PROHIBITS THE USE OR POSSESSION OF ALCOHOL BEVERAGE VAPORIZERS

#### SA 2 - 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

01/28/2009 S First Read--SB 261-Bartle and Goodman (S206)  
 02/02/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S231)  
 02/09/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/16/2009 SCS Voted Do Pass w/SCS/SBs 261, 159, 180 & 181 S Judiciary and Civil and Criminal Jurisprudence Committee (1517S.04C)  
 02/19/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S344)  
 02/25/2009 SS for SCS S offered (Bartle)--(1517S.05F) (S393)  
 02/25/2009 SA 1 to SS for SCS S offered & adopted (Ridgeway)--(1517S05.04S) (S393-394)  
 02/25/2009 SA 2 to SS for SCS S offered & adopted (Ridgeway)--(1517S05.02S) (S394)  
 02/25/2009 SA 3 to SS for SCS S offered (Scott)--(1517S05.01S) (S395)  
 02/25/2009 SA 1 to SA 3 to SS for SCS S offered (Smith)--(1517S05.16S) (S395)  
 02/25/2009 Bill Placed on Informal Calendar (S395)  
 03/03/2009 S Informal Calendar S Bills for Perfection--SBs 261, 159, 180 & 181-Bartle and Goodman, with SCS, SS for SCS, SA 3 & SA 1 to SA 3 (pending)

EFFECTIVE: August 28, 2009

\*\*\* SB 262 \*\*\*

1516S.011

SENATE SPONSOR: Bartle

SB 262 - This act repeals the portion of the tolling statute that applies to former Missouri residents who have established residency in another state.

EMILY KALMER

01/28/2009 S First Read--SB 262-Bartle (S206)  
02/02/2009 Second Read and Referred S General Laws Committee (S231)  
02/19/2009 Re-referred S Judiciary and Civil and Criminal Jurisprudence Committee (S344)  
03/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
03/02/2009 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - Consent

EFFECTIVE: August 28, 2009

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\*\*\* SB 263 \*\*\*

0798S.011

SENATE SPONSOR: Mayer

SB 263 - Currently, the Seismic Safety Commission is comprised of two legislative members and fifteen other members with each member representing one of fifteen different professions. This act removes the requirement that each member shall represent one of the enumerated professions and adds public education as one of the professional areas from which the membership may be chosen.

Currently, a quorum shall consist of nine members. Under the act, a quorum shall consist of a majority of appointed members and may be met by electronic attendance and non-voting participation of the staff of the legislative members.

CHRIS HOGERTY

01/28/2009 S First Read--SB 263-Mayer (S206)  
02/02/2009 Second Read and Referred S General Laws Committee (S231)  
02/17/2009 Hearing Conducted S General Laws Committee  
02/24/2009 Voted Do Pass S General Laws Committee - Consent  
02/25/2009 Reported from S General Laws Committee to Floor - Consent (S384)  
03/03/2009 S Consent Calendar--SB 263-Mayer

EFFECTIVE: August 28, 2009

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\*\*\* SB 264 \*\*\*

0908S.011

SENATE SPONSOR: Mayer

SB 264 - This act modifies the informed consent requirements for an abortion by adding new requirements to be obtained at least twenty-four hours prior to an abortion. Some of the new requirements include presenting to the pregnant woman various new printed materials and videos, to be developed by the Department of Health and Senior Services by November 30, 2009, detailing the risks of an abortion and the physiological characteristics of an unborn child at two-week gestational increments. The woman must also be provided with the gestational age of the unborn child at the time the abortion is to be performed and must be given an opportunity to view, at least 24 hours prior to an abortion, an active ultrasound of the unborn child and hear the heartbeat of the unborn child, if the heartbeat is audible. Prior to an abortion being performed past twenty-two weeks gestational age, the woman must be provided information regarding the possibility of the abortion causing pain to the unborn child. The materials presented to the woman shall also prominently display a statement that no one can coerce the woman to have an abortion and that it is against the law for a husband, a boyfriend, a parent, a friend, a medical care provider, or any other person to coerce her in any way to have an abortion.

In addition to the written informed consent, the act requires the physician or a qualified professional to discuss the medical assistance and counseling resources available, advise the woman of the father's liability for child support, and provide information about the Alternatives to Abortion Program. All information required to be provided to a woman shall be presented to her individually in the physical presence of the woman. The abortion cannot be performed until the woman certifies in writing on a checklist form that she has been presented all the required information and that she has been given the opportunity to view an ultrasound, and to choose to have an anesthetic or analgesic administered to the unborn child.

This act also creates the crime of knowingly coercing a woman to seek or obtain an abortion. Such coercion includes committing or threatening to do the following against a pregnant woman or her family: assault, domestic assault, stalking or aggravated stalking, or any other criminal offense, as well as committing, attempting or threatening to: forcibly or without the pregnant woman's knowledge causing a woman to ingest a substance with the intent to cause an abortion, discharging the woman from her employment, or revoking a scholarship awarded to the woman. A violation of coercing an abortion may range from a Class A felony to a Class A misdemeanor, depending on the prescribed circumstances. This act also creates the crime of knowingly performing, inducing or assisting in an abortion on a woman who is a victim of

coerced abortion. The elements of the crime are specified in the act and a violation of such crime constitutes a Class C felony.

This act is substantially similar to SB 1058 (2008) and HCS/HBs 1831 & 1472 (2008).

ADRIANE CROUSE

01/28/2009 S First Read--SB 264-Mayer (S206)

02/02/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S231)

02/23/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

03/02/2009 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 265 \*\*\*

SCS SB 265

0724S.02C

SENATE SPONSOR: Mayer

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

EMILY KALMER

01/28/2009 S First Read--SB 265-Mayer, et al (S206)

02/02/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S231)

02/09/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/16/2009 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (0724S.02C)

-Consent

02/18/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS - Consent (S327)

02/24/2009 Removed S Consent Calendar (S374-375)

02/26/2009 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S420)

03/03/2009 S Formal Calendar S Bills for Perfection--SB 265-Mayer, et al, with SCS

EFFECTIVE: August 28, 2009

\*\*\* SB 266 \*\*\*

0560S.03I

SENATE SPONSOR: Mayer

SB 266 - This act authorizes public library districts to seek voter approval for a sales tax of not more than one half of one cent to fund the operation, and maintenance of libraries within the boundaries of such library district. Public library districts are defined as any city library district, county library district, city-county library district, municipal library district, consolidated library district or urban library district.

JASON ZAMKUS

01/28/2009 S First Read--SB 266-Mayer (S206)

02/02/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S231)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 267 \*\*\*

1097S.01I

SENATE SPONSOR: Mayer

SB 267 - This act modifies various provisions relating to real estate liens.

This act creates forms to be used to execute valid lien waivers. Forms for a conditional and unconditional waiver and release upon progress payment and a conditional and unconditional waiver and release upon final payment are established. This section governing the form of valid lien waivers becomes effective January 1, 2010.

Currently, architects, engineers, landscape architects, land surveyors, and corporations registered to do the work of these professions who perform work on buildings or land have a lien on the building or land to the extent of one acre. This act increases the lien to encompass three acres.

Attorneys' fees for actions to enforce liens shall be levied against the property charged with the lien. When the debtor has not been served a summons and not appeared but has been notified by publication a successful plaintiff in the action shall also recover interest.

If the owner of the property that is the subject of the lien conspicuously posts notice containing certain information about the owner, owner's agent, original contractor and architect, a material supplier or any subcontractor shall provide certain notice to the owner in order to have payment of its award of attorneys' fees secured by the mechanic's lien levied against the owner's property. Original contractors whose contract is with the owner of the property is not required to provide notice to the owner to secure attorneys' fees.

This act is similar to SB 1074 (2008).

CHRIS HOGERTY

01/28/2009 S First Read--SB 267-Mayer and Green (S206)  
02/02/2009 Second Read and Referred S General Laws Committee (S231)  
02/24/2009 Hearing Conducted S General Laws Committee  
03/03/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: 8/28/09 & 1/1/2010

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\*\*\* SB 268 \*\*\*

1053S.031

SENATE SPONSOR: Justus

SB 268 - This act modifies provisions relating to the Missouri Housing Trust Fund.

The act increases one of the fees collected by each recorder of deeds from \$3 to \$10. Nine dollars of the ten dollar fee shall be deposited into the Missouri Housing Trust Fund. Six of the nine dollars deposited into the fund may be used for any of the authorized programs except homeless shelters, with an emphasis on activities encouraging home ownership. The remaining one dollar of the ten dollar fee shall be forwarded by the recorder to the county treasurer to be deposited into the county treasury for use by the recorder's office.

This act changes the median family income requirements that families must meet to qualify for Housing Trust Fund assistance and adjusts the amount of housing trust fund money that goes to persons in certain income classifications.

SUSAN HENDERSON MOORE

01/29/2009 S First Read--SB 268-Justus (S217)  
02/02/2009 Second Read and Referred S Progress and Development Committee (S231)  
03/04/2009 Hearing Scheduled S Progress and Development Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 269 \*\*\*

1441S.011

SENATE SPONSOR: Rupp

SB 269 - This act modifies various provisions of Missouri's captive insurance company law. Under this act, the definition of "association" is amended to include captive insurance companies formed as reciprocal insurers. The act amends multiple sections of the captive insurance law to permit reciprocal insurers to be used to form an association captive.

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

Under the terms of the act, the premium taxes imposed on captive insurance companies are redirected. Under the act, 90% of the taxes are deposited into the general revenue fund, while the remaining 10% are credited to the Insurance Dedicated Fund (Sections 379.1326 and 379.1332). The act contains a similar provision for the disposition of premium taxes assessed on special purpose life insurance captive companies (Section 379.1412).



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

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

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

STEPHEN WITTE

01/29/2009 S First Read--SB 269-Rupp and Cunningham (S217)

02/02/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S231)

02/10/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

02/17/2009 Motion to vote bill do pass failed S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 270 \*\*\*

1009S.021

SENATE SPONSOR: Bray

SB 270 - The act imposes contribution limits for individuals and committees in support of candidates running for public office. Surcharges will be imposed upon committees that accept or give contributions exceeding the limits.

The limits are as follows for contributions made by or accepted from any person other than the candidate and all committees:

- \$1,275 for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, or Attorney General.
- \$650 for Senators.
- \$325 for Representatives.
- \$325 any other office, including judicial office if the population of the area is under 100,000.
- \$650 any other office, including judicial office if the population of the area is between 100,000 and 250,000.
- \$1,275 any other office, including judicial office if the population of the area is over 250,000.

CHRIS HOGERTY

01/29/2009 S First Read--SB 270-Bray (S217-218)

02/02/2009 Second Read and Referred S General Laws Committee (S231)

EFFECTIVE: August 28, 2009

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\*\*\* SB 271 \*\*\*

1515S.011

SENATE SPONSOR: Bray

SB 271 - This act enables senior citizens, fifty-nine and a half years or older, and disabled persons to delay paying property taxes on their residences. The act establishes eligibility criteria for the taxpayer and the property for participating in the deferral. Taxpayers desiring deferral of property taxes must file an application with the county assessor who will forward such application to the department of revenue for a determination of eligibility. If the application is approved, the Department of Revenue must notify the county assessor who will make a notation on the tax rolls identifying the property as tax-deferred.

Each year, the Department of Revenue will allocate funds, from the newly created property tax deferral revolving account to each county with properties subject to tax deferral, in an amount equal to the taxes deferred within each such county. All deferrals of tax will result in a lien, to be held by the Department of Revenue, against the property of the taxpayer which must be recorded in the mortgage records of the county in which the property is located. The lien will be for the amount of the property tax as estimated by the Department of Revenue plus interest to accrue at six percent per annum. The taxes plus interest, must be paid when the owner dies or sells the property, moves, or the property changes ownership.

This act is similar to Senate Bill 594 (2006), Senate Bill 32 (2007), and Senate Bill 1213 (2008).

JASON ZAMKUS

01/29/2009 S First Read--SB 271-Bray (S218)

02/02/2009 Second Read and Referred S Ways and Means Committee (S231)

EFFECTIVE: August 28, 2009

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\*\*\* SB 272 \*\*\*

1489S.011

SENATE SPONSOR: Lager

SB 272 - Under current law, the authority expires on December 31, 2009, for the Clean Water Commission to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control. This act extends the expiration date to December 31, 2010.

ERIKA JAQUES

01/29/2009 S First Read--SB 272-Lager (S218)

02/02/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S231)

02/17/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

03/03/2009 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 273 \*\*\*

1476S.011

SENATE SPONSOR: Engler

01/29/2009 S First Read--SB 273-Engler (S218)

01/29/2009 Bill Withdrawn (S218)

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\*\*\* SB 274 \*\*\*

1605S.011

SENATE SPONSOR: Crowell

SB 274 - 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

01/29/2009 S First Read--SB 274-Crowell (S218)

02/02/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S231)

02/12/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 275 \*\*\*

1543S.021

SENATE SPONSOR: Callahan

SB 275 - Current law provides that moneys in the Lewis & Clark Discovery Fund may only be appropriated, in part, to support funding of capital projects at public colleges and universities. This act provides that moneys in the Lewis & Clark Discovery Fund may only be appropriated to support funding of capital projects at public colleges and universities for which actual construction has begun on or before January 1, 2009.

Any moneys remaining in the Lewis & Clark Discovery Fund after the completion of all projects for which construction has begun on or prior to January 1, 2009 will be transferred to the Missouri Higher Education Tuition Reduction Fund at the end of each fiscal year. The Coordinating Board for Higher Education will administer the fund. These moneys will be used for the purpose of reducing tuition rates at Missouri's public institutions of higher education. The Coordinating Board must implement a procedure for reimbursing public higher education institutions that either reduce tuition or increase tuition at a lower rate than previously designated.

MICHAEL RUFF

01/29/2009 S First Read--SB 275-Callahan (S218)  
02/02/2009 Second Read and Referred S Education Committee (S231)  
EFFECTIVE: August 28, 2009

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**\*\*\* SB 276 \*\*\***

1538S.011

SENATE SPONSOR: Barnitz

SB 276 - This act authorizes the governing body of Montgomery County to seek voter approval for the imposition of a transient guest tax. The amount of the tax will be at least two, but not more than five percent per occupied room per night, and all revenue derived from such tax will be used by the county to promote tourism.

JASON ZAMKUS

02/02/2009 S First Read--SB 276-Barnitz (S227)  
02/03/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S240)  
02/25/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
EFFECTIVE: August 28, 2009

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**\*\*\* SB 277 \*\*\***

0451S.021

SENATE SPONSOR: Cunningham

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

This act is similar to HB 1617 (2008).

CHRIS HOGERTY

02/02/2009 S First Read--SB 277-Cunningham (S227)  
02/03/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S240)  
02/10/2009 Hearing Conducted S Small Business, Insurance and Industry Committee  
02/24/2009 Voted Do Pass S Small Business, Insurance and Industry Committee - Consent  
02/25/2009 Reported from S Small Business, Insurance and Industry Committee to Floor - Consent (S384)  
03/03/2009 S Consent Calendar--SB 277-Cunningham

EFFECTIVE: August 28, 2009

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**\*\*\* SB 278 \*\*\***

1654S.011

SENATE SPONSOR: Cunningham

This bill has been combined with SB 45

02/02/2009 S First Read--SB 278-Cunningham (S227)  
02/03/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S240)  
02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
02/11/2009 Bill Combined w/SCS/SBs 45, 212, 136, 278, 279, 285, 288

EFFECTIVE: August 28, 2009

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**\*\*\* SB 279 \*\*\***

1675S.011

SENATE SPONSOR: Schmitt

This bill has been combined with SB 45

02/02/2009 S First Read--SB 279-Schmitt (S227)  
02/03/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S240)  
02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
02/11/2009 Bill Combined w/SCS/SBs 45, 212, 136, 278, 279, 285, 288

EFFECTIVE: August 28, 2009

\*\*\* SB 280 \*\*\*

1434S.011

SENATE SPONSOR: Rupp

SB 280 - Under current law, insurance companies which pay an annual tax on gross premium receipts are exempt from the imposition of Missouri's corporate income and franchise taxes. This act specifies that insurance companies subject to an annual tax on gross premium receipts are exempt from the imposition of Missouri's corporate income and franchise taxes.

JASON ZAMKUS

02/02/2009 S First Read--SB 280-Rupp and Cunningham (S240)  
02/03/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S227)  
02/10/2009 Hearing Conducted S Small Business, Insurance and Industry Committee  
02/17/2009 Voted Do Pass S Small Business, Insurance and Industry Committee - Consent  
02/18/2009 Reported from S Small Business, Insurance and Industry Committee to Floor - Consent (S328)  
02/24/2009 Removed S Consent Calendar (S372)  
02/25/2009 Reported from S Small Business, Insurance and Industry Committee to Floor - Consent (S384)  
03/03/2009 S Consent Calendar--SB 280-Rupp and Cunningham

EFFECTIVE: August 28, 2009

\*\*\* SB 281 \*\*\*

1558L.011

SENATE SPONSOR: Bray

SB 281 - This act directs the Missouri Air Conservation Commission to develop guidelines to limit the amount of nighttime light emitted from non-natural sources near certain state parks and historic sites, national wilderness areas, Squaw Creek National Wildlife Refuge, Ozark National Scenic Riverways, and military training areas.

The guidelines shall be designed to voluntarily achieve the following standards: by 2025, no such place should have a night sky more than twice its natural brightness, by 2025, 90% of such places should not be more than 30% brighter than their natural brightness, by 2040, 90% of such places should not be more than 20% brighter, and by 2055, 90% of such places should not be more than 10% brighter.

The commission must determine each protected area's natural nighttime brightness and must forecast each area's natural brightness for 1 year, 5 years, and 10 years.

ERIKA JAQUES

02/02/2009 S First Read--SB 281-Bray (S227)  
02/03/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S240)  
02/11/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 282 \*\*\*

1533S.011

SENATE SPONSOR: Bray

SB 282 - This act creates statutory warranties for home buyers and homeowners and also prevents home solicitors from engaging in certain deceptive practices.

This act prohibits certain unfair or deceptive practices relating to home improvement loans to the consumer. It prohibits home solicitations where a home improvement loan is made encumbering the person's home to pay the loan and where the practice violates federal law. Violation of this provision constitutes a Class A misdemeanor.

Three new-home warranties are created by this act. The first covers new homes against faulty workmanship and defective materials due to noncompliance with building standards for a three-year period. The second warranty covers new homes against faulty installation of plumbing, electrical, heating and cooling systems for a five-year period. The third warranty covers the home against major construction defects (foundation) for a ten-year period. These warranties are extended to subsequent purchasers of the home.

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

Damage covered under the warranties must be reported to the home seller or home improvement contractor within 6 months of discovery of the damage. The act lists types of damage not covered under the warranties.

The warranties cannot be modified by contract, except as provided in the act.

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

This act is identical to SB 913 (2008) and similar to SB 123 (2007) and SB 1170 (2006).  
ERIKA JAQUES

02/02/2009 S First Read--SB 282-Bray (S227)

02/03/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S240)

EFFECTIVE: August 28, 2009

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\*\*\* SB 283 \*\*\*

1553L.011

SENATE SPONSOR: Lembke

SB 283 - Under this act, health carriers, including preferred provider organizations, independent physician associations, and other entities that contract with health care providers, shall not impose any copayment or coinsurance amount, or any combination thereof, that exceeds 50% of the total cost of providing any single health care service to its enrollees.

STEPHEN WITTE

02/02/2009 S First Read--SB 283-Lembke (S228)

02/03/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S240)

03/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 284 \*\*\*

1519L.011

SENATE SPONSOR: Lembke

SB 284 - Currently, upon approval of the board of aldermen, a fire department employee shall not be required to live within the department boundaries if the only public school district in the area has been unaccredited or provisionally accredited in the last five years of the person's employment. This act removes the need for the board of aldermen's approval.

The act removes the provision allowing the voters of St. Louis City to prevent: 1) the enactment of these provisions in the city, and 2) requiring the employees of the city to forfeit 1% of their salaries in order to reside outside of the city.

This act is identical to HB 416 (2009).  
SUSAN HENDERSON MOORE

02/02/2009 S First Read--SB 284-Lembke (S228)

02/03/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S240)

02/18/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/25/2009 Voted Do Pass S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 285 \*\*\*

1656S.011

SENATE SPONSOR: Lembke

This bill has been combined with SB 45

02/02/2009 S First Read--SB 285-Lembke (S228)

02/03/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S240)

02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/11/2009 Bill Combined w/SCS/SBs 45, 212, 136, 278, 279, 285, 288

EFFECTIVE: August 28, 2009

\*\*\* SB 286 \*\*\*

1336S.021

SENATE SPONSOR: Schaefer

SB 286 - This act allows the counties of Boone, Cole, and Jefferson to adopt nuisance abatement ordinances involving land with tires or storm water runoff conditions resulting in damage to buildings.

SUSAN HENDERSON MOORE

02/02/2009 S First Read--SB 286-Schaefer (S228)

02/03/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S240)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 287 \*\*\*

1482S.011

SENATE SPONSOR: Schaefer

SB 287 - By January 1, 2010, the Department of Elementary and Secondary Education must create a central repository of information for all school districts. The repository must provide public access to a comprehensive database of school district financial and policy information. School districts must annually provide the Department with compensation information for all school employees as described in the act. The Department must establish standards for school district budget formats. The Department may contract with one or more entities to create and maintain the repository.

MICHAEL RUFF

02/02/2009 S First Read--SB 287-Schaefer (S228)

02/03/2009 Second Read and Referred S Education Committee (S240)

EFFECTIVE: August 28, 2009

\*\*\* SB 288 \*\*\*

1655S.011

SENATE SPONSOR: Schaefer

This bill has been combined with SB 45

02/02/2009 S First Read--SB 288-Schaefer (S228)

02/03/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S240)

02/04/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/11/2009 Bill Combined w/SCS/SBs 45, 212, 136, 278, 279, 285, 288

EFFECTIVE: August 28, 2009

\*\*\* SB 289 \*\*\*

1653S.011

SENATE SPONSOR: Griesheimer

SB 289 - Under this act, the term "project" as it is used in the Missouri Transportation Development District Act is redefined to exclude terrace walls, berms, landscaping, parking lots, parking lot lights, awnings, canopies, marquees, building facades, storefront improvements, or other types of internal development improvements which inure to the benefit of a private commercial developer or group of developers rather than promoting the general transportation infrastructure improvements related to the interests of the public at large (section 238.202).

This provision was contained in SB 1201 (2008).

STEPHEN WITTE

02/02/2009 S First Read--SB 289-Griesheimer (S228)

02/05/2009 Second Read and Referred S Transportation Committee (S261)

02/18/2009 Hearing Scheduled But Not Heard S Transportation Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 290 \*\*\*

1534S.011

SENATE SPONSOR: Crowell

SB 290 - This act makes enrollment in the state deferred compensation program automatic for those state employees eligible for the plan hired on or after September 1, 2009. Contributions shall be effective on or after the first day of the month following the date of hire and shall be at least twenty-five dollars a month. Employees who do not want to contribute to the program may opt out of automatic enrollment, and at a later date decide to participate. The contribution rate for employees who are automatically enrolled adjusts automatically based on any increase in the state contribution that occurs after automatic enrollment. Employees who are automatically enrolled can change the amount of contribution. Employees of state colleges or universities would not be automatically enrolled.

On or after September 1, 2009, if a participant in the deferred compensation plan or the 401(a) plan established in section 105.927 is married, their surviving spouse will be automatically designated as their primary beneficiary, unless the surviving spouse consented in writing to allow the participant to designate someone else as their beneficiary. This automatic beneficiary designation does not apply to designations made prior to September 1, 2009.

The deferred compensation board is also authorized to adopt and amend plan documents to change terms and conditions of the deferred compensation plan that are consistent with federal law.

The act also allows the state treasurer to credit funds through a local payroll for qualified participants who are compensated from a local payroll system.

EMILY KALMER

02/02/2009 S First Read--SB 290-Crowell (S228)

02/05/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S261)

EFFECTIVE: August 28, 2009

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\*\*\* SB 291 \*\*\*

1475S.011

SENATE SPONSOR: Shields

SB 291 – This act provides that school districts that offer virtual courses to resident students shall receive state school funding. This act allows school districts to offer virtual courses through technological methods as described in the act that could take place outside of the regular school district facility. In addition, school districts may develop a virtual program for any grade level. For purposes of calculation and distribution of funding, attendance of a student enrolled in a district virtual class will equal, upon course completion, ninety-four percent of the hours of attendance for such class delivered in the non-virtual program. School districts must ensure that courses purchased from outside vendors are aligned with the Show-Me curriculum standards.

MICHAEL RUFF

02/02/2009 S First Read--SB 291-Shields (S228)

02/05/2009 Second Read and Referred S Education Committee (S261)

02/25/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 292 \*\*\*

1691S.011

SENATE SPONSOR: Justus

SB 292 - 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.

This act is identical to Senate Bill 45 (2009).

JASON ZAMKUS

02/03/2009 S First Read--SB 292-Justus (S237)

02/05/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S261)

EFFECTIVE: August 28, 2009

\*\*\* SB 293 \*\*\* SCS SB 293

1687S.02C

SENATE SPONSOR: Barnitz

SCS/SB 293 - This act exempts tractors used in tractor parades from certain width, length, height, and license plate display regulations provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri State Highway Patrol.

This act contains an emergency clause.

STEPHEN WITTE

02/03/2009 S First Read--SB 293-Barnitz, et al (S237)

02/05/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S261)

02/18/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

02/18/2009 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee (1687S.02C) - Consent

02/25/2009 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS - Consent (S384)

03/03/2009 S Consent Calendar--SB 293-Barnitz, et al, with SCS

EFFECTIVE: Emergency Clause

\*\*\* SB 294 \*\*\*

1107S.01I

SENATE SPONSOR: Barnitz

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

This act is similar to HB 1951 (2008) and SB 1151 (2008).

CHRIS HOGERTY

02/03/2009 S First Read--SB 294-Barnitz (S237)

02/05/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S261)

03/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

03/02/2009 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - Consent

EFFECTIVE: August 28, 2009

\*\*\* SB 295 \*\*\*

1094S.02I

SENATE SPONSOR: Scott

SB 295 - This act specifies that licensed professional counseling includes the diagnosis, treatment, prevention, and amelioration of mental, emotional, and behavioral disorders.

Any professional counselor who gives a diagnosis subject to this act is required to have acceptable education or training in the diagnosis of mental and emotional disorders. The type of acceptable education or training will be defined by the rules of the committee for professional counselors, based on certain statutory



criteria.

A person under supervision for licensure as a professional counselor is also required to provide documentation to the committee to prove that they have been supervised in diagnosing mental and emotional disorders.

Upon request, a licensed professional counselor who diagnoses mental or emotional disorders is required to provide the committee with proof of acceptable education or training. If a licensee gives a diagnosis after the committee notifies the licensee that he or she does not have sufficient education or training to do so, then in a disciplinary proceeding against the licensee, there is a presumption the licensee was not competent to diagnose the disorder.

EMILY KALMER

02/03/2009 S First Read--SB 295-Scott (S237)

02/05/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S261)

EFFECTIVE: August 28, 2009

\*\*\* SB 296 \*\*\*

1311S.011

SENATE SPONSOR: Scott

SB 296 - This act authorizes the board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to conduct disciplinary hearings for licensees convicted of certain felonies.

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

EMILY KALMER

02/03/2009 S First Read--SB 296-Scott (S237)

02/05/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S261)

02/23/2009 Hearing Scheduled But Not Heard S Financial and Governmental Organizations and Elections Committee

03/02/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 297 \*\*\*

1545S.011

SENATE SPONSOR: Scott

SB 297 - This act modifies provisions relating to the Missouri Propane Education and Research Council.

Under current law, there are three ways for the director of the Missouri Energy Center to initiate a referendum on the abolishment of the Missouri Propane Education and Research Council and the fee for odorized propane. This act removes one of these three ways, which is at the discretion of the director.

Current law allows vacancies on the council to be filled by the remaining members of the council, subject to the approval of the director. This act removes the requirement that the director must approve the appointment and instead requires the council to fill vacancies after a public nomination process.

Current law requires the council to submit a budget plan to the director at the beginning of each fiscal period and requires the director to either approve or recommend changes to the budget after a public comment period. The act removes the director's involvement in the budget approval, and instead requires the budget plan be submitted for public comment at least 30 days prior to the beginning of each fiscal period, and authorizes the council to approve or modify the budget after the public comment period.

The act removes the authority of the director to require additional reports from the council at his or her discretion beyond what is already required under current law.

Authority to establish an alternative means to collect the odorized propane fee and set late payment charges is currently given to the director. This act transfers this authority to the council. The interest rate charged for late payments may not exceed the legal rate for judgments.

The act removes provisions that allow the National Propane Education and Research Council to coordinate its operations with Missouri's council and that authorize Missouri's council to keep funds resulting from a federal rebate on propane fees.

ERIKA JAQUES

02/03/2009 S First Read--SB 297-Scott (S238)  
 02/05/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S261)  
 02/18/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 02/18/2009 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - Consent  
 02/25/2009 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor - Consent (S383-384)  
 03/03/2009 Removed S Consent Calendar

EFFECTIVE: August 28, 2009

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\*\*\* SB 298 \*\*\*

1310S.011

SENATE SPONSOR: Scott

SB 298 - This act allows a landscape architect to be the chairperson of the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. It also gives each member of the landscape architectural division of the board a vote when voting on action pending before the board. Starting August 28, 2009, the chairperson of the board will rotate sequentially among an architect, professional engineer, professional land surveyor, and landscape architect. The chairperson shall only serve one four year term as chairperson. The chairperson of the landscape architectural division will be a vice chairperson of the board and will be ranking vice chairperson when the chairperson of the board is a landscape architect.

Eight members of the board, including at least one from each division will be required for a quorum for board business. Two voting members of each division of the board will be required for a quorum for division business.

A faculty member at an accredited school with the rank of assistant professor or higher will be regarded as actively practicing landscape architecture, in order to eligible for board membership.

The act also specifies that licensees are personally responsible for the contents of all documents to which they affix their seal, whether they were prepared or drafted by another licensee, or not. Licensees are also specifically required to only perform those architectural, professional engineering, professional land surveying, and landscape architectural services as they are qualified by education, training, and experience to perform.

Also, professional land surveyors with inactive licenses may continue to use the title "professional land surveyor" or the initials "PLS" after their name.

EMILY KALMER

02/03/2009 S First Read--SB 298-Scott (S238)  
 02/05/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S261)  
 02/23/2009 Hearing Scheduled But Not Heard S Financial and Governmental Organizations and Elections Committee  
 03/02/2009 Hearing Scheduled But Not Heard S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 299 \*\*\*

1608S.011

SENATE SPONSOR: Griesheimer

SB 299 - Under current law, rate adjustments in the purchase price of natural gas that are approved by the Public Service Commission (PSC) shall be exempt from certain provisions relating to business license taxation. The act adds a qualifying provision that any such purchased gas adjustment rates shall include the gas cost portion of net write-offs (i.e., bad debt) incurred by the gas company in providing service to customers. Any such net write-offs may only be recovered once through purchased gas adjustment rates,

the act requires an annual true-up of the net write-offs, and the PSC shall annually review gas companies' debt collection efforts.

Under current law, a gas company is not able to collect an infrastructure system replacement surcharge (ISRS) for longer than 3 years without holding a new general rate proceeding. The act increases this timeframe to 5 years.

This act is similar to HB 2279 (2008).

ERIKA JAQUES

02/03/2009 S First Read--SB 299-Griesheimer (S238)

02/05/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S261)

03/03/2009 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 300 \*\*\*

1557L.011

SENATE SPONSOR: Bray

SB 300 - This act modifies state income tax rates, increases the highest effective tax rate from six percent to nine percent, and disallows the deduction for federal income taxes paid by individual taxpayers. The act creates a refundable state income tax credit which will be available to all single resident taxpayers and married resident taxpayers filing separate with adjusted gross income less than fifty thousand dollars and all married or head of household resident taxpayers with adjusted gross income less than eighty thousand dollars. The amount of credit will depend upon the taxpayer's filing status and income.

This act contains a referendum clause.

JASON ZAMKUS

02/03/2009 S First Read--SB 300-Bray (S238)

02/05/2009 Second Read and Referred S Ways and Means Committee (S261)

EFFECTIVE: upon voter approval

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\*\*\* SB 301 \*\*\*

1281S.011

SENATE SPONSOR: Pearce

SB 301 - Beginning July 1, 2010, this act requires all state, county, and municipal law enforcement agencies and officers to use only a canine team which has been certified by an association approved by the Department of Public Safety when a canine performs or assists in certain law enforcement specialties. The department must establish the standards and criteria for canine certification and recertification including, but not limited to, obedience, aggression, and narcotics and explosives detection.

Each law enforcement canine team shall be initially certified and annually recertified in one of the following specialties: drug odor detection, explosive device odor detection, suspect apprehension, or apprehension and search skills. Such team shall be certified upon evaluation by an authorized canine judge.

Law enforcement agencies shall maintain records of canine team certifications, which shall be provided to the department of public safety upon request. A canine team that fails an evaluation may, after thirty days, repeat the evaluation. The department shall not impose a fee for certification. It may revoke or suspend the certification of a canine team or the authorization of any canine judge, who violates any state law or rule.

This act is identical to HB 149 (2009).

SUSAN HENDERSON MOORE

02/03/2009 S First Read--SB 301-Pearce (S238)

02/05/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S261)

EFFECTIVE: August 28, 2009

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\*\*\* SB 302 \*\*\*

1514S.011

SENATE SPONSOR: Smith

SB 302 – This act creates a tax credit against a taxpayer's state tax liability for contributions to an after school program operating in an unaccredited or provisionally accredited school district that satisfies certain conditions. A taxpayer could claim a tax credit for half the amount of his or her contribution. The tax credit would be available starting on January 1, 2010. The tax credit amount cannot exceed the taxpayer's state tax liability and cannot exceed \$50,000 per tax year. If a taxpayer cannot claim the full amount of the tax credit in one year, the tax credit may be carried over to the next four taxable years until the full amount is claimed. In addition, no more than \$2,000,000 in tax credits can be issued in a tax year. The cumulative amount of tax credits that may be redeemed by all taxpayers in one tax year cannot exceed \$2,000,000. Tax credits will be redeemed in a first to file first served based.

This act is substantially similar to SB 1086 (2008) and is similar to a provision contained in SB 690 (2007).

MICHAEL RUFF

02/03/2009 S First Read--SB 302-Smith (S238)

02/05/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S261)

EFFECTIVE: August 28, 2009

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\*\*\* SB 303 \*\*\*

1646S.011

SENATE SPONSOR: Smith

SB 303 - This act allows municipalities and political subdivisions to use a system of instant runoff voting their elections.

Under this system, voters rank the candidates and only a candidate with a majority of first choice rankings shall be elected or nominated. If no candidate has a majority, the lowest ranked candidate drops out and the next highest rankings on those ballots are attributed to the other candidates accordingly, until a candidate achieves a majority.

This act is similar to SB 1231 (2008) and HB 463 (2009).

CHRIS HOGERTY

02/03/2009 S First Read--SB 303-Smith (S238)

02/05/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S261)

EFFECTIVE: August 28, 2009

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\*\*\* SB 304 \*\*\*

1700S.011

SENATE SPONSOR: Crowell

SB 304 – This act provides that the Commissioner of the Office of Administration shall provide each Senator and Representative with a key that accesses the dome of the state capitol.

This act is identical to HCS/SB 306 (2007).

JIM ERTLE

02/03/2009 S First Read--SB 304-Crowell (S238)

02/05/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S261)

03/05/2009 Hearing Scheduled S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 305 \*\*\*

1477S.021

SENATE SPONSOR: Dempsey

SB 305 - This act creates nine "building excellence in science and technology districts" within the state to enhance the state's capacity for research, development, technology transfer, and technology commercialization. Each district will be overseen by a commission made up of four commissioners and one chairperson. The commission will receive, review, and prioritize applications for science and technology. The commissions will submit such applications to the Department of Economic Development for approval.

Upon approval, the commission may enter into contracts, issue grants, and provide support to science and technology projects. Science and technology companies which meet eligibility requirements under the Missouri Quality Jobs Act may retain a maximum of five percent of new payroll and deposit it into the building excellence in science and technology fund for a period of fifteen years. Moneys placed into the fund will be distributed to the districts of the state to help fund future science and technology projects.

This act contains an emergency clause.

JASON ZAMKUS

02/04/2009 S First Read--SB 305-Dempsey, et al (S246)  
02/05/2009 Second Read and Referred S Education Committee (S261)  
02/18/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 306 \*\*\*

0817S.03I

SENATE SPONSOR: Dempsey

SB 306 - This act establishes the Show-Me Health Coverage plan within the Department of Social Services to provide health care coverage through the private insurance market to low-income working individuals in the state. The Department of Insurance, Financial Institutions and Professional Registration shall provide oversight of the marketing practices of the plan while the Department of Social Services shall establish standards for consumer protection for the plan. The maximum enrollment of plan participants is dependent on the moneys appropriated by the General Assembly, and the eligibility for the plan is phased in incrementally based on appropriations. The plan is subject to approval by the United States Department of Health and Human Services.

The eligibility requirements and the services to be provided by the plan are specified in the act. The plan shall also provide for every participating individual a health care home. Under the plan, a health care account is established for each individual and payments for his or her participation can be made by the individual, an employer, the state, or any philanthropic or other charitable contributor. An individual's health care account shall be used to pay the individual's deductible for health care services under the plan. A participant will be terminated from participation in the plan if his or her required payment is not made within 60 days after the required date, however the participant may reapply to participate in the plan. Approved participants are eligible for a 12-month period but must file a renewal application to remain in the plan.

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

ADRIANE CROUSE

02/04/2009 S First Read--SB 306-Dempsey, et al (S246)  
02/05/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S261)  
03/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 307 \*\*\*

1446S.01I

SENATE SPONSOR: Dempsey

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

The provisions of the act will automatically expire on September 30, 2011.

JASON ZAMKUS

02/04/2009 S First Read--SB 307-Dempsey and Rupp (S246-247)  
02/05/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S261)  
02/24/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 308 \*\*\*

1658S.011

SENATE SPONSOR: Bray

SB 308 - This act requires the Department of Health and Senior Services to implement a health care quality program for the purpose of making available a health care quality report card to allow consumers to compare and assess the quality of health care services. The program shall be implemented in two phases.

The first phase includes making available cost and quality outcome data on its Internet website by December 31, 2010. The data on the website shall consist of quality and performance outcome and patient charge data currently collected by the department from hospitals and ambulatory surgical centers under federal and state law, as well as data submitted to the Centers for Medicare and Medicaid Services already required to be submitted under federal law. The data shall be disclosed in a manner that allows consumers to conduct an interactive search.

The second phase shall be implemented by December 31, 2012, and shall consist of the department working with the recommendations from Health Care Quality Report Card Commission, which is created in this act, on implementation of a long-range plan for making available cost and quality outcome data on the department's internet website. The first health care quality report card shall be made available on that date and shall include data on the following:

- (1) The accreditation of hospitals, as well as sanctions and other violations found by accreditation or state licensing boards;
- (2) The volume of various procedures performed;
- (3) The quality of care for various patient populations, including pediatric populations and racial and ethnic minority populations;
- (4) The availability of emergency rooms, intensive care units, obstetrical units and burn units;
- (5) The quality of care in various hospitals settings, including inpatient, outpatient, emergency, maternity, intensive care unit, ambulatory surgical center, and physician practice settings;
- (6) The use of health information technology, telemedicine, and electronic medical records;
- (7) Average staffing levels of nurses and other health professionals, patient acuity, and duty hours by nursing unit or department and staff retention rates by nursing unit or department;
- (8) Training hours completed in a quarterly basis, by category of staff and type of training;
- (9) Ongoing patient safety initiatives; and
- (10) Other measures determined by the director or commission.

The reports shall be distributed to the governor and General Assembly annually and to the general public upon request. The department shall develop and disseminate the public reports based on data compiled for a period of at least 12 months.

The department may consider such additional measures that are adopted by the Centers of Medicare and Medicaid Services, National Quality Forum, the Joint Commission on Accreditations of Healthcare Organizations, the Agency for Healthcare Research and Quality, or any other similar state or national entity that establishes standards to measure the performance of health care providers. The department shall not require the re-submission of data which has been submitted to the Department of Health and Senior Services or any other state departments under other provisions of law.

Using the recommendations of the Commission established under this act, the department shall promulgate rules regarding the standards and procedures for the collection, analysis, risk adjustment, and reporting of health care quality data and procedures to be monitored under the act.

Based on the continuing recommendations of the commission, the department shall issue an annual report card on December 31st of each year on its website and update the requirements for the submission of the data as well as include new health care facilities, entities or professionals, as appropriate.

Penalties shall be assessed for willfully impeding access to information and for violation of the provisions of the act and rules promulgated thereunder.

This act is identical to SB 1216 (2008).  
ADRIANE CROUSE  
02/04/2009 S First Read--SB 308-Bray (S247)

02/05/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S261)

EFFECTIVE: August 28, 2009

\*\*\* SB 309 \*\*\*

1686S.011

SENATE SPONSOR: Bray

SB 309 – This act modifies the provisions of the Missouri Indoor Clean Air Act to prohibit smoking in a public place or a public meeting or within fifteen feet of any entrance to a public place or public meeting. The definition of public place has been amended to include any building or vehicle owned, leased or operated by a governmental entity as well as bars and restaurants. The provision allowing for a designated smoking area in public places has been repealed.

This act also specifies that a person commits the crime of littering if he or she throws on the ground any cigarettes, cigarette packages, or other smoking-related items. The crime of littering is a Class A misdemeanor.

This act is identical to SB 1079 (2008).  
ADRIANE CROUSE

02/04/2009 S First Read--SB 309-Bray (S247)

02/05/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S261)

EFFECTIVE: August 28, 2009

\*\*\* SB 310 \*\*\*

1689S.021

SENATE SPONSOR: Bartle

SB 310 - This act requires custodial interrogations of persons suspected of certain serious offenses to be recorded when feasible unless certain exceptions exist. Each law enforcement agency shall adopt a written policy regarding such interrogations. Law enforcement agencies are permitted to record an interrogation in any circumstance with or without knowledge or consent of the suspect.

"Custodial interrogation" means the questioning of a person under arrest, who is no longer at the scene of a crime, by a member of the law enforcement agency along with the answers and other statements of the person questioned. The term does not include: 1) situations where the person voluntarily agrees to meet with law enforcement, 2) detention by law enforcement that has not risen to the level of an arrest, 3) questioning that is routinely asked during the processing of the arrest of the suspect, 4) questioning pursuant to an alcohol influence report, and 5) questioning during the transportation of the suspect.

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

SUSAN HENDERSON MOORE

02/04/2009 S First Read--SB 310-Bartle (S247)

02/05/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S261)

EFFECTIVE: August 28, 2009

\*\*\* SB 311 \*\*\*

1627S.011

SENATE SPONSOR: Goodman

SB 311 - Under current law, Section 434.100, RSMo, most indemnities for construction work are considered void and against public policy. Unless one of the statute's exceptions applies, a party to a contract for construction work cannot transfer a significant portion of its project risks to others via a broad indemnity agreement. The current statute contains nine exceptions to the general rule that these types of indemnity agreements are void.

Under this act, the general prohibition against indemnity agreements is expanded to specifically prohibit agreements to hold harmless the negligence of the party's employees, or agents. The current law only specifically prohibits agreements that hold harmless another person from that person's own negligence.

Under current law, the anti-indemnity provision does not apply to a party's own promise to hold another party harmless from the party's own negligence. This act expands the exception to include the party's

officers, employees, and agents.

The act modifies the additional insured exception by providing that the anti-indemnity prohibition does not apply to a party's promise to purchase project-specific insurance policies, other types of protective liability insurance policies, or builder's risk insurance.

The act expands the definition of "construction work" and defines the terms "indemnify" or "hold harmless" as including any requirement to name the indemnified party as an additional insured in the indemnitor's insurance coverage for the purpose of providing an indemnification for any liability not otherwise allowed.

STEPHEN WITTE

02/04/2009 S First Read--SB 311-Goodman (S247)

02/05/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S261)

EFFECTIVE: August 28, 2009

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\*\*\* SB 312 \*\*\*

1703S.011

SENATE SPONSOR: Goodman

SB 312 - This act repeals the current procedures regarding criminal activity forfeiture actions and establishes new procedures. Any property used or intended to be used in the commission of a crime or the proceeds of any crime will be subject to criminal forfeiture. Property may be subject to forfeiture even though a criminal prosecution is not conducted.

This act establishes that the circuit court where the property seizure occurred has jurisdiction over any seized property. A proceeding for forfeiture may be brought in a circuit in which any part of the property is found or where a civil or criminal action could be maintained against an owner for the conduct alleged to give rise to the forfeiture. The defendant may obtain a change of venue if the prejudice against him or her is too great.

This act specifies what property may be subject to criminal forfeiture and creates certain exceptions to protect innocent parties. Real property will not be subject to forfeiture if the only conduct giving rise to forfeiture is possession of controlled substances solely for personal consumption.

Under this act, property may be seized for forfeiture under constructive or actual seizure. This act delineates the process, including notification, that must be followed in order to seize property constructively. Law enforcement may seize any property subject to forfeiture upon the issuance of a search warrant or when there is probable cause that the property is subject to forfeiture. The seizure of inhabited residential property requires an adversarial judicial determination of probable cause prior to seizure unless the prosecution can demonstrate exigent circumstances at an ex parte proceeding.

Property seized for forfeiture is not subject to alienation, conveyance, sequestration, attachment, or a motion to the return of property seized as evidence with or without a search warrant. The owner of seized property may obtain release of the property upon posting a surety bond equal to the fair market value of the property.

Upon seizing property, the prosecuting attorney may decide where the property should physically be stored or moved. The seizing agency must conduct a written inventory and estimate the value of the property seized. The court may order the seized property to be sold, leased, rented or operated to preserve the interests of any party after notifying persons with interest in the property and giving an opportunity for a hearing.

This act specifies the requirements for the commencement of a forfeiture proceeding, including the proper filings that must be made. If the prosecuting attorney fails to make certain filings the property shall be released to the owner. The owner may file for recognition of exemption from forfeiture and further procedures exist to allow such innocent parties, who have a legal claim to the property, protect their interests.

The act provides the procedures, including notification, that must be followed once a prosecuting attorney may proceed with a forfeiture. The prosecuting attorney may file a lien for the forfeiture of the property upon initiation of proceedings relating to the conduct giving rise to forfeiture, upon seizure for forfeiture, or in connection with a proceeding or forfeiture in another state. The lienor must provide notice of such lien and will create a lien in favor of the lienor. Upon entry of judgment in its favor, the state may proceed to execute



on the lien.

With limited exceptions, a trustee who has notice that a forfeiture lien, pending forfeiture, or civil forfeiture has been filed must provide certain information to the seizing agency or prosecuting attorney within 15 days. A trustee who fails to do so is subject to criminal and civil penalties. Any employee of the seizing agency or prosecuting attorney who releases information obtained from the trustee is guilty of a Class A misdemeanor. A judgement or order entered pursuant to these provisions becomes a judgement lien against the property alleged to be subject to forfeiture.

This act specifies what actions, including entering an injunction or appointing conservators, the court may take before or after the filing of a notice of pending forfeiture. The court may hold a hearing regarding whether there was probable cause for the property to be seized if a judicial determination has not yet been made and the property owner files a timely application. A person charged with a criminal offense may apply to the court where the forfeiture proceeding is pending for the release of property seized to pay criminal defense expenses.

If the property owner can prove that he or she has not been able to participate in previous determinations of probable cause, the court must hold a probable cause hearing. If no probable cause is found the property shall be released. There shall be a rebuttable presumption that any money found near contraband is presumed to have been the proceeds of the conduct giving rise to forfeiture.

A person who acquires any property subject to forfeiture is a constructive trustee. If property subject to forfeiture is lost, transferred to a third party, moved beyond the jurisdiction of the court, commingled with other property, or subject to a legal claim by an innocent party exempt from forfeiture proceedings, the court may order the forfeiture of other property in the owner's possession. Under certain circumstances, the prosecuting attorney may bring a civil action against a person with knowledge who destroys, conveys, or otherwise renders property unavailable.

Under this act, a judicial in rem forfeiture proceeding may be brought by the prosecuting attorney in addition to, or in lieu of, civil in personam forfeiture proceedings. The act states what procedures must be followed during these proceedings.

A judicial in personam forfeiture proceeding brought by the prosecuting attorney under a civil action alleging conduct giving rise to forfeiture is also subject to the provisions of this act. The court may enter an order to protect the state's interest in the property, including the issuance of a temporary restraining order.

If notice of pending forfeiture is properly served in an action in rem or in personam in which personal property is seized, and no claim opposing forfeiture is filed within 30 days of notice of service, the prosecuting attorney shall prepare a written declaration of forfeiture and allocate the property. The act provides for what action may be taken by the owner or interest holder of the property following the declaration to have it set aside for failure to notify. After final disposition of all claims in an action in rem, the court shall enter an order that the state has clear title to the forfeited property interest. The state may transfer good and sufficient title to any subsequent purchaser or transferee.

The court may release or convey forfeited personal property to a regulated interest holder if certain conditions exist. If released, the property must be disposed of by a commercially reasonable public sale held by the interest holder.

When property is forfeited, the prosecuting attorney may destroy or use for investigative purposes any illegal or controlled substances or other contraband or authorize a public or other commercially reasonable sale for other property. The money from the sale shall be distributed in the following order: 1) satisfaction of exempt security interests or liens, 2) payment of proceeding expenses, and 3) payment to the schools.

A prosecuting attorney may conduct an investigation of any conduct that gives rise to forfeiture under this act. The examination of witnesses must be conducted by the prosecuting attorney, must be before an officer authorized to administer oaths, and shall be recorded and transcribed. When examined, a person must be informed of his or her right to refuse to answer any questions.

All materials, transcripts, or testimony that the prosecuting attorney possesses shall not be available for examination by any individual other than a law enforcement official without consent of the person who produced the material or transcripts prior to the filing of a forfeiture action.

Under this act, no one shall knowingly destroy material that is subject to a subpoena with the intent to avoid compliance with such a subpoena. A violation is a Class C felony.

Forfeiture proceedings must be commenced within seven years of the activity making the property subject to forfeiture being committed. However, any time during which the property or defendant is out of the state or in confinement is excluded from this time limit.

Any controlled substances included in Chapter 195, RSMo, which are contraband and those whose owners are unknown are summarily forfeited to the state.

This act is similar to SB 1208 (2008).

SUSAN HENDERSON MOORE

02/04/2009 S First Read--SB 312-Goodman (S247)

02/05/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S261)

EFFECTIVE: August 28, 2009

\*\*\* SB 313 \*\*\*

HCS SCS SB 313

1730L.05C

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

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

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

This act contains an emergency clause.

JASON ZAMKUS

02/04/2009 S First Read--SB 313-Nodler and Bray (S247)

02/05/2009 Second Read and Referred S Appropriations Committee (S261)

02/17/2009 Hearing Conducted S Appropriations Committee

02/17/2009 SCS Voted Do Pass S Appropriations Committee (1730S.04C)

02/17/2009 Reported from S Appropriations Committee to Floor w/SCS (S320)

02/18/2009 SA 1 to SCS S offered & adopted (Nodler)--(1730S04.01S) (S330)

02/18/2009 SCS, as amended, S adopted (S330)

02/18/2009 Perfected (S330)

02/18/2009 Reported Truly Perfected S Rules Committee (S331)

02/19/2009 S Third Read and Passed - EC adopted (S341-342)

02/19/2009 H First Read (w/EC) (H360)

02/23/2009 H Second Read (H392)

02/25/2009 Referred H Rules Committee (H400)

02/26/2009 Hearing Conducted H Rules Committee

02/26/2009 HCS Voted Do Pass H Rules Committee

02/26/2009 HCS Reported Do Pass H Rules Committee (H419)

03/03/2009 H Calendar S Bills for Third Reading w/HCS

EFFECTIVE: Emergency Clause

\*\*\* SB 314 \*\*\*

1720S.01I

SENATE SPONSOR: Smith

SB 314 – This act creates the Missouri Preschool Plus Grant Program as a pilot program within the Missouri Preschool Project. The program will serve up to 1250 students with preschool services and will be administered by the Department of Elementary and Secondary Education in collaboration with the Coordinating Board for Early Childhood. School districts that are classified as unaccredited and non-sectarian community-based organizations located within such school districts may receive grants. Grants run for three years and are renewable. At least fifty percent of the placements must be offered

through non-sectarian community-based organizations. Children who are one or two years away from kindergarten entry may participate in the program. Children of active duty military personnel will receive admission preference.

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

The Department will accept applications in a competitive bid process to begin implementing the program in the 2010-2011 school year. The program will be funded through general appropriations and will not be funded through money from the Gaming Commission Fund. The General Assembly must appropriate an amount sufficient to adequately fund the program, which shall be at least \$5 million in any fiscal year.

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

This act is substantially similar to a provision contained in SS/SCS/SB 726 (2008) and is similar to SB 779 (2008) and a provision contained in SB 690 (2007).

MICHAEL RUFF

02/05/2009 S First Read--SB 314-Smith (S252)

02/09/2009 Second Read and Referred S Education Committee (S270)

EFFECTIVE: August 28, 2009

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\*\*\* SB 315 \*\*\*

0117S.02I

SENATE SPONSOR: Smith

SB 315 - This act requires the director of the Department of Revenue to provide a list of every taxpayer with a residence address located in an assessor's county to such assessor by January first of each year. Under current law, a taxpayer must annually file a list of all tangible personal property owned or controlled by such taxpayer with the taxpayer's county assessor. This act specifically requires every taxpayer to include, in such list, all tangible personal property situated in any county other than the county in which the taxpayer resides.

JASON ZAMKUS

02/05/2009 S First Read--SB 315-Smith (S252)

02/09/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S270)

EFFECTIVE: August 28, 2009

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\*\*\* SB 316 \*\*\*

0317S.03I

SENATE SPONSOR: Smith

SB 316 - This act modifies provisions on human sexuality and sexually transmitted disease school education courses for school districts that chooses to teach such courses.

The act removes references in the sexual education statute allowing information to be provided on the federal abstinence education law. This act also requires instruction on the dangers of sexual predators, including online predators. The pupils shall also be taught how to behave responsibly on the internet and how to report inappropriate behavior to a responsible adult. Prior to any human sexuality instruction, the parents shall also be notified regarding the CyberTipline and the sexual offender registry.

This act also repeals the provisions prohibiting abortion providers from providing sexual education in school and from schools providing abortion services.

This act is similar to SB 780 (2008).

ADRIANE CROUSE

02/05/2009 S First Read--SB 316-Smith (S252)

02/09/2009 Second Read and Referred S Education Committee (S270)

EFFECTIVE: August 28, 2009

\*\*\* SB 317 \*\*\*

1020S.05I

SENATE SPONSOR: Smith

SB 317 – This act allows proposed high risk or alternative charter schools to request that the Department of Elementary and Secondary Education grant alternative arrangements for students to obtain credits for satisfying graduation requirements. Alternative arrangements may include credit for off-campus instruction, embedded credit, work experience, independent studies, and performance-based credit options. The Department must approve or disapprove such a request within thirty days.

The State Board of Education must approve a charter application for a proposed high risk or alternative charter school whose educational program contains certain educational approaches, as described in the act. After three years of operation, the State Board must conduct a study of any such charter school to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education. (Section 160.405)

This act requires charter schools whose mission includes student drop-out prevention or recovery to enroll nonresident pupils from the same or an adjacent county who are considered high-risk or are dropouts, or nonresident pupils from the same or an adjacent county who reside in residential care facilities, transitional living group homes, or independent living programs who submit a timely application. Preference will be given to resident pupils over non-resident pupils if there is insufficient capacity. Charter schools may also give an admissions preference to high-risk and dropout students. (Section 160.410)

This act contains provisions similar to SB 1027 (2008) and similar to provisions also contained in SB 64 (2009).

MICHAEL RUFF

02/05/2009 S First Read--SB 317-Smith and Rupp (S252)

02/09/2009 Second Read and Referred S Education Committee (S270)

EFFECTIVE: August 28, 2009

\*\*\* SB 318 \*\*\*

1680L.01I

SENATE SPONSOR: Lembke

SB 318 - This act requires certain licensing bodies destroy documentation of complaints made by sexually violent predators against certain licensed professionals, if the complaint does not result in discipline. Past unsubstantiated complaints by sexually violent predators against a doctor or social worker shall be destroyed upon request.

EMILY KALMER

02/05/2009 S First Read--SB 318-Lembke (S252)

02/09/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S270)

EFFECTIVE: August 28, 2009

\*\*\* SB 319 \*\*\*

1709L.01I

SENATE SPONSOR: Lembke

SCS/SB 319 - This act modifies the manner in which lien titles for motor vehicles, trailers, outboard motors, aircrafts, and vessels are issued.

Currently, if the item is not redeemed within three months of the completion of labor, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title. This act changes that time period to 45 days.

Currently, if the charges are for storage or the service of towing and the item has not been redeemed three months after the charges for storage have commenced, the lienholder shall notify the owner and any lienholder of record that an application for a lien title will be made unless the owner or lienholder makes satisfactory arrangements within 45 days. This act changes those time periods to 45 days and 30 days respectively.

Lienholders may apply for a lien title if the notice has been returned "not forwardable" or "Addressee unknown".

The lienholder affidavit required to be submitted with the application shall be accompanied by a copy of the notice and a copy of the certified mail receipt evidencing the notice was sent.

Currently, the Director of Revenue is required to notify the owner and any lien holder of record of a motor vehicle, trailer, outboard motor, aircraft, or vessel, when an application is made for a lien title on such item. Lienholders or owners have 30 days to redeem the item. This act repeals these requirements and allows the director to issue a certificate of ownership immediately upon receipt of the application.

CHRIS HOGERTY

02/05/2009 S First Read--SB 319-Lembke (S252)

02/09/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S270)

02/16/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

03/02/2009 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (1709L.03C)

EFFECTIVE: August 28, 2009

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\*\*\* SB 320 \*\*\*

1704S.011

SENATE SPONSOR: Days

SB 320 - This act requires, by January 1, 2010, health carriers to provide coverage for certain prosthetic devices and related services and supplies that meet minimum standards as provided under the federal Medicare Program. "Prosthetic device" is defined as an artificial limb, device, or appliance designed to replace in whole or in part an arm, leg, or eye.

Under the terms of the act, a health insurance carrier may require an insured to obtain prior authorization for any prosthetic device. The health carrier may impose co-payments and co-insurance requirements in accordance with Part B of the federal Medicare Fee-for-service Program. The health benefit plan must reimburse an insured for the devices at no less than the fee schedule amount under the federal Medicare reimbursement schedule.

The coverage shall include repair services and replacement of prosthetics needed to restore or maintain the daily living or essential job-related activities. Certain health and life insurance policies are exempt from the provisions of the act.

The provisions of this act are virtually identical to HB 2100 (2008).

STEPHEN WITTE

02/05/2009 S First Read--SB 320-Days and Griesheimer (S253)

02/09/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S270)

03/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 321 \*\*\*

1297S.011

SENATE SPONSOR: Days

SB 321 - This act creates a ten-member commission to study the death penalty in Missouri. It shall include two members of the House of Representatives with one from each party, two members from the Senate with one from each party, a county prosecutor appointed by the Missouri Association of Prosecuting Attorneys, a criminal defense lawyer appointed by the Missouri Association of Criminal Defense Lawyers, the state public defender, the attorney general, a murder victim's family member and a family member of a person on death row, both appointed by the Department of Corrections. The commission shall be comprised equally of people in favor and opposed to the death penalty and shall be appointed by December 1, 2009.

The commission is required to hold public hearings and study all aspects of the death penalty as administered in Missouri, including all cases in which the death penalty was sought. Through the use of random sampling, the commission will review a statistical representation of those cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed after January 1, 1977. The

review and analysis shall examine data concerning the facts of the offenses, the county where charges were filed, the charges originally filed, the crime for which the person was convicted, the sentence, personal information about the convicted person, evidence of mental illness, prior criminal history of the defendant, information about the legal defense team and prosecuting team, the body of evidence used to obtain a conviction, results of appellate review and post-conviction review, and costs for implementing the sentence.

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

The commission shall study whether alternatives to the death penalty that ensure public safety and address other social and penological interests. The findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court, and the General Assembly by January 1, 2012.

The commission shall recommend any proposed modifications to Missouri law necessary to ensure: 1) defendants sentenced to death are indeed guilty of first degree murder, 2) adequacy of trial and appellate legal counsel, 3) accuracy of findings of guilt of the accused, 4) race is not impermissibly a factor in determining implementation of the death penalty, 5) adequate appellate and post-conviction procedures exist to remedy errors at trial, and 5) prosecutors throughout the state use similar criteria to determine whether to seek the death penalty.

The act prohibits executions from August 28, 2009 to January 1, 2013.

This act is similar to HB 1614 (2008) and SB 800 (2008).

SUSAN HENDERSON MOORE

02/05/2009 S First Read--SB 321-Days, et al (S253)

02/09/2009 Second Read and Referred S Progress and Development Committee (S270)

02/18/2009 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 322 \*\*\*

1735S.011

SENATE SPONSOR: Barnitz

SB 322 - This act allows a majority of the circuit court and associate circuit judges in a circuit to appoint a drug court commissioner to also serve as a family court commissioner. The drug court commissioner would receive no additional compensation and would be required to have the same qualifications as other family court commissioners.

This act is similar to HB 546 (2009).

EMILY KALMER

02/05/2009 S First Read--SB 322-Barnitz (S253)

02/09/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S270)

EFFECTIVE: August 28, 2009

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\*\*\* SB 323 \*\*\*

1706S.011

SENATE SPONSOR: Ridgeway

SB 323 - Currently, if an employee is seriously and permanently disfigured about the head, neck, hands, or arms, additional workers' compensation benefits may be allowed. This act only authorizes such an allowance when the employee is seriously and permanently disfigured about the head or neck and the disfigurement is a hindrance to employment.

CHRIS HOGERTY

02/05/2009 S First Read--SB 323-Ridgeway (S253)

02/09/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S270)

EFFECTIVE: August 28, 2009

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\*\*\* SB 324 \*\*\*

1661S.011

SENATE SPONSOR: Ridgeway

SB 324 – This act modifies the Public School Retirement System of Missouri (PSRS) and the Public Education Employee Retirement System (PEERS).

This act changes from ten percent to twenty percent the maximum percentage of increase in annual compensation from one year to the next in the final average salary period for members of PSRS. (Section 169.010)

Current law provides, in part, that a retired member of PSRS or PEERS may be employed on a part-time or temporary-substitute basis by a school district included in PSRS or PEERS for up to 550 hours in a school year without a discontinuance of his or her retirement benefits. This act provides that a retired member of PSRS or PEERS may be employed on part-time or temporary-substitute basis by a district included in PSRS or PEERS. A retired member of PSRS may earn up to the minimum starting teacher's salary. A retired member of PEERS cannot earn more than fifty percent of the minimum starting teacher's salary. The hiring school district must pay the employer's portion of the required contributions to PEERS. The limit on earnings will be applied on a pro rata basis to a retiree's earnings after the effective date of retirement during the school year that the member retires.

A retired member who works under this provision cannot accrue any benefits with PSRS or PEERS. If a retired member exceeds the limits of this section, the retired member will not be eligible to receive a retirement allowance for that month.

A member must terminate employment with an employer covered by PSRS or PEERS before being eligible to receive a benefit from PEERS. A member will not be considered to have terminated employment if he or she becomes employed by an employer covered by PSRS or PEERS within one month. The member will be required to repay any benefits if it is determined the member did not terminate employment. (Sections 169.560, 169.660)

This act contains an emergency clause.

MICHAEL RUFF

02/05/2009 S First Read--SB 324-Ridgeway (S253)

02/09/2009 Second Read and Referred S Education Committee (S270)

EFFECTIVE: Emergency Clause

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\*\*\* SB 325 \*\*\*

1392S.011

SENATE SPONSOR: Ridgeway

SB 325 – This act authorizes any school board to enter into an agreement with the county in which the school district is located, or a city, town, or village that is wholly or partially located within the boundaries of the school district to acquire, construct, improve, extend, repair, remodel, or finance sites, buildings, facilities, furnishings, and equipment for the school district's educational purposes. An agreement may provide for the present or future acquisition of an ownership in the facilities, including joint ventures.

This act is similar to SB 1191 (2008), HB 1735 (2008).

MICHAEL RUFF

02/05/2009 S First Read--SB 325-Ridgeway (S253)

02/09/2009 Second Read and Referred S Education Committee (S270)

EFFECTIVE: August 28, 2009

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\*\*\* SB 326 \*\*\*

1690S.011

SENATE SPONSOR: Crowell

SB 326 - This act modifies the definition of the term "affordable housing unit" contained in the neighborhood assistance act by increasing the income eligibility for owner-occupants of affordable housing units.

JASON ZAMKUS

02/05/2009 S First Read--SB 326-Crowell (S253)

02/09/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S270)

EFFECTIVE: August 28, 2009

\*\*\* SB 327 \*\*\*

1496S.021

SENATE SPONSOR: Crowell

SB 327 – This act modifies the Public School Retirement System of Missouri (PSRS) and the Public Education Employee Retirement System (PEERS).

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

INVESTMENT ACCOUNT: This act allows for the establishment and maintenance of a retirement systems investment account for investment purposes. Moneys from PSRS and PEERS may be combined in the account for investment purposes so long as the funds are accounted for and reported separately. (Sections 169.040, 169.630)

RETIREMENT SYSTEM RECORDS: Current law provides that a record of PSRS that discloses deliberations about, or a tentative decision on, investments or other financial matters is not a public record so long as its disclosure would jeopardize the ability to implement a decision or to achieve investment objectives. This act modifies this provision so that a record of the retirement system that discloses investments or other financial matters is not a public record so long as its disclosure would jeopardize the ability to implement a decision or to achieve investment objectives. (Section 169.040)

PURCHASE OF SERVICE CREDIT: For the purchase of membership service credit, this act changes the date of payment from June 30 to September 30 and the date of recalculation from July 1 to October 1. In addition, the retirement system may prohibit a purchase, impose additional requirements for making a purchase, or limit the amount of credit purchased if necessary to comply with federal law. (Sections 169.056, 169.655)

SURVIVORSHIP: This act modifies how retirement benefits may be distributed upon the death of a member prior to the member having received the specified number of monthly payments. The remainder of such payments will be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or the estate of the last person to receive a monthly allowance in a lump sum payment, in that order of precedence. In addition, if a member dies and the member's financial institution cannot accept the final payment or payments, the final payment or payments will be paid to the beneficiary, or if no beneficiary exists, to the surviving spouse, to the surviving children in equal shares, surviving parents in equal shares, or the estate of the member, in that order of precedence. This same order applies if the beneficiary to a member dies and the beneficiary's financial institution cannot accept final payment. (Sections 169.070, 169.670)

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

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

INDEMNIFICATION: The board of trustees of PSRS or PEERS may indemnify and protect any trustee or employee against all claims or liabilities in his or her official or individual capacity except for gross negligence or willful misconduct. The board of trustees may obtain insurance or indemnity policies. For an employee or trustee to qualify for indemnity, he or she must provide written notice to the board of trustees within fifteen days after receiving service of process of a proceeding. (Section 169.750)

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

MICHAEL RUFF

02/05/2009 S First Read--SB 327-Crowell (S253)

02/09/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S270)

EFFECTIVE: August 28, 2009

\*\*\* SB 328 \*\*\*

1282S.021



SENATE SPONSOR: Bray

SB 328 - This act creates the "Task Force on the Use of Conducted Energy Devices". The commission shall have ten members appointed by the governor, with the advice and consent of the senate: two medical experts, two scientific experts, two legal experts, two law enforcement experts, and two private citizens who have been shot by a CED or whose family member has been shot by a CED.

The task force is designed to evaluate the safety of conducted energy devices (CEDs), commonly known as tasers, and to make recommendation regarding their use by law enforcement. The task force shall hold public hearings and study all aspects of CED use in this state.

It shall determine if there are adequate studies on the use and effects of CEDs representing independent perspectives, and if other research is needed on issues such as how frequently CEDs are used, the effects of CED use on human health, typical operation of CEDs by law enforcement, possible circumstances when CED use should be limited, sufficiency of law enforcement training, and other issues of interest to the task force.

The task force shall report to its findings and recommendations to the Governor, Attorney General, and legislature by January 1, 2011. It shall make recommendations to amend the statutes which assure: 1) that CED use is banned, if necessary, because of safety or abuse concerns; 2) a suspension of CED use, if necessary, until scientific research adequately determines CED safety; or 3) there is sufficient research and an ability to set policy on CED use ensuring certain safety and abuse prevention requirements.

Until the task force report is completed and its recommendations are passed and signed into law, CED use shall be suspended in this state, except by law enforcement agencies which adopt certain policies outlined in the act.

SUSAN HENDERSON MOORE

02/05/2009 S First Read--SB 328-Bray (S254)

02/09/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S270)

EFFECTIVE: August 28, 2009

\*\*\* SB 329 \*\*\*

1431S.011

SENATE SPONSOR: Bray

SB 329 - This act relates to pregnancy and sexually transmitted disease prevention and abortion.

**SEXUAL EDUCATION**

This act provides that any course materials relating to human sexuality shall not only be medically and factually accurate, but shall also be based on peer reviewed projects that have been demonstrated to influence healthy behavior. The course instruction shall also present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections. The students shall also be presented with information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and to reduce the risk of contracting sexually transmitted infections or other diseases and well as information regarding the vaccine for the human papillomavirus. The instruction shall also help the students gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent states of human maturation. In addition, the students shall be encouraged to communicate with their family regarding sexuality. This act also repeals the prohibition on abortion providers providing human sexuality instruction and instead provides that a school district shall make all curriculum materials and names and affiliations of presenters used in the school district available for public inspection.(SECTION 170.015).

**EXPEDITED SEXUAL PARTNER THERAPY**

Any licensed physician may utilize expedited partner therapy for the management of the sexual partners of persons with chlamydia or gonorrhea if such partners do not have an established physician-patient relationship with a physician. A licensed physician using such therapy may prescribe and dispense medications for the treatment of chlamydia or gonorrhea for such sexual partners. Any county health facility may use the expedited partner therapy depending on the local case rate for chlamydia and gonorrhea. The Department of Health and Senior Services and the Division of Professional Registration shall develop rules for the implementation of the act. (SECTION 191.648).

**COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES**

This act provides that hospitals and health care facilities are required to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;
  - orally inform each victim that emergency contraception may be provided at the hospital;
  - provide the complete regimen of emergency contraception immediately to the victim who requests it;
- and
- follow the Department of Justice protocols on HIV/STI screening and prophylactic treatment.

Hospitals and health care facilities must ensure that they provide their employees with medically and factually accurate information about emergency contraception. The department shall develop, prepare, and produce informational materials relating to emergency contraception to hospitals and health care facilities. The informational materials must be medically and factually accurate, clearly written, and explain the nature of emergency contraception.

The department shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. If a hospital or a health care facility is not in compliance, then the department shall impose an administrative penalty of \$5,000/per woman who is denied information or emergency contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every 30 days that a hospital or health care facility is not in compliance, an additional administrative penalty of \$5,000 shall be imposed. (SECTIONS 191.717 and 191.718).

#### BIRTH CONTROL PROTECTION

This act provides that consenting individuals have a protected interest from unreasonable governmental intrusions into their private lives in regards to obtaining and using safe and effective methods of contraception. This act also provides that the laws of this state will be interpreted to recognize these protected rights.

This act also prohibits governmental actors or entities from interfering in a consenting individual's right to the benefits, facilities, services, or information concerning safe methods of contraception. This act also prohibits any laws, rules, ordinances, taxes, or regulations that are implemented to promote public health and safety from unreasonably hindering the public's access to contraceptives. (SECTION 191.720).

#### WOMEN'S HEALTH SERVICES PROGRAM

This act establishes the Women's Health Services Program. Subject to appropriation, the program shall be implemented by the department of health and senior services by July 1, 2010, and shall be initially funded with five million dollars. The goal of the program is to reduce the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers, as determined by the department. This program shall sunset in six years, unless reauthorized by the General Assembly (SECTION 192.970).

#### PATIENT PROTECTION

Upon receipt of a valid and lawful prescription or upon a lawful request for contraception approved for over-the-counter use, a licensed pharmacy shall dispense the prescribed drug or device without delay, consistent with the normal time frame for filling any other prescription and shall fulfill the request for the over-counter drug in a timely fashion.

When the customer requests a prescribed drug or device, or contraception approved for over-the-counter use, and such drug or device is not in stock, the pharmacy shall offer the customer the option of having the pharmacy obtain the contraception under the pharmacy's standard procedures for expediting ordering of any drug or device not in stock or the pharmacy may locate another pharmacy of the customer's choice or closest pharmacy that has the drug or device in stock and transfer the customer's prescription to that pharmacy, if necessary. The pharmacy shall perform the customer's chosen option in a timely fashion.

The pharmacy shall ensure that it does not intimidate, threaten, or harass its customers in the delivery of services.

Nothing in this act shall prohibit a licensed pharmacy from refusing to dispense a prescribed drug or device in accordance with standard pharmacy practice if there is a valid medical concern or if the customer is unable to pay for the drug or device. (SECTIONS 338.012 AND 338.014).

This act is substantially similar to SB 1215 (2008) and SB 546 (2007).  
ADRIANE CROUSE

02/05/2009 S First Read--SB 329-Bray, et al (S254)

02/09/2009 Second Read and Referred S Education Committee (S271)

EFFECTIVE: August 28, 2009

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\*\*\* SB 330 \*\*\*

1781S.011

SENATE SPONSOR: Justus

SB 330 - This act creates the crimes of assault of a mass transit system employee in the first, second, and third degree. Mass transit employees include individuals working for a public bus or light rail company. The penalties for such crimes are a Class B felony, Class C felony, and Class B misdemeanor, respectively.

This act is identical to HB 487 (2009).

SUSAN HENDERSON MOORE

02/09/2009 S First Read--SB 330-Justus (S266)

02/11/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S287)

EFFECTIVE: August 28, 2009

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\*\*\* SB 331 \*\*\*

1758S.011

SENATE SPONSOR: Justus

SB 331 – This act creates the "Development, Relief, and Education for Alien Minors Act," which will be known and may be cited as the "DREAM Act."

This act requires any higher education institution that receives state funding to provide in-state tuition to any individual who meets the following conditions: the individual resided with his or her parent or guardian while attending a public or private high school in Missouri; the individual graduated from a public or private high school or received the equivalent of a high school diploma in Missouri; the individual attended school Missouri for at least two years as of the date the individual graduated from high school or receive the equivalent of a high school diploma; the individual entered the United States prior to the enactment of this act; in the case of an individual who is not a United States citizen or permanent resident, the individual must provide the higher education institution with an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity.

This act has an effective date of July 1, 2009.

This act is similar to SB 1109 (2004).

MICHAEL RUFF

02/09/2009 S First Read--SB 331-Justus (S266)

02/11/2009 Second Read and Referred S Progress and Development Committee (S287)

EFFECTIVE: July 1, 2009

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\*\*\* SB 332 \*\*\*

1550S.011

SENATE SPONSOR: Dempsey

SB 332 - This act creates the "Line of Duty Compensation Act" which provides additional workers' compensation benefits in the amount of \$10,000 for firefighters, law enforcement officers, emergency medical technicians, and paramedics who are killed in the line of duty.

Coverage applies when:

- Death is caused by an accident or violence of another;
- The individual is in the active performance of his or her duties and there is a relationship between the accident or commission of the act and the performance of duty, even when off duty; the individual is traveling to or from employment; or the individual is taking a break while on duty;
- The injury is the cause of the death; and
- Death occurs within 300 weeks of the injury.

A \$10,000 death benefit shall be awarded to the surviving spouse, dependent, or estates of those killed in the line of duty.

Under the act, neither employers nor workers' compensation insurers shall have subrogation rights against compensation awarded for claims under the proposed program.

This program shall sunset in 6 years unless reauthorized.

This act is similar to SB 500 (2007), HB 551 (2007), and SB 966 (2008).

CHRIS HOGERTY

02/09/2009 S First Read--SB 332-Dempsey, et al (S266)

02/11/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S287)

02/25/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 333 \*\*\*

1764S.011

SENATE SPONSOR: Barnitz

SB 333 - Current law allows the City of Poplar Bluff and sewer districts in Butler County to develop agreements to provide sewer service to land annexed by the City. Current law also provides procedures to develop such agreements when the City and a sewer district cannot agree on terms. This act extends the authority to develop such agreements to apply to any city and sewer districts in any county of the third classification and also makes these entities subject to the procedures for when agreement cannot be reached by both parties.

ERIKA JAQUES

02/09/2009 S First Read--SB 333-Barnitz (S266)

02/11/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S287)

02/25/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 334 \*\*\*

1820S.011

SENATE SPONSOR: Pearce

SB 334 - This act authorizes an income tax deduction for 100% of any military retirement income. This deduction will be available for all tax years beginning on or after January 1, 2009.

This act is similar to HCS/HB 1788 & 1882 (2008).

EMILY KALMER

02/09/2009 S First Read--SB 334-Pearce (S266)

02/11/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S287)

EFFECTIVE: August 28, 2009

\*\*\* SB 335 \*\*\*

1637S.031

SENATE SPONSOR: Rupp

SB 335 - Under this act, motorists who operate motor vehicles in Missouri without maintaining financial responsibility or who knowingly permits the operation of a motor vehicle without maintaining financial responsibility shall, at the time of an accident, be deemed to have waived any right to recover noneconomic damages from a person who is in compliance with Missouri's financial responsibility law. The mandatory waiver of noneconomic damages imposed by the act shall not apply in cases where the accident was caused by a driver who was operating the vehicle under the influence of alcohol or drugs, or who is convicted of involuntary manslaughter or assault in the second degree.

The waiver of noneconomic damages shall not apply in instances where his or her insurance policy was nonrenewed or cancelled for nonpayment, unless the driver had received notice from the insurance company at least 30 days prior to time of the accident.

In legal actions against a person who is in compliance with Missouri's financial responsibility laws, the

person who has waived his or her rights under the act shall have his or her award reduced by the amount representing noneconomic damages. The jury shall not be informed of the effect of the waiver on the person's total amount of recovery.

Passengers in an uninsured motor vehicle are not subject to the noneconomic recovery limitations of the act (Section 303.390).

STEPHEN WITTE

02/09/2009 S First Read--SB 335-Rupp (S266)

02/11/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S287)

02/24/2009 Hearing Scheduled But Not Heard S Small Business, Insurance and Industry Committee

03/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 336 \*\*\*

1777S.011

SENATE SPONSOR: Rupp

SB 336 - Under the terms of this act, if a lawsuit is filed in which an insurance company might be obligated to make payment under an insurance policy, the insurance company may contest the applicability of its coverages to the facts of the lawsuit at hand by:

(1) Denying coverage to the insured in a clear and unequivocal communication; or

(2) Notifying the insured that it contests the applicability of the policy's coverages to the facts pled in the lawsuit and that the insured may select legal counsel to defend the action at the insurer's expense until the issue of coverage is resolved.

If the insurance company elects to deny coverage by notifying the insured, then the insurer may proceed to defend the lawsuit in any manner (including entering into an agreement with the adverse party to allow a judgment to be taken in the case). This action shall not constitute a breach of any agreement to cooperate provision contained in the insurance policy.

If the insurance company elects to notify the insured that it contests the applicability of coverage to the facts at hand, the insurance company must then file a declaratory judgment action within 45 days after receiving notice of the lawsuit against its insured. The declaratory judgment action shall be filed to determine whether the insurance policy provides coverage to the facts pled in the lawsuit against the insured. The insurance company must agree to pay for the insured's reasonable legal fees for defending the declaratory judgment action.

If the insurance company files a declaratory judgment action to contest the policy's coverage, the insured may not settle the lawsuit or otherwise make other types of agreements with the adverse party unless specifically authorized by the insurance company in writing.

The institution of a declaratory judgment action under the act to contest coverage shall not constitute a breach of its insurance policy, either present or anticipatory.

STEPHEN WITTE

02/09/2009 S First Read--SB 336-Rupp (S266)

02/11/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S287)

02/24/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 337 \*\*\*

1759S.011

SENATE SPONSOR: Rupp

SB 337 - This act provides that the current term of the director representing Subdistrict 6 of the St. Charles ambulance district shall be extended one year. At the end of such term, the district shall hold an election and the term of the new director shall be three years.

SUSAN HENDERSON MOORE

02/09/2009 S First Read--SB 337-Rupp (S266)

02/11/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S287)

02/25/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 338 \*\*\*

1772S.011

SENATE SPONSOR: Rupp

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

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

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

Upon request, pharmacists shall submit information to the department to provide verification of victims' injuries in the same manner as other medical providers.

Also, under executive order, the Department of Public Safety makes payments to medical providers to cover the charges of the forensic examinations of sexual assault victims, rather the Department of Health. This act would reflect such transfer of responsibility in statute.

This act is similar to SB 332 (2007).  
SUSAN HENDERSON MOORE

02/09/2009 S First Read--SB 338-Rupp (S266)

02/11/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S287)

EFFECTIVE: August 28, 2009

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\*\*\* SB 339 \*\*\*

1736S.011

SENATE SPONSOR: Goodman

SB 339 - Under this act, a person commits the crime of making a false declaration by providing a verbal false statement regarding his or her identity that he or she believes or knows not to be true with the purpose of misleading a public servant. Making a false declaration is a Class B misdemeanor.

This act is identical to SB 922 (2008).  
SUSAN HENDERSON MOORE

02/09/2009 S First Read--SB 339-Goodman (S267)

02/11/2009 Second Read and Referred S General Laws Committee (S287)

03/03/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 340 \*\*\*

1663S.011

SENATE SPONSOR: Bray

SB 340 - This act creates the Plastic Bag Reduction Act.

Beginning January 28, 2010, supermarkets shall only provide recyclable paper bags, compostable plastic bags, or reusable cloth bags to their customers for carrying out merchandise. This sack requirement also applies to certain pharmacies beginning August 28, 2010.

The act provides compostability standards for the compostable plastic bags and labeling requirements for the plastic and paper bags.

A violation of the act shall be an infraction, punishable by a fine up to \$100 for a first violation, up to \$200 for a second violation in the same year, and up to \$500 for a third or subsequent violation in the same year.

The director of the Department of Natural Resources may also impose an administrative penalty upon a violator of the act, with fines as listed.

ERIKA JAQUES

02/09/2009 S First Read--SB 340-Bray (S267)

02/11/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S287)

EFFECTIVE: 1/28/2010 & 8/28/2010

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\*\*\* SB 341 \*\*\*

0257S.011

SENATE SPONSOR: Bray

SB 341 - This act requires the Governor to ensure that appointive board, commission, committee, and council membership is representative of the general population of the state with respect to race and gender.

This act is identical to SB 1214 (2008).

CHRIS HOGERTY

02/09/2009 S First Read--SB 341-Bray (S267)

02/11/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S287)

EFFECTIVE: August 28, 2009

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\*\*\* SB 342 \*\*\*

1685S.011

SENATE SPONSOR: Stouffer

SB 342 - This act modifies numerous penalties for violations of motor vehicle licensing, registration, and equipment statutes. The act makes certain motor vehicle registration violations punishable as infractions rather than various classes of misdemeanors. These provisions can be found in SB 101 (2007), HCS/SS/SCS/SBs 239, 24 & 445 ( 2007), and SB 1143 (2006).

This act changes the penalty for violating Missouri's historic motor vehicle 1,000 mile personal use limitation from a Class C misdemeanor to a violation punishable by a fine of not less than five dollars or more than five hundred dollars (Section 301.131).

The act changes the penalty for fastening voided plates to a motor vehicle from a Class C misdemeanor to a violation punishable by a fine of not less than five dollars or more than five hundred dollars (Section 301.150).

The penalty for failing to surrender a mutilated or worn plate for which a duplicate has been issued is changed from a misdemeanor to a violation punishable by a fine of not less than five dollars or more than five hundred dollars (Section 301.310).

The act provides that the penalty for knowingly making a false statement in the application for the registration of a motor vehicle is a Class C misdemeanor (Section 301.420). The act removes the imposition of a jail sentence for various motor vehicle registration violations in which no specific statutory penalty is provided and provides that such violations shall be punishable by a fine of not be less than \$5 nor more than \$500. The current law provides that certain motor vehicle registration violations are punishable by imprisonment in the county jail for a term not exceeding one year or by a fine of not less than \$5 or more than \$500, or by both (Section 301.440).

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

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

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

Under the act, the punishment for a spotlight violation is changed from a Class C misdemeanor to an infraction (Section 307.090).

The act further provides that violations of certain motor vehicle lighting regulations shall be punishable as infractions rather than misdemeanors (Section 307.120).

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

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

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

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

Under the act, the punishment for operating a motorized bicycle without a license or operating a motorized bicycle upon an interstate highway is changed from a Class C misdemeanor to an infraction (Section 307.195).

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

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

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

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

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

This act provides that for an infraction, all court costs, fees, surcharges, and other charges shall be assessed in the same manner and amount as for a misdemeanor (Section 488.006).

Under this act, an offense is an infraction if it is designated as one, or if a violation can result only in a fine, forfeiture, or other civil penalty. A determination of whether an infraction has occurred shall be made by the filing of a civil action. The action shall be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation shall be proved by a preponderance of the evidence but shall not be tried by a jury. If an infraction violation is proven, judgment shall be entered for the plaintiff.

This act requires any driver to stop on signal of any law enforcement officer and to obey any reasonable signals of such officer given in the course of enforcing any infraction. Any person who fails or refuses to obey any such signal or who resists an officer while enforcing any infraction, shall be guilty of a Class A misdemeanor (Section 556.021).

STEPHEN WITTE

02/09/2009 S First Read--SB 342-Stouffer (S267)

02/11/2009 Second Read and Referred S Transportation Committee (S287)

02/18/2009 Hearing Scheduled But Not Heard S Transportation Committee

02/25/2009 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 343 \*\*\*

1749S.011

SENATE SPONSOR: Stouffer

SB 343 - This act modifies various provisions of law relating to transportation.

TRANSPORTATION COMMISSION LEADERSHIP - Under this act, the chair and vice chair of the



commission are given the option to rotate positions. The current law requires the vice chair to assume the position of chair when the one year term of the chair expires (Section 226.030).

**HAZARDOUS MATERIAL DEFINITION** - This act modifies the definition of hazardous materials to correspond with federal law and regulations. This provision is also contained in SB 58 (2009) (Section 302.700).

**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 SB 58 (2009), 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 SB 58 (2009) and SS/SCS/SB 761 and 774 (2008).

STEPHEN WITTE

02/09/2009 S First Read--SB 343-Stouffer (S267)

02/11/2009 Second Read and Referred S Transportation Committee (S287)

02/18/2009 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 344 \*\*\*

0867S.011

SENATE SPONSOR: Lager

SB 344 – This act allows the Governor to establish the "P-20 Council" as a private-not-for profit corporation on behalf of the state. The purpose of the P-20 Council will be to create a more efficient and effective education system to more adequately prepare students for entering the workforce and will be reflected in the articles of incorporation and bylaws.

The Council's board of directors will consist of thirteen members, including the Director of the Department of Economic Development, the Commissioner of Higher Education, the Chairperson of the Coordinating Board for Higher Education, the President of the State Board of Education, the Chairperson of the Coordinating Board of Early Childhood, and the Commissioner of Education as well as seven members appointed by the Governor as described in the act.

The Council may receive and borrow money, enter into contracts, and spend money for activities appropriate to its purpose. Duties of the Council may include: studying the potential for a state-coordinated economic and educational policy; determining where obstacles make state support of certain programs difficult; creating programs; and exploring ways to better align academic content. The Council must submit an annual report to the Governor and General Assembly containing information about its operations.

Any debts incurred by the Council will not be considered debt of the state. The Council is subject to an annual audit by the State Auditor and the Council must pay for the cost.

This act allows the Department of Economic Development, the Department of Elementary and Secondary Education, and the Department of Higher Education to contract with the Council for activities described in the act.

This act repeals the statute requiring the Commissioner of Higher Education, the Chair of the Coordinating Board for Higher Education, the Commissioner of Education, the President of the State Board of Education, and the Director of the Department of Economic Development to meet and discuss ways to create a more efficient and effective education system.

This act is identical to SB 1221 (2008).

MICHAEL RUFF

02/09/2009 S First Read--SB 344-Lager (S267)

02/11/2009 Second Read and Referred S Education Committee (S287)

EFFECTIVE: August 28, 2009

\*\*\* SB 345 \*\*\*

0956S.011

SENATE SPONSOR: Lager

SB 345 – This act allows school boards to establish a four day school week instead of a five day school week by the adoption a resolution by a majority vote of board members. Any school district that does so must file a calendar with the Department of Elementary and Secondary Education. A minimum term for a school district adopting a four day school week includes 142 days and 1044 hours of pupil attendance. A school district that adopts a four day school week may make up days lost or cancelled due to inclement weather on the weekday for which school is normally not in session.

This act is similar to HB 1534 (2008).

MICHAEL RUFF

02/09/2009 S First Read--SB 345-Lager (S267)

02/11/2009 Second Read and Referred S Education Committee (S287)

02/18/2009 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 346 \*\*\*

1332S.021

SENATE SPONSOR: Schaefer

SB 346 - Current law prohibits the sale of individual packs of tobacco products unless they are sold through a vending machine, are displayed behind the check-out counter, or are within view of the clerk at the check-out counter. The act removes the exception for being within view of the clerk at the check-out counter and adds an exception for being sold through a self-service display located in a tobacco specialty store.

After January 1, 2010, self-service displays of tobacco products shall be prohibited in any location except in a tobacco specialty store. A self-service display of tobacco products is one where a consumer has access to tobacco products for sale without the assistance of a sales clerk. The penalties for violating this provision are the same as the current penalties for selling tobacco products to minors.

ERIKA JAQUES

02/10/2009 S First Read--SB 346-Schaefer (S277)

02/11/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S287)

EFFECTIVE: August 28, 2009

\*\*\* SB 347 \*\*\*

1565S.011

SENATE SPONSOR: Mayer

SB 347 - This act establishes the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to replace the current Uniform Child Custody Jurisdiction Act. This act limits child custody jurisdiction to one state, avoids competing orders, and provides enforcement provisions for child custody orders. This act establishes orders of priority and guidance on issues regarding establishing initial custody determinations, continuing jurisdiction, modification of custody determination, and emergency orders.

The UCCJEA establishes an order of priority for determining which state has proper jurisdiction to make an initial determination of child custody. The order of priority includes a determination of (1) the child's home state, (2) the state in which the child and at least one parent have a significant connection and substantial evidence concerning the custody determination is available or (3) the state having an appropriate connection with the child.

The child's home state is defined as the state where the child has lived with a parent for six consecutive months prior to the commencement of the proceeding, or since birth, for children younger than six months.

Once a state court has made a custody determination, the state keeps exclusive and continuing jurisdiction over all matters concerning the child until circumstances have changed regarding home state status, or there is no longer a significant connection to the state or evidence concerning the child's custody is no longer available in that state. The circumstances are specified in the act.

Also, once a custody determination has been made, a court of another state does not have authority to

modify the determination unless the state with jurisdiction determines that it does not have jurisdiction or any state court determines that the child, parents, or any acting parents do not reside in the state which currently has jurisdiction.

A state which does not otherwise have jurisdiction may enter a temporary emergency order if the child is in danger and needs immediate protection. After issuing the order, the state court should determine if there is an existing custody order from another state in effect. If there is an existing order, the emergency court must allow a reasonable time period for the parties to return to the state having jurisdiction and argue the issues to the court with jurisdiction.

If there is no previous child custody order in existence, the emergency court's order will remain in effect until a determination is made in a court having home state jurisdiction over the child. If no determination is made and the emergency court's state becomes the home state of the child, the emergency order becomes a final determination of custody.

This act is substantially similar to HB 187 (2009), HB 1358 (2008), SB 495 (2007) and HB 470 (2007).  
ADRIANE CROUSE

02/10/2009 S First Read--SB 347-Mayer (S277)

02/11/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S287)

EFFECTIVE: August 28, 2009

\*\*\* SB 348 \*\*\*

1279S.011

SENATE SPONSOR: Mayer

SB 348 - Currently, the salary schedule in statute serves as a base salary for county sheriffs and the county salary commission is responsible for computing the salary of elected county officials. Under this act, the sheriff's salary shall not be determined by the commission, rather it shall be set as a percentage of the salary of an associate circuit judge. The percentage is based on the classification of the county in which the sheriff serves. Any sheriff receiving a salary greater than the salaries required under this act, as of August 28, 2009, shall not have his or her salary reduced and shall continue to receive his or her salary as provided on such date.

This act is similar to SB 1193 (2008).  
SUSAN HENDERSON MOORE

02/10/2009 S First Read--SB 348-Mayer (S277)

02/11/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S287)

EFFECTIVE: August 28, 2009

\*\*\* SB 349 \*\*\*

1370S.021

SENATE SPONSOR: Goodman

SB 349 - This act requires the Director of the Oversight Division of the Joint Committee on Legislative Research to seek information and advice directly from the Division of Tourism for any bill that affects the tourism industry of this state or modifies any state sales tax rate.

JIM ERTLE

02/10/2009 S First Read--SB 349-Goodman and McKenna (S277)

02/11/2009 Second Read and Referred S General Laws Committee (S287)

03/03/2009 Hearing Conducted S General Laws Committee

03/03/2009 Voted Do Pass S General Laws Committee - Consent

EFFECTIVE: August 28, 2009

\*\*\* SB 350 \*\*\*

1783S.011

SENATE SPONSOR: Clemens

SB 350 - Hand fishing for catfish and carp during the months of June and July shall be allowable in the same waterways in the state where hook-and-line fishing for such fish is allowable. No more than five catfish may be taken annually via hand fishing. Persons taking catfish by hand must submit a report to the

Department of Conservation within 10 days of the close of the hand fishing season. The act lists other requirements for hand fishing.

A violation of the act is a class A misdemeanor.

The act is similar to the perfected SB 1107 (2006).

ERIKA JAQUES

02/10/2009 S First Read--SB 350-Clemens and Shoemyer (S278)

02/11/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S287)

02/25/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 351 \*\*\*

0329S.051

SENATE SPONSOR: Shoemyer

SB 351 - Under current law, when the state makes a local sales tax refund to a taxpayer, the state makes payment, which may include interest, to the taxpayer. Then the director of the Department of Revenue deducts the amount of payment from the local government's next local sales tax remittance. This act prohibits the director of the Department of Revenue from withholding remittance of local sales tax revenues to recoup interest payments made due to a local sales tax refund and makes the payment of interest allowed in such a refund the exclusive liability of the state. Where a local sales tax refund would result in a reduction for a remittance period in excess of forty percent, the director of the Department of Revenue may limit the deduction from the local sales tax remittance to not more than fifteen percent of the total amount of the local sales tax refund per remittance period to offset a local sales tax refund. Where the director limits deductions from local sales tax remittance, the refund will be made in installment payments in an amount equal to the deductions. Any person seeking a sales tax refund must provide the department with a plan to remit the refund to the individual or customer who actually paid the tax. If the plan is approved, the a refund will be issued. Material failure to follow the provisions of the plan will result in full repayment of the refund and the imposition of a penalty equal to three times the amount of the refunded amount.

JASON ZAMKUS

02/10/2009 S First Read--SB 351-Shoemyer (S278)

02/11/2009 Second Read and Referred S Ways and Means Committee (S287)

EFFECTIVE: August 28, 2009

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\*\*\* SB 352 \*\*\*

1825S.011

SENATE SPONSOR: Bray

SB 352 – This act establishes a Commission on the Reorganization of State Health Care which shall have as it purpose the study, review and recommendation of creating a Division of State Health Care within the Office of Administration. The proposed new division would be dedicated to providing health care coverage for all state employees, dependents, retirees and those recipients of MO HealthNet and the State Children's Health Insurance Program (SCHIP) by focusing the purchasing power and streamlining the administration of the state's health care purchasing.

The commission will consist of sixteen members. Four members will come from the legislature, three will be the directors of the Department of Insurance, Financial Institutions and Professional Registration, Social Services and the MO HealthNet Division, one will be the commissioner of the Office of Administration, one will be a member of the Board of Curators of the University of Missouri and the others will be representatives or directors from the various groups that are assimilated under the new Division of State Health Care.

The commission shall submit a report to the General Assembly and governor by December 31, 2009, on the creation of the new division, which will serve through three implementation phases as the lead planning state entity for all health issues in the state.

The commission shall designate a work group to provide analysis on the recommendations required of the commission consisting of members representing any health policy center or program from the public institutions of higher education in the state.

The commission shall also investigate coordinating and purchasing health care benefit plans, during the

second phase, for employees of the public schools, community colleges and political subdivisions of the state. The study shall also include the feasibility of creating and administering insurance programs in the third phase for small businesses and the uninsured in the state.

The provisions of this act shall expire on February 1, 2010. This act has an emergency clause.  
ADRIANE CROUSE

02/11/2009 S First Read--SB 352-Bray (S284)

02/16/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S312)

EFFECTIVE: Emergency Clause

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\*\*\* SB 353 \*\*\*

1372S.021

SENATE SPONSOR: Schmitt

SB 353 - This act modifies provisions of law which authorize a tax credit for qualified research expenses. The tax credit is limited to research expenses incurred in the research and development of agricultural biotechnology and plant genome products, and prescription pharmaceuticals consumed by animals. The act modifies the time-line for application and issuance of tax credits under the program. Under current law, no qualified research expense tax credits may be approved, awarded or issued after January 1, 2005. This act removes the prohibition on approval and issuance of tax credits and increases the annual tax credit cap from nine million seven hundred thousand to ten million dollars. The director of the Department of Economic Development may allow taxpayers to transfer, sell, or assign up to forty percent of tax credits between January 1, 2010, and December 31, 2016, provided such taxpayer files an application providing certain information regarding such transfer. In the event the amount of claims for tax credits exceed the annual cap, the act provides a method for pro rating issuance of tax credits.

This act is similar to the provision of Senate Bill 1188 (2008) and House Bill 312 (2009).  
JASON ZAMKUS

02/11/2009 S First Read--SB 353-Schmitt (S284)

02/16/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S312)

EFFECTIVE: August 28, 2009

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\*\*\* SB 354 \*\*\*

1844S.011

SENATE SPONSOR: Dempsey

SB 354 - This act requires the auditor of any county with a charter form of government to annually take an inventory of county property with an original value of \$2,500 or more, rather than \$250.  
SUSAN HENDERSON MOORE

02/11/2009 S First Read--SB 354-Dempsey (S284)

02/16/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S312)

EFFECTIVE: August 28, 2009

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\*\*\* SB 355 \*\*\*

1861S.011

SENATE SPONSOR: Dempsey

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

Under the act, no motor vehicle dealers that sells or leases motor vehicles and imposes an administrative fee of less than \$200 in the connection with the sale or lease of such vehicle shall be deemed to be engaging in the unauthorized practice of law. The \$200 limit shall be adjusted annually for inflation.

If an administrative fee is charged, the administrative fee shall be charged to all retail customers, unless prohibited by the motor vehicle dealer's franchisor, and disclosed on the retail buyer's order form as a

separate itemized charge. The act requires certain paperwork provided to the purchaser to include the amount of the administrative fee and a statutory notice informing the purchaser that the administrative fee is not required by law and that no portion of the fee is for the drafting, preparation or completion of documents.

If a motor vehicle dealer provides the statutory notice required by the act and otherwise follows the confines of the act, then any damages imposed by court or jury based upon the charging of administrative fees are null and void.

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

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

STEPHEN WITTE

02/11/2009 S First Read--SB 355-Dempsey (S284)

02/16/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S312)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 356 \*\*\*

1544S.011

SENATE SPONSOR: Purgason

SB 356 - This act modifies the infraction of abandoning a boat dock by making the infraction apply universally to the waters of this state rather than just to lakes having at least 950 miles of aggregate shore line (Section 306.903). This act modifies the law which requires certain dock owners to display identifying information on the dock.

Under the terms of the act, persons owning boat docks on lakes having at least 950 miles of shorelines and lakes constructed or maintain by the U.S. Army Corps of Engineers must display the appropriate 911 street address near the dock. The act details how the 911 address must be displayed (lake side, visible from channel or cove, 3" lettering, etc.). The failure to display identifying dock information is an infraction (Section 306.903).

Under the terms of this act, any person who possesses expanded polystyrene or glass containers (including beverage containers) within 50 feet of a river or stream is guilty of a class C misdemeanor. This provision does not apply to developed campgrounds, picnic areas, landings, roads or parking lots within 50 feet of river or stream (Section 306.105).

STEPHEN WITTE

02/11/2009 S First Read--SB 356-Purgason (S284)

02/16/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S312)

03/04/2009 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 357 \*\*\*

1606S.011

SENATE SPONSOR: Purgason

SB 357 - This act exempts trailer dealers from submitting a copy of a current dealer garage policy when submitting their license application.

This act is identical to HB 365 (2009).

STEPHEN WITTE

02/11/2009 S First Read--SB 357-Purgason (S284)

02/16/2009 Second Read and Referred S Transportation Committee (S312)

03/04/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 358 \*\*\*

1782S.011

SENATE SPONSOR: Purgason

SB 358 - This act increases the assessed valuation a county must maintain in order to move into a higher classification. The assessed valuation for counties of the first classification is increased from \$600 million to \$750 million. The assessed valuation for counties of the second classification is increased from \$450 million to \$600 million. All counties with an assessed valuation of less than \$600 million will be counties of the third classification.

The required assessed valuation for each classification shall be increased by an amount equal to any percentage increase in the consumer price index.

SUSAN HENDERSON MOORE

02/11/2009 S First Read--SB 358-Purgason (S284)

02/16/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S312)

EFFECTIVE: August 28, 2009

\*\*\* SB 359 \*\*\*

1738S.011

SENATE SPONSOR: Purgason

SB 359 - Currently, a local government may withdraw from a regional planning commission at the end of any fiscal year by a two-thirds vote of the local government's governing body. Under this act, the governing body shall also withdraw upon voter approval.

If the governing body receives a petition, signed by 15% of the registered voters in the last gubernatorial election, calling for withdrawal, the governing body shall submit the proposal to the voters. If a majority of the votes are in favor of withdrawal, the governing body shall withdraw the local government from the regional planning commission at the end of the fiscal year.

SUSAN HENDERSON MOORE

02/11/2009 S First Read--SB 359-Purgason (S284)

02/16/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S312)

EFFECTIVE: August 28, 2009

\*\*\* SB 360 \*\*\*

1141S.021

SENATE SPONSOR: Scott

SB 360 - This act requires that individuals acting as mortgage loan originators for residential property be licensed. Mortgage loan originators must also be employed, act under the supervision of a Missouri licensed residential mortgage broker, and register with the National Mortgage Licensing System and Registry "NMLSR". These requirements are not effective until July 31, 2010.

Certain individuals are exempt from licensing, including: mortgage loan originators registered with NMLSR and employed by certain entities, individuals offering or negotiating terms of residential mortgage loans with or on behalf of an immediate family member, individuals offering or negotiating terms of residential mortgage loans secured by their own residence, and certain attorneys who negotiate the terms of a residential mortgage loan on behalf of a client.

Independent contractor loan processors or underwriters for residential real estate must also be licensed as mortgage loan originators, have a unique identifier issued by NMLSR, and certify annually to the Director of the Division of Finance that they will comply with requirements applicable to mortgage loan originators.

Non-federally insured credit unions which employ loan originators must register the loan originators with the NMLSR.

The director of the Division of Finance is authorized to establish licensing rules or regulations for mortgage loan originator licensing. The director may establish expedited procedures for licensing of individuals previously licensed in Missouri as residential mortgage loan brokers. The director is authorized to establish the application form, and enter into relationships and contracts with the NMLSR to collect and

maintain records and process fees. The director is also required to establish a process for mortgage loan originators to challenge information entered into NMLSR.

An applicant for licensing as a mortgage loan originator must furnish NMLSR with their fingerprints, personal history, and authorize NMLSR to get their credit report and information related to any administrative, civil, or criminal findings by any governmental agency. Residential mortgage brokers subject to this act must also submit reports to the NMLSR.

Licensees are also required to have continuing education of at least eight hours a year in certain subjects. Provisions for the types of continuing education allowable are included.

The director shall not issue a mortgage loan originator license to anyone, unless the director finds that the applicant: has never had a mortgage loan originator license revoked in any governmental jurisdiction, has not been convicted of certain felonies, or any felony in the last seven years, has demonstrated financial responsibility, character, and fitness for licensing, has completed pre-licensing education requirements, which include at least twenty hours of NMLSR approved courses in specific areas, has passed a NMLSR written test, and met a surety bond requirement.

Standards for renewing mortgage loan originator licenses are also provided. The director is also authorized to adopt procedures for the reinstatement of expired licenses.

The director is authorized to deny licenses to applicants, discipline licensees, order restitution, impose fines, issue cease and desist orders, and order other affirmative action as the director deems necessary. Letters denying or declining to renew a license may be appealed to the residential mortgage board pursuant to the Missouri Administrative Procedure Act. All other matters presenting a contested case involving a licensee may be heard by the director pursuant to the Missouri Administrative Procedure Act. The civil penalty the director may impose is a maximum of \$25,000 per violation.

Mortgage loan originators are required to be covered by the surety bond of the licensed mortgage broker who supervises them. Residential mortgage brokers shall deliver a surety bond to the director prior to the issuance or renewal of a license. The director may promulgate rules or regulations with respect to the requirements of the surety bonds. Provisions regarding the amount of the bond and filing of the bond are also included.

Provisions for the confidentiality of certain information provided by licensees to the director and to the NMLSR are included. Information regarding the employment history and publicly adjudicated disciplinary and enforcement actions against residential mortgage brokers and mortgage originators will be accessible to the public.

The director has the authority to conduct investigations and examinations. The director's investigatory powers and certain actions which would violate the act are specified. The director is required to report violations and other relevant information to the NMLSR.

The unique identifier assigned to each person originating a residential mortgage loan and the residential mortgage loan broker license number must be on all residential mortgage loan application forms, advertisements, business cards, websites, and any other documents as established by the director.

Residential mortgage loan brokers who are licensed by the director are required to report each mortgage loan originator employed under their supervision to the director and report any apparent violations to the director within ten days of detection. The director can grant waivers of the residential mortgage loan broker licensing requirement.

Residential mortgage brokers are required to disclose a loan disclosure statement and fee agreement. Mortgage loan originators may only be compensated by the mortgage loan broker that employs them. If the mortgage broker receives fees greater than the amount they disclosed, they shall forfeit double the amount of fees and compensation to the borrower.

The requirement that a mortgage broker have annual audits is repealed.  
EMILY KALMER

02/11/2009 S First Read--SB 360-Scott (S284)

02/16/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S312)



EFFECTIVE: August 28, 2009

\*\*\* SB 361 \*\*\*

1721S.011

SENATE SPONSOR: Crowell

SB 361 - This act allows the Dental Board to grant limited licenses to retired dentists. Individuals seeking limited licenses are required to pay a fee, file an affidavit stating that they have been licensed for at least ten years, are retired, and that their license was in good standing at retirement, and meet examination and certificate of practice requirements.

Dentists with limited licenses are not required to complete more than five hours of continuing education annually.

Dentists with limited licenses may only provide primary and preventative care without compensation to family members and at certain facilities.

EMILY KALMER

02/11/2009 S First Read--SB 361-Crowell (S284)

02/16/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S312)

02/23/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 362 \*\*\*

1846S.011

SENATE SPONSOR: Griesheimer

SB 362 - This act increases certain user fees collected by county recorders from \$4 to \$6. Of the fee, three dollars, rather than two dollars, shall be deposited into the recorder's fund and two dollars, rather than one dollar, shall be used by the secretary of state for preservation of local records. All requests for records dated after December 31, 1969, shall be made to the office in which the record was originally filed.

SUSAN HENDERSON MOORE

02/11/2009 S First Read--SB 362-Griesheimer (S285)

02/16/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S312)

02/25/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 363 \*\*\*

1862S.011

SENATE SPONSOR: Griesheimer

SB 363 - This act allows the Department of Revenue to appoint motor vehicle and boat dealers to act as agents for purpose of registering and licensing motor vehicles, titling and registering boats and collecting motor vehicle sales and use taxes. Beginning January 1, 2012, any boat or motor vehicle dealer may collect and remit sales and use tax on the motor vehicles or boats it sells at the time of sale. The motor vehicle dealer or boat dealer may retain 2% of the sales tax (Section 144.145).

Under current law, a person who sells a motor vehicle may deduct the sales price of such vehicle from the sales price of a subsequently purchased vehicle for purposes of paying motor vehicle sales tax provided the vehicle is purchased within six months of the date of sale. This act modifies this particular trade-in credit rule by requiring the director to impose a tax on the sales price of the subsequent vehicle of no less than 80% of the vehicle's value (Section 144.025).

The act explicitly provides that for purposes of paying sales taxes on motor vehicles, trailers, and boats, in nonretail transactions, the purchase prices shall mean not less than 80% of the vehicle's value. For retail transactions, the purchase price of a vehicle shall mean the total amount of the contract price agreed upon between the seller and buyer (Section 144.070).

The act also creates new penalties (monetary and suspension of business licenses) for failing to remit sales taxes to the Department of Revenue in a timely manner (Section 144.080). The act requires the Department of Revenue to issue a credit on the next quarterly tax remittance to any

seller for any amounts remitted for satisfying and returning any tax obligation on behalf of a purchaser causing a credit card reversal or presenting insufficient monetary instruments for tax imposed (Section 144.080).

Under current law, refunds made to purchasers who return items to sellers may be deducted from the seller's gross receipts return that it files with the Department of Revenue provided the seller has returned to the purchaser all tax previously paid. Under this act, sellers who are motor vehicle dealers or financial institutions that finance sales, and the personal property or motor vehicle is repossessed, do not have to return tax previously paid by the purchaser in order to obtain the gross receipts deduction (Section 144.130).

STEPHEN WITTE

02/11/2009 S First Read--SB 363-Griesheimer (S285)

02/16/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S312)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 364 \*\*\*

1283S.021

SENATE SPONSOR: Clemens

SB 364 - This act creates the "Television Electronic Recycling Act".

Television manufacturers shall not sell televisions in Missouri unless the manufacturer's name and brand are affixed on the televisions. By January 1, 2011, any television manufacturer who intends to sell televisions in Missouri must register with the Department of Natural Resources and pay an initial registration fee of \$2,500. Each television manufacturer shall be required thereafter to pay a renewal fee of \$2,500 by January 1st of each year. The registration shall list all the brands used by the television manufacturer.

Beginning in 2012, each television manufacturer who sells televisions in Missouri must recycle a certain amount of discarded televisions based on that manufacturer's market share of televisions sold in Missouri during the previous year. Manufacturers may fulfill this requirement in conjunction with other manufacturers. By January 31, 2012 and on an annual basis thereafter, each television manufacturer must report to the department the amount of televisions it collected and recycled during the previous year.

Beginning January 1, 2011, retailers may only sell televisions of manufacturers who have registered with the department and only televisions labeled with the manufacturer's name and brand. Also by that date, retailers must provide information to their customers regarding television collection and recycling services, which includes the department's website and phone number.

Retailers are not liable for any information left on televisions that they collect and recycle.

The act provides procedures for the department to best determine each television manufacturer's market share and requires the department to notify each manufacturer of the amount it should recycle by March 15, 2012 and annually thereafter.

The department is required to conduct certain information/education activities for consumers.

The department and the Attorney General may enforce the provisions of the act. Any television manufacturer who fails to label its televisions or fails to recycle televisions may be assessed a penalty up to \$10,000 for a first violation, and up to \$25,000 for second or subsequent violations. Individuals or retailers who violate the act's provisions may be subject to a penalty up to \$1,000 for a first violation, and up to \$2,000 for second or subsequent violations. The department shall use the proceeds from paid penalties to offset costs incurred in administering this act and to provide grants to local governments that recycle televisions.

Any financial or proprietary information reported to the department under the act is exempt from the Sunshine Law.

The department shall annually issue a report to the General Assembly based on information reported by manufacturers. The act requires all televisions collected and recycled to be done in accordance with all other laws and requires the department to adopt the Institute of Scrap Recycling Industries, Inc.'s Electronics Recycling Operating Practices in its requirements.

State bidding procedures for televisions must ensure that the requirements of the act are met in any state purchase of televisions.

ERIKA JAQUES

02/12/2009 S First Read--SB 364-Clemens and Schaefer (S292)

02/16/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S312)

03/04/2009 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 365 \*\*\*

1881S.011

SENATE SPONSOR: Clemens

SB 365 - This act establishes licensing standards for different types of clinical laboratory science personnel. The act licenses clinical laboratory scientists, categorical laboratory scientists, clinical laboratory technicians and clinical laboratory assistants.

The act establishes the Clinical Laboratory Science Board consisting of seven members appointed by the Governor with the advice and consent of the Senate. Among other duties, the board shall establish educational standards and continuing education requirements.

Applicants for licensing are required to be at least 18 years old, submit an application, pay a fee, submit to a background check, pass certain examinations, and meet specific educational requirements.

Temporary licenses are allowed and licensees may be placed on inactive status under certain circumstances. Procedures are established for denial and discipline of licenses and for the review of those administrative decisions.

The board is also authorized to seek injunctions against unlicensed clinical laboratory science personnel and subpoena individuals and documents.

Two years after August 28, 2009, any person who violates this act shall be guilty of a Class A misdemeanor.

This act is similar to SB 1099 (2006), SB 314 (2007), and SB 1162 (2008).

EMILY KALMER

02/12/2009 S First Read--SB 365-Clemens (S292)

02/16/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S312)

EFFECTIVE: August 28, 2009

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\*\*\* SB 366 \*\*\*

1751S.011

SENATE SPONSOR: Schmitt

SB 366 - This act requires the Governor to annually issue a proclamation setting apart February 14th as "Epilepsy Awareness Day" in Missouri.

JIM ERTLE

02/12/2009 S First Read--SB 366-Schmitt (S293)

02/16/2009 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S312)

EFFECTIVE: August 28, 2009

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\*\*\* SB 367 \*\*\*

1785S.011

SENATE SPONSOR: Ridgeway

SB 367 - Beginning in the 2010 taxable year, this act phases out the corporate income tax over a period of four years so that for the tax year 2014, no corporate income tax will be imposed.

This act is identical to House Bill 178 (2009).

JASON ZAMKUS

02/12/2009 S First Read--SB 367-Ridgeway (S293)

02/16/2009 Second Read and Referred S Ways and Means Committee (S312)

03/04/2009 Hearing Scheduled S Ways and Means Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 368 \*\*\*

1891S.021

SENATE SPONSOR: Stouffer

SB 368 - This act provides that a person operating a motorcycle or bicycle who enters or crosses an intersection controlled by a traffic-control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

- (1) The motorcycle or bicycle has been brought to a complete stop;
- (2) The traffic signal continues to show a red light for an unreasonable time;
- (3) The traffic signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and
- (4) No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

The affirmative defense applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action.

A similar provision was contained in SB 614 (2007) and SCS/SB 969 (2006).

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

STEPHEN WITTE

02/12/2009 S First Read--SB 368-Stouffer (S293)

02/16/2009 Second Read and Referred S Transportation Committee (S313)

02/25/2009 Hearing Conducted S Transportation Committee

02/25/2009 Voted Do Pass S Transportation Committee - Consent

02/25/2009 Reported from S Transportation Committee to Floor - Consent (S384)

03/03/2009 S Consent Calendar--SB 368-Stouffer

EFFECTIVE: August 28, 2009

\*\*\* SB 369 \*\*\*

1893S.011

SENATE SPONSOR: Stouffer

SB 369 - This act changes provisions regarding pharmacy. It allows pharmacists to administer pneumonia and shingles vaccines under certain circumstances and provides that permits are not required for pharmacists to perform nondispensing activities outside of pharmacies.

Pharmacy technicians' registration will lapse and become null and void thirty days after the expiration date.

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

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

This act is similar to HB 513 (2009).

EMILY KALMER

02/12/2009 S First Read--SB 369-Stouffer (S293)

02/16/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S313)

EFFECTIVE: August 28, 2009

\*\*\* SB 370 \*\*\*

1412S.021

SENATE SPONSOR: Bray

SB 370 - This act places a moratorium on foreclosures of real property for one year from its enactment.

Before foreclosure, a creditor shall notify defaulted debtors that they are in default no earlier than 60 days after default and that they have the right to participate in free mediation services administered by the Division of Finance, whereby the division will meet with the creditor and debtor in an attempt to restructure the loan payment schedule or otherwise agree upon a method to cure the default.

Creditors may commence foreclosure 60 days after notice of default and right to seek mediation service or 30 days after the debtor and creditor first meet in mediation, whichever is later.

CHRIS HOGERTY

02/12/2009 S First Read--SB 370-Bray (S293)

02/16/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S313)

EFFECTIVE: Emergency Clause

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\*\*\* SB 371 \*\*\*

1833S.01I

SENATE SPONSOR: Bray

SB 371 - This act prohibits the use of expiration dates or service fees on gift certificates. Abandoned or unused gift certificates shall not be subject to state unclaimed property provisions and shall not become the property of the State Treasurer. Violations of the act shall be considered unfair marketing practices subject to certain unlawful merchandising practice penalties.

This act is similar to SB 76 (2007) and SB 685 (2006).

ERIKA JAQUES

02/12/2009 S First Read--SB 371-Bray (S293)

02/16/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S313)

EFFECTIVE: August 28, 2009

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\*\*\* SB 372 \*\*\*

0483S.02I

SENATE SPONSOR: Dempsey

SB 372 - Current law gives the Conservation Commission the authority to suspend or revoke hunting permits and privileges for up to 5 years for anyone who accidentally injures another person while hunting. This act gives authority to the Commission to permanently revoke the hunter's permit or privileges if the accident results in another's death.

ERIKA JAQUES

02/12/2009 S First Read--SB 372-Dempsey (S293)

02/16/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S313)

02/25/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 373 \*\*\*

0782S.02I

SENATE SPONSOR: Mayer

SB 373 – For the school year beginning July 1, 2010, students currently enrolled in a public school may enroll in a public school in another school district. The student's parent or guardian must notify the child's school district of residence and the receiving district by January 15 of the preceding school year of the intent to change the child's enrollment on an application prescribed the Department of Elementary and Secondary Education. If a parent fails to provide notification by January 15, he or she may do so until the third Friday in July of that calendar year provided that the parent has good cause to do so, as described in the act. An application for enrollment may be granted at any time with the approval of the child's school district of residence and the receiving district.

Each school district must adopt a policy outlining appropriate class size and teacher-pupil ratios for all grade levels. No school district is required to admit students if doing so would violate its class size and teacher-pupil ratio. If a school district denies entry to any student, it must state grounds for such denial.

School districts must maintain records on the number of transfers requested into and out of the district, the number of pupils it accepts, and the number of pupils it denies.

A parent who enrolls his or her child in another school district under this act may return the child to the school district of residence at a later time. If the parent returns the child to the school district of residence, the parent cannot reenroll the child in the other school district. However, the parent may request enrollment in a different school district by following the procedures in this act.

For students receiving special education services, a request to enroll in another district will only be approved if the receiving district maintains a special education program appropriate for the child. Also, the child's enrollment in the receiving district must not exceed the maximum class size. In addition, a member of the IEP team in the school district of residence must be part of the IEP team in the receiving district for any initial planning sessions. The board of education of the school district of residence must pay the receiving district the actual costs incurred in providing the special education.

Any students who enroll in other school districts under this act will counted, for state school foundation aid purposes, in the student's school district of residence. The school district of residence must pay the receiving district for the student's attendance as described in the act. If a student enrolled in another school district under this act moves to a different school district during the academic year, the first school district of residence must continue paying the receiving district for the remainder of the school year. The new school district of residence must pay for any subsequent years.

The parent is responsible for providing transportation. A school district may provide transportation to a student to and from a point on an existing bus route provided the parent transports the child to that point.

Participation in interscholastic athletics will be governed by the requirements and eligibility standards of the Missouri State High School Activities Association (MSHSAA).

This act is similar to HB 2482 (2008).  
MICHAEL RUFF

02/12/2009 S First Read--SB 373-Mayer (S293)

02/16/2009 Second Read and Referred S Education Committee (S313)

EFFECTIVE: August 28, 2009

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\*\*\* SB 374 \*\*\*

1897S.011

SENATE SPONSOR: Mayer

SB 374 - Under this act, the employment-at-will doctrine shall not control when elements of a whistle-blower cause of action for wrongful discharge are established. This cause of action is established if an employee proves by a preponderance of the evidence that the employee reported to the proper authorities conduct that the employee had a good faith and reasonable belief violated a statute, constitutional provision, or regulation and a clearly mandated public policy; the employee was discharged; and the act of reporting was the exclusive factor in the discharge.

Similarly, the employment-at-will doctrine shall not control when elements of a refusal to commit an illegal act cause of action for wrongful discharge in violation of public policy are established. This cause of action is established if an employee proves by a preponderance of the evidence that the employer directed the employee to perform conduct that would, if completed, violate a statute, constitutional provision, or regulation and a clearly mandated public policy; the employee specifically refused to perform the act; the employee was discharged; and the refusal to perform the act was the exclusive factor in the discharge.

This act is similar to HB 1456 (2006), SB 168 (2007), and SB 1046 (2008).  
CHRIS HOGERTY

02/12/2009 S First Read--SB 374-Mayer (S293)

02/16/2009 Second Read and Referred S General Laws Committee (S313)

EFFECTIVE: August 28, 2009

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\*\*\* SB 375 \*\*\*

1815S.011

SENATE SPONSOR: Mayer

SB 375 – This act requires health insurance companies to provide coverage for routine patient care costs incurred as the result of phase I clinical trials undertaken to treat cancer. Currently, Section 376.429, RSMo, requires coverage for phases II, III, or IV only. This act also removes any of the additional prerequisites for coverage for phase II trials that do not apply to phase III or IV trials.

ADRIANE CROUSE

02/12/2009 S First Read--SB 375-Mayer, et al (S293)

02/16/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S313)

EFFECTIVE: August 28, 2009

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\*\*\* SB 376 \*\*\*

1744S.021

SENATE SPONSOR: Lager

SB 376 - This act creates the Missouri Residential and Small Business Energy Efficiency Investment Act.

The Public Service Commission (PSC) must allow electric and natural gas companies to implement and recover costs related to PSC-approved energy efficiency programs aimed at customers. The PSC must develop cost recovery methods that value energy efficiency investments at least the same as, if not more than, traditional supply-side investments. Such methods must also account for lost energy sales associated with energy efficiency. The act provides ways for the PSC to develop cost recovery methods that provide incentives for the companies to further increase their investment in energy efficiency programs.

The PSC may reduce or exempt energy efficiency costs for low-income customers. No customer of any rate class shall pay more than \$5,000 per month for energy efficiency-related costs.

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

ERIKA JAQUES

02/16/2009 S First Read--SB 376-Lager and Callahan (S310)

02/19/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S345)

03/03/2009 Hearing Cancelled S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 377 \*\*\*

1961S.011

SENATE SPONSOR: Rupp

SB 377 - The governing body of a municipality may annex a research park that is compact and contiguous to the existing municipal boundaries if the property has not been sold within the previous six months and the municipality receives the written consent of all the property owners. The municipality and county shall adopt reciprocal ordinances authorizing the annexation. A "research park" is defined as an area developed by a university to be used by technology-intensive and research-based companies as a business location.

SUSAN HENDERSON MOORE

02/16/2009 S First Read--SB 377-Rupp (S310)

02/19/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S345)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 378 \*\*\*

1935S.011

SENATE SPONSOR: Nodler

SB 378 - This act extends the sunsets for the Medicaid Managed Care Organization reimbursement allowance, the Pharmacy Tax, and the intermediate care facility for the mentally retarded assessment from June 30, 2009 to September 30, 2011. The sunsets for the Federal Reimbursement Allowance assessment and Nursing Facility Reimbursement Allowance are extended from September 30, 2009 to September 30, 2011.

This act contains an emergency clause.

JASON ZAMKUS

02/16/2009 S First Read--SB 378-Nodler (S310)

02/19/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S345)

03/03/2009 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: Emergency Clause

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\*\*\* SB 379 \*\*\*

1895S.011

SENATE SPONSOR: McKenna

SB 379 - Beginning July 1, 2009, there shall be minimum salary requirements established for all corrections officers and supervisors.

This act is similar to HB 211 (2009).

SUSAN HENDERSON MOORE

02/16/2009 S First Read--SB 379-McKenna (S310)

02/19/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S345)

EFFECTIVE: August 28, 2009

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\*\*\* SB 380 \*\*\*

1041S.011

SENATE SPONSOR: Stouffer

SB 380 - This act creates a state and local sales tax exemption for sales of farm products made at farmers' markets.

JASON ZAMKUS

02/16/2009 S First Read--SB 380-Stouffer (S310)

02/19/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S345)

03/05/2009 Hearing Scheduled S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 381 \*\*\*

1853S.011

SENATE SPONSOR: Schaefer

SB 381 - Governmental bodies authorized to own land and charitable organizations or trusts can hold a conservation easement, which is an easement designed to protect or preserve natural or cultural resources on land. A conservation easement can be created in the same manner as provided in law for other types of easements.

ERIKA JAQUES

02/16/2009 S First Read--SB 381-Schaefer (S310)

02/19/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S345)

03/04/2009 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 382 \*\*\*

1864S.011

SENATE SPONSOR: Schaefer

SB 382 - This act requires hospitals to report whenever they have a "serious reportable event in health care," as identified by the National Quality Forum. Such events include wrong-site surgery, retention of a foreign object in a patient after surgery, and death or serious disability associated with medication error.

The procedure for hospitals reporting such events to a patient safety organization are prescribed in the act. The requirements for a patient safety organization are also prescribed in the act. The patient-identifying data shall be redacted from information provided to the patient safety organization. The initial report of the



event shall be reported to the patient safety organization no later than the close of business on the next business day following discovery of the incident. The initial report shall include a description of immediate actions taken by the hospital to minimize the risk of harm to patients and prevent reoccurrence. Within 45 days after the event occurred, the hospital shall submit to the patient safety organization a root cause analysis and a prevention plan.

The patient safety organization shall assess the information provided from the hospital and furnish the hospital with findings and recommendations as to how to prevent future incidents.

The patient safety organization shall publish an annual report to the public on reportable incidents. The report shall show the number and rate per patient encounter by region and by category of reportable incident and may identify reportable incidents by type of facility. For purposes of the report, the state shall be divided into no fewer than three regions, with the St. Louis metropolitan statistical area being one of the regions.

This act provides for certain legal protections of patient safety organization documents. The proceedings and records of the organization shall not be subject to discovery or introduction into evidence in any civil action against a provider. However, information otherwise available from original sources shall not be immune from discovery or use in any civil action if they were presented during a patient safety organization meeting. Patient safety work product shall be privileged and confidential pursuant to the federal Patient Safety and Quality Improvement Act of 2005.

This act is similar to HB 497 (2009), SB 916 (2008), and SB 578 (2007).

ADRIANE CROUSE

02/16/2009 S First Read--SB 382-Schaefer (S310)

02/19/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S345)

EFFECTIVE: August 28, 2009

\*\*\* SB 383 \*\*\*

1834S.03I

SENATE SPONSOR: Dempsey

SB 383 – This act modifies the contribution rates paid by employees and employers for the Public School Retirement System of Missouri. Current law provides that employees and employers contribute to PSRS in equal amounts and at the same contribution rate. This act limits the contribution rate for employees to the rate in effect as of August 28, 2009. In addition, the Board of Trustees may increase the actuarial contribution rate for employers by up to one percent from the prior fiscal year. The contribution rate for employers will not increase once it satisfies the actuarially required contribution rate. This act also allows legislation to be enacted after July 1, 2009 that increases benefits provided to members or retirees subject to the provisions of Section 105.684, RSMo.

MICHAEL RUFF

02/17/2009 S First Read--SB 383-Dempsey (S317)

02/19/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S345)

EFFECTIVE: August 28, 2009

\*\*\* SB 384 \*\*\*

1752S.03I

SENATE SPONSOR: Lager

SB 384 - This act requires the Office of the Land Surveyor in the Department of Natural Resources to promulgate rules and regulations establishing minimum standards for GIS cadastral parcel mapping. Any map designed and used to reflect legal property descriptions or boundaries for use in a GIS system shall comply with such rules.

The practice of land surveying shall include working with positions of the United States Public Land Survey System and creating, preparing, or modifying computerized data, including land information systems and geographic information systems.

SUSAN HENDERSON MOORE

02/17/2009 S First Read--SB 384-Lager (S318)

02/19/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S345)

03/04/2009 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 385 \*\*\*

1497S.011

SENATE SPONSOR: Lager

SB 385 - Under this act, the county commission of any county without a charter form of government shall have the power to adopt ordinances requiring property owners to control brush on county right-of-ways or county maintenance easements that are part of the property owner's land that is adjacent to the county road.

Before charging a person with an ordinance violation, the county commission shall notify the property owner of the ordinance requirements, return receipt requested. The commission shall allow the owner thirty days from the date of return receipt or refusal of acceptance of delivery to control the brush. The property owner shall be granted an automatic thirty-day extension for hardship if the owner notifies the commission within the first thirty-day period of such reasons. The property owner may be granted a second thirty-day extension upon a vote of the commission.

Any property owner in violation of such a county ordinance may be ordered to pay a civil fine of not more than ten dollars per day. If the owner is found to be in violation of the ordinance, the county shall take action to control the brush as provided under Section 263.245, RSMo, not more than thirty-days after the fine was initially imposed.

SUSAN HENDERSON MOORE

02/17/2009 S First Read--SB 385-Lager (S318)

02/19/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S345)

EFFECTIVE: August 28, 2009

\*\*\* SB 386 \*\*\*

1531S.011

SENATE SPONSOR: Lager

SB 386 - This act allows real property owners in Caldwell, Clinton, Daviess, and DeKalb counties to seek voter approval for the creation of exhibition center and recreational facility districts. If such a district is created, it may seek voter approval for the imposition of a one-quarter of one percent sales tax, for a period not to exceed twenty-five years, to fund the district.

JASON ZAMKUS

02/17/2009 S First Read--SB 386-Lager (S318)

02/19/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S345)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 387 \*\*\*

0820S.011

SENATE SPONSOR: Barnitz

SB 387 - This act authorizes the City of Waynesville, upon voter approval, to impose a transient guest tax of up to three percent per occupied hotel and motel room per night. The revenues derived from the tax must be used to fund the construction, maintenance, and repair of a multipurpose conference and convention center.

This act is identical to House Bill 1967 (2008) and House Bill 28 (2009).

JASON ZAMKUS

02/17/2009 S First Read--SB 387-Barnitz (S318)

02/19/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S345)

03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 388 \*\*\*

0825S.011

SENATE SPONSOR: Barnitz

SB 388 - This act modifies various provisions relating to foster care and adoption.

This act provides that any employee of the Children's Division of the Department of Social Services may choose to become qualified or licensed as an emergency placement provider, a respite care provider, or a licensed foster home. Any employee who becomes qualified or licensed shall not provide care for any child in his or her caseload, but may, upon supervisory approval, choose to transfer the case to another employee in order to be able to provide such care. Sections 210.482, 210.486.7, and 210.545.

Also, the Children's Division is required to establish procedures and promulgate rules to provide applications to become a licensed foster or preadoptive home, and approximately one half of all training, education, or other coursework to become licensed shall be available and able to be completed on an Internet web site created and maintained by the division. Section 210.486.8.

This act requires the guardian ad litem to ascertain the child's wishes and feelings about potential foster care placement or adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level. The child's wishes and feelings shall be considered as a factor when the children's division makes decisions and recommendations regarding foster care placement, and shall be considered by the court as a factor in determining if adoption is in the child's best interests. Such consideration shall not supersede the preference for placement with relatives. Section 210.565 and 453.030.

This act also provides that if an employee or agent of the children's division knowingly provides incorrect information to a foster parent or prospective adoptive parent in order to secure placement of a child, or knowingly fails to provide information that is pertinent to the care of the child or the protection of the foster family, the action shall result in three days suspension without pay, and shall be recorded and kept on record by the division. If an employee or agent of a licensed child placing agency knowingly provides such incorrect information or fails to provide such pertinent information to a foster or prospective adoptive parent, the action shall also result in three days suspension without pay, shall be recorded and kept on record by the licensing division or department following consideration as to whether such action constitutes a basis for suspension or revocation of the agency's license. Sections 210.566 and 453.026.

This is identical to SB 1242 (2008).

ADRIANE CROUSE

02/17/2009 S First Read--SB 388-Barnitz (S318)

02/19/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S345)

EFFECTIVE: August 28, 2009

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\*\*\* SB 389 \*\*\*

0252S.011

SENATE SPONSOR: Bray

SB 389 - This act modifies provisions regarding public officials, lobbyists and campaign finance.

Under this act, the per diem for Senators and Representatives is raised from 80% to 100%.

The act imposes certain disclosure and reporting requirements for certain public servants who are offered bribes.

Public officials and state employees are barred from lobbying while in an elected position or employed in the state and are further barred from lobbying for two years after leaving their respective office or employment.

Members of the General Assembly are barred from accepting meals, food, beverages, and other gifts from lobbyists but they may reimburse the lobbyist within 30 days of receiving knowledge of the indiscretion.

Lobbyists shall file supplemental reports documenting the name and address of each of their clients and the monetary value of all payments paid to the lobbyist. Lobbyists shall supply copies of all reports required by the ethics commission to each new client. Lobbyists shall notify clients when they enter a contract to represent a client with materially adverse interests.

Appeals for ethics complaints are directed to the circuit court of Cole County instead of the Administrative

Hearing Commission.

Treasurers of committees may only act as such for one committee at a time.

This act reinstitutes the campaign contribution limits that were repealed in the previous legislative session. The limits are \$325 for candidates for the House of Representatives, \$650 for Senate candidates and \$1,275 for candidates for statewide office. Previously, candidate committees, exploratory committees, campaign committees, and continuing committees which were not political party committees were subject to the same contribution limits while political party committees are allowed to contribute a greater amount. This act holds political party committees to the same limits as all other committees.

Continuing committees may not make contributions to any other committee.

Currently, reports for noncommittee expenditures and expenditures for internal dissemination of certain information relating to candidates and ballot issues when made 14 days prior to the election must be filed within 48 hours of the expenditure. Under this act, such expenditures must be made within 24 hours of the expenditure when made 12 days prior to the election.

This act is similar to SB 1102 (2008).

CHRIS HOGERTY

02/17/2009 S First Read--SB 389-Bray (S318)

02/19/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S345)

03/05/2009 Hearing Scheduled S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 390 \*\*\*

1919S.011

SENATE SPONSOR: Schaefer

SB 390 – This act modifies the financial assistance amounts provided through the Access Missouri Financial Assistance Program. The financial assistance amounts currently in existence will be applicable only for the 2009-2010 academic year. In addition, this act adds new financial assistance amounts for the 2010-2011 academic year and beyond. A student attending an institution classified as part of the public two-year sector will be eligible for \$1,000 maximum and \$300 minimum. A student attending an institution classified as part of the public four-year sector, including Linn State Technical College, or approved private institutions will be eligible for \$2,850 maximum and \$1,500 minimum.

MICHAEL RUFF

02/17/2009 S First Read--SB 390-Schaefer, et al (S318)

02/19/2009 Second Read and Referred S Education Committee (S345)

EFFECTIVE: August 28, 2009

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\*\*\* SB 391 \*\*\*

1921S.011

SENATE SPONSOR: Schaefer

SB 391 - The act limits liability to no more than \$2 million total, and no more than \$300,000 per individual, in cases of personal injury or death related to geologic sequestration of carbon dioxide or other gases from a single site. The limits do not apply to worker's compensation cases. The act prohibits the inclusion of punitive damages in any such award for personal injury or death from geologic sequestration activities. In cases involving an award to multiple claimants, an individual claimant may ask the court to apportion his or her share of the total award.

ERIKA JAKUES

02/17/2009 S First Read--SB 391-Schaefer (S318)

02/19/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S345)

EFFECTIVE: August 28, 2009

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\*\*\* SB 392 \*\*\*

2014S.011

SENATE SPONSOR: Shields

SB 392 - Under current law, taxable income of corporations is taxed annually at a rate of six and one-fourth percent. Beginning tax year 2011, this act gradually reduces the rate of tax on corporate income by twenty percent per year such that by tax year 2015, no tax will be imposed upon corporate income.

This act is similar to Senate Bill 367 (2009) and House Bill 178 (2009).

JASON ZAMKUS

02/18/2009 S First Read--SB 392-Shields (S326)

02/19/2009 Second Read and Referred S Ways and Means Committee (S345)

03/04/2009 Hearing Scheduled S Ways and Means Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 393 \*\*\*

1335S.011

SENATE SPONSOR: Green

SB 393 - This act repeals the provisions of the Missouri Development Finance Board Act including the creation of the board itself and the loan and tax credit programs administered by the board.

JASON ZAMKUS

02/18/2009 S First Read--SB 393-Green and Bartle (S326)

02/19/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S345)

EFFECTIVE: August 28, 2009

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

1809S.011

SENATE SPONSOR: Ridgeway

SB 394 - This act allows businesses to use terms like drug store or apothecary in their business name, when a reasonable person would not consider the business to be a pharmacy. As long as a business is not selling medicine, a person can use a historical or family name in reference to their business without violating the pharmacy laws.

EMILY KALMER

02/18/2009 S First Read--SB 394-Ridgeway (S326)

02/19/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S345)

03/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 395 \*\*\*

1726S.011

SENATE SPONSOR: Ridgeway

SB 395 - This act makes it a Class C felony for any school district employee or school board member to knowingly make a false statement or provide false information in conjunction with a school district employee's application for retirement benefits with the Public School Retirement System of Missouri (PSRS) or with any certification made regarding the employee's employment status to PSRS.

This act makes it a Class C felony for any school board member to knowingly vote to approve an employment contract for a certified teacher or administrator that contains provisions designed to evade the 550 hour limitation and 50% pay limitation for retired members who seek to work on a part-time or substitute basis.

This act makes it a Class C felony for any school board member to knowingly vote to approve an employment contract for a certified teacher or administrator that contains provisions to reemploy that individual after the waiting period following retirement, which is specified in rule and is currently sixty days.

MICHAEL RUFF

02/18/2009 S First Read--SB 395-Ridgeway (S326)

02/19/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S345)

EFFECTIVE: August 28, 2009

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\*\*\* SB 396 \*\*\*

2015S.011

SENATE SPONSOR: Justus

SB 396 - Currently, a liquor license may not be denied, suspended, or revoked based solely on the fact that an employee has a felony conviction unrelated to the manufacture or sale of alcohol if the employee does not directly participate in retail sales. Under this act, the employee would no longer be prohibited from directly participating in retail sales.

This act is identical to HB 159 (2009).

SUSAN HENDERSON MOORE

02/18/2009 S First Read--SB 396-Justus (S326)

02/19/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S346)

EFFECTIVE: August 28, 2009

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\*\*\* SB 397 \*\*\*

1123S.041

SENATE SPONSOR: Shoemyer

SB 397 - This act creates the Board of Auto Body Repair and sets out the requirements for membership on the board. This board would license auto body repair facilities, excluding those who specialize in certain services, and license physical damage appraisers.

#### AUTO BODY REPAIR FACILITIES

As requirements for licensing, auto body repair facilities must submit an application to the board, pay a licensing fee of \$250 annually, have all required state and federal licenses, permits, and registrations, provide proof of insurance, provide proof of compliance with EPA and OSHA training requirements, provide proof that employees have completed current National Institute for Automotive Service Excellence (ASE) for the type of work being performed, possess or have access to proper equipment, possess an enclosed area for spray painting refinish operations, and possess an acceptable current reference source for estimating the cost of repairs. To renew their license the facility must prove completion of continuing education.

Facilities may apply for temporary licenses for up to ninety days to have time to come into compliance with licensing requirements. Facilities that have operated for a certain time period can obtain a provisional license to allow them one calendar year to meet these requirements, except the continuing education requirements must be commenced within ninety days. Facilities must post their license and their retail labor rates.

Temporary paintless dent repair businesses are required to pay licensing fees and comply with other requirements.

A vehicle owner who signs a repair order with a auto body repair facility will be deemed to have a contract with that facility. The facility will be entitled to recover the cost and expenses from the vehicle owner if the owner cancels the contract before the repair work is complete. Costs are payable before the vehicle is removed from the facility's premises.

The board is authorized to file complaints with the Administrative Hearing Commission for specific violations and to discipline the facility license. The board may also seek an injunction against anyone who operates an auto body facility without a license. Among other powers, the board has the power to inspect the facility, issue rules and regulations to administer this act, investigate complaints, and impose civil penalties.

#### AUTO BODY PHYSICAL DAMAGE APPRAISERS

Among other requirements, to be licensed as a physical damage appraiser an individual must submit an application, have certification from the National Institute for Automotive Service Excellence in Damage Analysis and Estimating, comply with continuing education requirements, pay a licensing fee, and provide evidence that any entity on whose behalf they prepare or alter estimates is licensed as a corporation in Missouri.

Applicants who have been employed as appraisers for a certain time period can obtain a provisional license. Appraisers licensed in other states shall have their license recognized in Missouri in the case of catastrophic losses, after submitting information as required by the board, and paying a temporary permit fee.

The board is authorized to file complaints with the Administrative Hearing Commission for specific

violations and to discipline the appraiser's license. Among other powers, the board has the power to issue rules and regulations to administer this act, impose civil penalties, and seek injunctions.

Estimates of damage must be prepared using accepted manuals or systems. Estimates prepared by a facility with a certain appraisal system that are questioned by an insurer are only subject to audit by the same appraisal system. A physical inspection of the vehicle is required when the extent of damage is in dispute. The retail labor rates of auto body repair facilities must be used to determine any prevailing labor rate.

Physical damage appraisers, insurers, and other individuals are prohibited from engaging in certain behavior with regard to motor vehicles with damage. All estimates for physical damage claims written on behalf of an insurer must include a notice that vehicle owners have the right to choose the repair facility of their choice and that no one shall use intimidation to change the owner's choice.

EMILY KALMER

02/18/2009 S First Read--SB 397-Shoemyer and Griesheimer (S326)

02/19/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S346)

EFFECTIVE: August 28, 2009

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

1993S.011

SENATE SPONSOR: Barnitz

SB 398 - Currently, property owners may post purple marks on trees or posts around an area to prohibit trespassers. This act allows the marks to be a post capped or marked on at least its top two inches if certain specifications are met. Prior to applying a cap or mark on a fence between the land of different owners, all such owners shall agree to such decision.

This act is identical to SB 1178 (2008), HB 1026 (2007) & SB 632 (2007).

SUSAN HENDERSON MOORE

02/18/2009 S First Read--SB 398-Barnitz (S326)

02/19/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S346)

03/04/2009 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 399 \*\*\*

2016S.011

SENATE SPONSOR: Justus

SB 399 - In Jackson County, the court shall stay the sale of any tax parcel to be sold under execution of a tax foreclosure judgment, which is the subject of an action filed under the provisions governing nonprofit organizations taking possession of certain abandoned property, if the party which brought such action has paid into the court the principal amount of all land taxes due under the tax foreclosure judgment prior to the date of any proposed sale under execution. The party bringing such action shall provide written notice of the filing to the court administrator and file with the court a certificate that such notice has been provided to the administrator.

Upon the court granting temporary possession of the abandoned property to the nonprofit organization, and also upon approval of the sheriff's deed for such property, the circuit court shall direct payment to the county collector of all principal land taxes already paid to the court. When granting a sheriff's deed, the court shall also order the permanent extinguishment of liability against the grantee of the sheriff's deed and all successors in interest, except for any defendant in such action. The funds paid to the court for land taxes shall then be paid to the county collector. If the owner of the abandoned property moves the court for restoration of the property, he or she must pay all land taxes due, including penalties, interest, fees, and costs.

If the party which brings such an action, dismisses its action prior to gaining temporary possession, it shall recover the money paid to the court prior to the date for principal land taxes. If the owner of the tax parcel regains possession, the party bringing the action shall recover from the owner an amount equal to that paid by the party.

SUSAN HENDERSON MOORE

02/19/2009 S First Read--SB 399-Justus (S337)

02/25/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 400 \*\*\*

1757S.011

SENATE SPONSOR: Dempsey

SB 400 - This act creates the Board of Auto Body Repair and sets out the requirements for membership on the board. This board would license auto body repair facilities, excluding those who specialize in certain auto body repair services, and license physical damage appraisers.

#### AUTO BODY REPAIR FACILITIES

As requirements for licensing, auto body repair facilities must submit an application to the board, pay a licensing fee of \$250 annually, have all required state and federal licenses, permits, and registrations, provide proof of insurance, provide proof of compliance with EPA and OSHA training requirements, provide proof that at least one employee or eighty percent of the employees performing repairs, whichever is greater, have completed ASE certification, possess proper equipment, possess specified equipment for spray painting refinish operations, and possess an acceptable current reference source for estimating the cost of repairs. For license renewal, at least one employee or eighty percent of the employees performing repairs, whichever is greater, must also complete eight hours of approved continuing education each year.

Facilities may obtain temporary licenses for up to ninety days to have time to come into compliance with licensing requirements. Facilities that have operated for a certain time period can obtain a provisional license to allow them one calendar year to meet these requirements, except the continuing education requirements must be commenced within ninety days. Facilities must post their license and their retail labor rates.

The board is authorized to file complaints with the Administrative Hearing Commission for specific violations and discipline the facility license. The board may also seek an injunction against anyone who operates an auto body facility without a license. Among other powers, the board has the power to inspect the facility, issue rules and regulations to administer this act, investigate complaints, and impose civil penalties.

#### AUTO BODY PHYSICAL DAMAGE APPRAISERS

Among other requirements, to be licensed as a physical damage appraiser an individual must submit an application, have certification from the National Institute for Automotive Service Excellence in Damage Analysis and Estimating, pay a licensing fee, and provide evidence that any entity attempting to alter an estimate is licensed as a corporation in Missouri. For license renewal, the appraiser must also comply with continuing education requirements.

Applicants who have been employed as appraisers for a certain time period can obtain a provisional license. Appraisers licensed in other states shall have their license recognized in Missouri in the case of catastrophic losses, after submitting information as required by the board and paying a temporary permit fee.

The board is authorized to file complaints with the Administrative Hearing Commission for specific violations and discipline the appraiser's license. Among other powers, the board has the power to issue rules and regulations to administer this act, impose civil penalties, and seek injunctions.

Estimates of damage must be prepared using accepted manuals or systems. Estimates prepared by a facility with a certain appraisal system are only subject to audit by the same system. A physical inspection of the vehicle is required when the extent of damages is in dispute.

EMILY KALMER

02/19/2009 S First Read--SB 400-Dempsey (S337)

02/25/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 401 \*\*\*

0868S.031

SENATE SPONSOR: Goodman

SB 401 - This act adds one circuit court judge to the thirty-eighth circuit, one circuit judge to the thirty-ninth circuit, and one circuit judge to the fortieth judicial circuit, effective January 1, 2011. In each circuit



the two judges will sit in divisions numbered one and two. The judge who sits in the circuit on December 31, 2010 will sit in division one. The judge who will sit in division two will be elected at the 2010 election, with the next election for division two being held in 2016.

EMILY KALMER

02/19/2009 S First Read--SB 401-Goodman (S338)

02/25/2009 Second Read and Referred S General Laws Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 402 \*\*\*

1994S.011

SENATE SPONSOR: Goodman

SB 402 - Currently, a person commits the crime of tampering with a judicial officer if he or she threatens or commits certain acts for the purpose of harassing, intimidating, or influencing a judicial officer. Judicial officers include judges, arbitrators, special masters, juvenile court commissioners, probation or parole officers, and referees. This crime is a Class C felony.

This act would expand the crime of tampering with a judicial officer to prohibit such acts against prosecutors and assistant prosecutors.

This act is identical to SB 415 (2007).

SUSAN HENDERSON MOORE

02/19/2009 S First Read--SB 402-Goodman (S338)

02/25/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 403 \*\*\*

1822S.011

SENATE SPONSOR: Vogel

SB 403 - This act requires that certain state officials engaged in military service only receive their state salary to the same extent as other state employees who are engaged in military service.

EMILY KALMER

02/19/2009 S First Read--SB 403-Vogel (S338)

02/25/2009 Second Read and Referred S Ways and Means Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 404 \*\*\*

1988S.011

SENATE SPONSOR: Mayer

SB 404 - This act repeals the two percent gross receipts tax on suppliers of pull-tab cards and the two-tenths of one cent per bingo card or progressive bingo card tax imposed on suppliers of such cards.

This act is identical to House Bill 620 (2009).

JASON ZAMKUS

02/19/2009 S First Read--SB 404-Mayer (S338)

02/25/2009 Second Read and Referred S Ways and Means Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 405 \*\*\*

1702S.011

SENATE SPONSOR: Scott

SB 405 - This act revises several provisions relating to manufactured homes. Most notably, the law revises the procedure for obtaining a title to an abandoned manufactured home.

NOTICE TO BUYER OF USED HOME SETUPS - Under this act, a manufactured home dealer may have his or her license suspended or revoked for failing to provide notice to a purchaser of a used manufactured home that the Public Service Commission does not regulate setup of used manufactured homes (Section 700.100.3(7)).

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

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

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

The director shall issue a new certificate of ownership to the surviving owners or beneficiaries upon proof of death (Section 700.330).

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

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

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

- (1) The property owner reasonably believes the homeowner has vacated the premises and does not intend to return;
- (2) The rent is past due for 30 days; and
- (3) The homeowner has failed to respond to the landowner's notice or has failed to contest a petition regarding the issue of abandonment (Section 700.526).

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

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

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

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

The owner of the home must be given at least 20 days notice of the sale of the home.

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

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

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

**MANUFACTURED HOMEOWNER'S RIGHT TO CONTEST LIEN** - The manufactured homeowner may, within 10 days of the mailing of the notice, may contest the real property owner's lien in the home. If the owner contests the lien in circuit court, he or she will have to post a cash or surety bond for the unpaid rent in order to have the home released. Once the bond is posted, the court will direct the land owner to release the home to the home owner. The court will also determine whether unpaid rent is due. The court may direct that the rent be paid from the posted bond or grant the landowner a security interest in the home (Section 700.528).

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

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

The act also repeals several provisions of law relating to Missouri's current procedure for obtaining title to an abandoned manufactured home.

STEPHEN WITTE

02/19/2009 S First Read--SB 405-Scott (S338)

02/25/2009 Second Read and Referred S General Laws Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 406 \*\*\*

1787S.021

SENATE SPONSOR: Scott

SB 406 - This act authorizes physician assistants who meet certain requirements to prescribe Schedule III, IV, or V controlled substances.

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

EMILY KALMER

02/19/2009 S First Read--SB 406-Scott (S338)

02/25/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S401)

EFFECTIVE: August 28, 2009

\*\*\* SB 407 \*\*\*

1986S.011

SENATE SPONSOR: Scott

SB 407 - This act requires the Board of Trustees of the Missouri Consolidated Health Care Plan to commission a comprehensive study regarding how other states administer their state employee health care plans. The act delineates the issues to be examined by the board including if the state health care plan is self-funded, whether the plan offers stop-loss coverage, reinsurance, or assumes all financial risks related to the administration of the plan. The board shall issue the report to the General Assembly by January 1, 2010. The report shall include recommendations to the General Assembly on how the state can improve the Missouri Consolidated Health Care Plan based upon the board's survey of other state plans.

ADRIANE CROUSE

02/19/2009 S First Read--SB 407-Scott (S338)

02/25/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S401)

EFFECTIVE: August 28, 2009

\*\*\* SB 408 \*\*\*

0651S.021

SENATE SPONSOR: Scott

SB 408 - This act grants the Attorney General concurrent jurisdiction with prosecuting attorneys to prosecute persons who have passed a bad check when the face amount of such check is at least \$1,000.

SUSAN HENDERSON MOORE

02/19/2009 S First Read--SB 408-Scott (S338)

02/25/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S401)

EFFECTIVE: August 28, 2009

\*\*\* SB 409 \*\*\*

2034S.011

SENATE SPONSOR: Stouffer

SB 409 - The current authorization to collect a fee from retailers that sell new tires in Missouri expires on January 1, 2010. This act extends the authorization until January 1, 2020.

The act provides that any unexpended balance in the Solid Waste Management Fund shall not be swept into the General Revenue Fund, and interest earned by the Solid Waste Management Fund shall remain in the Fund.

Under current law, the Department of Natural Resources may use up to 5% of its portion of the tire fees collected for the purpose of educational programs and curricula. The act specifies that the educational programs must be environmentally-related and assist the Department implement the solid waste laws.

Current law allows the Department to use up to 25% of its portion of the tire fees collected to remove tires from illegal tire dumps and address nuisances created by illegal tire dumps. The act increases the percentage of funding that may be used for these purposes to 50%. Similarly, the act increases from 5% to 45%, the amount of its fee revenue that the Department may spend on grants to people who will use products made from scrap tires.

The act allows charitable, fraternal, and other non-profit organizations to be eligible for reimbursement of costs associated with disposal costs of scrap tires collected during a voluntary land or river cleanup event. Local governments may also be eligible for similar reimbursement, provided their costs are not part of their normal operating costs.

ERIKA JAQUES

02/23/2009 S First Read--SB 409-Stouffer (S351)

02/25/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee  
(S401)

EFFECTIVE: August 28, 2009

\*\*\* SB 410 \*\*\*

1203S.031

SENATE SPONSOR: Stouffer

SB 410 - This act modifies various provisions relating to the laws governing medical malpractice insurance.

This act provides a definition for the term "claim" as it is used in the medical malpractice insurance claims reporting provisions. The act also provides a definition for the term "self-insurer" for those provisions as the act subjects persons and other entities that assume liability for the payment of medical malpractice claims to the data and claims reporting provisions of Sections 383.100 to 383.125 (Section 383.100).

Under the act, the director must submit certain information to appropriate health care licensing boards. The director must also submit a report containing certain medical malpractice claims information to the Department of Social Services so that it can determine whether the injured party was concurrently enrolled in Mo HealthNet when the alleged malpractice occurred.

The act institutes new confidentiality rules related to the disclosure of data related to the medical malpractice claim information submitted to the director. All medical malpractice claims data submitted to the director shall be considered confidential and immune from Sunshine Law requests.

Medical malpractice claims data that is the subject of a filed lawsuit may only be released after the claims are closed and in a prescribed format outlined by the act. All data elements that reasonably could reveal any parties involved, either directly or indirectly, to a malpractice actions or claims, shall be removed prior to making any such data public. Any references to a county or smaller geographic unit shall be suppressed, though county-level data may be released in aggregate form. No records that include any indemnity payments or expense amounts that identify a particular medical specialty may be released on an individual record basis unless there are a minimum of four additional claims during an annual period against practitioners of the same medical specialty for each identifiable unit of geography. All dates shall be anonymized prior to public release. Specific dates shall not be released in any form more precise than the year corresponding to the date. Data that reasonably could identify an insurer shall be anonymized prior to the public release of the individual claim records. The name and any identifying codes of an insurer shall not be made public (Section 383.105).

The act implements new rules regarding the reporting of medical malpractice premium, loss and exposure data. Under the act, insurers and self-insurers must annually report the following:

- (1) Aggregate premium;
- (2) Written and earned premium;
- (3) Aggregate exposure;
- (4) Written and earned exposures; and
- (5) Aggregated indemnity paid and aggregate indemnity incurred by not paid.

The act specifically provides that the medical malpractice claims data and premium data shall be shared with the Health Care Stabilization Fund Feasibility Board in a confidential manner.

The medical malpractice premium, loss and exposure data reported to the director is deemed confidential information under the act and is not discoverable or admissible as evidence in any legal action in any civil, criminal, or administrative proceeding, nor shall any of the data be released by the director to the public.

The act also deems the data collected by the department to be a trade secret. As a trade secret, the submitted data is immune from Sunshine Law requests. The act also deems the data collected by the department to be proprietary and confidential (Section 383.106).

This act provides the directors of the Medical Malpractice Joint Underwriting Association may provide medical malpractice insurance coverage as determined by the directors. The policies may provide coverage on a claims-made, an occurrence, or a prior-acts basis. Under the current law, the association may only issue occurrence-based policies (Section 383.160).

The act also modifies the law with respect to the surcharge paid by association members during their first year of medical malpractice coverage. Under the act, an association member must pay a surcharge in an amount equal to 25% of the member's premium payment (Section 383.165).

This act extends the sunset provision on the Health Care Stabilization Fund Feasibility Board from December 31, 2010, to December 31, 2012 (Section 383.250).

Under current law, a physician or surgeon that practices in a hospital located in a county with a population greater than 75,000 must furnish evidence of a medical malpractice insurance policy of at least \$500,000. This act provides that no hospital shall require a medical malpractice insurance policy in an amount greater than \$500,000 in order to be admitted or retained in the medical staff. Under current law, other hospitals within the state can require their physicians to carry minimum levels of medical malpractice insurance as a condition of membership on a hospital medical staff. This act provides that the maximum level that a hospital may require is \$500,000 (Section 383.500).

STEPHEN WITTE

02/23/2009 S First Read--SB 410-Stouffer (S351)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 411 \*\*\*

2069S.011

SENATE SPONSOR: Crowell

SB 411 - This act makes certain employees of the Missouri Development Finance Board members of the Missouri State Employee's Retirement System (MOSERS). These employees may purchase credited service for any period of employment as an employee of the board prior to August 28, 2009. Employees may decide whether to transfer their individual account balance under the board's plan to MOSERS. If necessary to pay for the employee's credit service, the board will be required to pay contributions to MOSERS.

EMILY KALMER

02/23/2009 S First Read--SB 411-Crowell (S351)

02/25/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S401)

03/05/2009 Hearing Scheduled S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 412 \*\*\*

2031S.011

SENATE SPONSOR: Dempsey

SB 412 - The Department of Social Services shall administer a grant in the amount of \$350,000 to a local government entity, local health department, or nonprofit entity to be used for the establishment of a study to assess the feasibility of a pilot project in the greater St. Charles area. Any grant awarded shall be matched in equal value by the grant recipient. The grant proposal shall include a plan for a pilot project that will have the involvement of the local community health coalition to establish new approaches to expand coverage for the uninsured population in the community and to create healthier populations through a single comprehensive health care plan. The grant recipient shall submit a feasibility study to the department by December 2010 that identifies the infrastructure and resources needed for the implementation of the proposed pilot project and that analyzes the feasibility of extending the project or expanding it statewide.

This act is similar to a provision in SB 1283 (2008).

ADRIANE CROUSE

02/23/2009 S First Read--SB 412-Dempsey (S351)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 413 \*\*\*

2066S.011

SENATE SPONSOR: Dempsey

SB 413 - The Department of Social Services shall administer a grant for use by clinics in the Missouri free clinics association to increase their infrastructure and bolster their sustainability in order to serve a greater number of people in a more effective manner. For a one-time funding appropriation of \$500,000 from the General Assembly, the Department shall disburse funds to the association, to be equitably and evenly distributed to all free clinics in this state, in accordance with applicable guidelines, policies, and requirements established by the department.

This act is similar to a provision in SB 1283 (2008).

ADRIANE CROUSE

02/23/2009 S First Read--SB 413-Dempsey (S351)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 414 \*\*\*

2043S.011

SENATE SPONSOR: Dempsey

SB 414 - Beginning July 1, 2010, any hospital that reports a reportable incident shall not charge for or bill any entity for all services related to the reportable incident, as such incidents are identified by the National Quality Forum. Such events include wrong-site surgery, retention of a foreign object in a patient after surgery, and death or serious disability associated with medication error.

This act is similar to a provision in HB 497 (2009) and to a provision in SB 1283 (2008).

ADRIANE CROUSE

02/23/2009 S First Read--SB 414-Dempsey (S352)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S401)

EFFECTIVE: July 1, 2010

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\*\*\* SB 415 \*\*\*

1376S.101

SENATE SPONSOR: Dempsey

SB 415 - This act modifies several provisions of law relating to laws governing health insurance.

**TAX CREDIT FOR SMALL EMPLOYEES ENROLLED IN QUALIFIED HSA PLANS** - Under this act, small employers who employ less than 50 persons are allowed a tax credit in the amount of \$250 for each employee enrolled in a qualified health insurance plan. Under the act, a qualified health insurance plan is a health savings account eligible health plan (high deductible plan) that is combined with a health savings account in a manner provided by federal law. Under the act, the tax credit may be carried forward to the next 4 succeeding years (Section 135.349).

**EXEMPTION FROM STATE AND LOCAL PREMIUM TAXES FOR QUALIFIED HSA HEALTH INSURANCE PLANS** - This act provide an exemption from state and local insurance premium taxes for premiums paid on health savings account eligible plans (high deductible plans) that are sold in Missouri (Section 148.372).

**STUDY TO IDENTIFY ADMINISTRATIVE AND REGULATORY BARRIERS FOR NEW INSURANCE PRODUCTS** - By January 1, 2010, the Director of the Department of Insurance, Financial Institutions and Professional Registration must provide recommendations to the General Assembly of changes to remove any unnecessary barriers that limit the entry of new health insurance products into the Missouri insurance market. The director must also examine proposals adopted in other states that streamline the regulatory processes to allow insurance companies to market new and existing products more easily (Section 376.1618). This section is contained in HB 229 (2009).

**HRA ONLY PLANS** - Under this act, employees are allowed to use funds from one or more employer health reimbursement arrangement (HRA) only plans to help pay for individual health insurance coverage. HRAs are employee benefit plans provided by an employer which establish an account funded solely by the employer to reimburse the employee for qualified medical expenses incurred by the employee or his or her family. HRAs allow the employee to carry forward any unused funds at the end of the coverage period to subsequent coverage periods (Section 376.1600). A similar provision is contained in HB 229 (2009).

The act also provides that if an employer provides health insurance to an employee and the employee pays any portion of the cost of the premium, the employer must also provide a premium-only cafeteria plan or a health reimbursement arrangement (Section 376.453). Current law only requires the provision of a premium-only cafeteria plan. This provision is contained in HB 229 (2009).

**COINSURANCE AMOUNTS FOR NON-NETWORK SERVICES UNDER A HSA PLAN** - Under this act, a health carrier may offer HSA qualified health plans with coinsurance percentage thresholds of 50% or greater for non-network services (Section 376.1606).

**PROMOTION AND APPROVAL OF HSA HEALTH PLANS** - Under the act, the Director of the Department of Insurance is expressly authorized to adopt policies to promote, approve, and encourage health savings account eligible high deductible plans in Missouri. The act directs the director to conduct a national study of health savings account eligible high deductible health plans available in other states and determine if and how these plans serve the uninsured. The act also directs the Director to develop a fast track approval process for health savings account eligible high deductible plans (Section 376.1603).

**HEALTH MANAGEMENT AND DISEASE MANAGEMENT PROGRAMS IN QUALIFIED HSA PLANS** - This act expressly allows health carriers to include wellness and health promotion programs, condition or disease management programs, health risk appraisal programs, and similar provisions in high deductible plans that comport with federal law. The programs must be approved by the department. Health carriers that include such programs in high deductible plan shall not be considered to be in engaging in unfair trade practices (Section 376.1609).

**MISSOURI MINI-COBRA LAW TO MIRROR FEDERAL COBRA LAW** - This act requires group health insurance policies issued by health carriers to employers not covered by the federal COBRA law (employers with 2 to 19 employees) to provide terminated employees with group insurance coverage continuation rights in the same manner as provided by the federal COBRA law (Section 376.428). This provision is contained in HB 231 (2009).

**CONTINUATION OF HEALTH INSURANCE COVERAGE FROM AGE 55** - Under this act, every group health insurance policy issued or renewed on or after January 1, 2010, must contain a provision that allows an employee or group member, whose continuation coverage under the federal COBRA law or state's continuation law has expired, to continue coverage under that group policy provided the employee or group member was 55 years or older when coverage under COBRA or the state continuation law expired. The extended continuation coverage provided by this act will terminate upon the earliest of the following:

- 1) The date the employee or group member fails to pay premiums;
- 2) The date the group policy is terminated as to all group members;
- 3) The date on which the employee or group member becomes insured under another group policy;
- 4) The date on which the employee or group member becomes eligible for coverage under the federal Medicare program; or
- 5) The date on which the employee or group member turns 65 (Section 376.437).

**RATING OF MISSOURI CONTINUATION COVERAGE POLICIES** - This act requires health insurance policies that are issued to individuals eligible for continuation coverage under state law to be pooled across all fully insured group business in Missouri. The rating system or methodology in which the premium for all persons covered under a continuation of coverage provision shall be based on the experience of all persons covered by a continuation of coverage provision with any cost of the pool experience spread over all fully insured premiums in Missouri on an equal percentage basis (Section 376.439).

**CONTINUATION OF COVERAGE RIGHTS THROUGH A HSA ELIGIBLE HIGH DEDUCTIBLE HEALTH PLAN** - This act requires health carriers who provide group insurance policies to persons who are exercising their continuation of coverage rights under COBRA or the state continuation of coverage law (Section 376.428) to offer such persons the option of continuation of coverage through a HSA eligible high deductible plan rather than the underlying group policy. The premiums for the HSA eligible high deductible plans shall be consistent with the underlying group plans rated relative to the standard or manual rates for the benefits provided (Section 376.443).

**DEPENDENT COVERAGE** - Under current law, proof that a dependent child is incapable of maintaining employment due to a mental or physical handicap and is dependent upon the insured for support and maintenance must be furnished to the health insurer at least 31 days after the dependent child has attained the age when coverage would normally be terminated in order to continue receiving the extended coverage provided by the statutes. This act requires the proof of incapacity and dependency to be furnished within 31 days after the child's attainment of the limiting age. This modification applies to group policies, individual policies and health maintenance organization policies (Sections 354.536, 376.426, and 376.776). These provisions are contained in HB 229 (2009).



The definition of "dependent" is changed in the Small Employer Health Insurance Availability Act to mirror the definition of dependent contained in the HMO, individual and group policy statutes. The definition of "dependent" is revised to be a person that is a spouse, an unmarried child who resides in Missouri and is younger than 25 years of age and is not covered by any group or individual health benefit plan or entitled to federal Social Security assistance benefits, or an unmarried child of any age who is disabled and dependent upon his or her parent (Section 379.930.2).

**HIGH RISK POOL LEGISLATIVE STUDY COMMITTEE** - This act creates a legislative study committee to research new plan designs and options for the state high risk pool to include rewards and incentives, use of biometrics, wellness, prevention, early intervention, and condition management. The committee shall be comprised of the director of the department of insurance, financial institutions and professional registration, the high risk pool board members, two Missouri Senators and two Missouri House of Representatives members. The committee must submit a report to the General Assembly by March 1, 2010 (Section 376.991).

**HIGH RISK POOL ELIGIBILITY (WAIVER OF COBRA EXHAUSTION)** - Under this act, a person's eligibility for COBRA or continuation rights under state law shall not render the person ineligible for coverage under the high risk pool (Section 376.966).

**GUARANTEED ISSUE HSA ELIGIBLE PLANS** - This act requires the high risk pool to offer high-deductible health plans, offered in conjunction with health savings accounts, to be offered on a guaranteed-issue basis (Section 376.987).

STEPHEN WITTE

02/23/2009 S First Read--SB 415-Dempsey (S352)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 416 \*\*\*

1863S.011

SENATE SPONSOR: Dempsey

SB 416 - This act modifies certain laws regarding cemeteries.

Current law allows the Division of Professional Registration to seek an injunction against certain unlicensed cemetery operators in the county in which the conduct occurred or in which the defendant resides. This act allows the division to also bring suit in Cole County.

Each contract sold by a cemetery operator for cemetery services and items such as grave lots, markers, and tombstones shall meet certain requirements. If these requirements are not met, the contract is voidable by the purchaser.

Except for family burial grounds, individuals and public and private entities are required to notify the office of endowed care cemeteries of the name, location, and address of real estate used for the burial of human bodies.

Cemetery operators are exempted from the prearranged contract requirements of Chapter 436, RSMo.

Currently, cemetery operators are required to correct deficiencies in the funding of endowed care trust funds. This act also requires them to include interest of ten percent of the deficiency and specifies that deficiencies do not include deficiencies caused by the fluctuating value of investments.

The requirements of endowed care trust funds and escrow accounts are modified in several ways. Among other changes, the requirement that a financial institution who serves as the trustee of an endowed care trust be located in Missouri is removed. Cemetery operators have to provide the office of endowed care cemeteries with the name and address of the trustee and records custodian and update the office with any changes. The trust records shall be maintained in Missouri, or electronically accessible. Missouri law shall control all endowed care trust funds and such funds will be administered as charitable trusts and operated in accordance with certain trust requirements. Endowed care cemetery funds may also be held in an escrow account in Missouri. However, if the funds in the escrow account are over \$350,000, in most cases they must be in an endowed care trust fund. Trustees and escrow agents shall consent in writing to Missouri jurisdiction and the supervision of the office of endowed care cemeteries.

Cemetery operators are required to notify the division of professional registration at least thirty days prior to ceasing to do business as a cemetery, selling the business assets of the cemetery, or selling a majority of its stock. If the division does not disapprove, the cemetery operator can continue to take such action. Anyone who sells a cemetery is required to put 15% of the money in escrow for at least six months, so that it can be determined whether any trust fund or escrow account of the former cemetery operator is deficient. If there are deficiencies, the buyer or the division may demand payment from the amount in escrow.

Cemetery operators who sell prearranged burial merchandise and services are required to deposit a portion of the purchase price in an escrow or trust account. These funds are maintained in this account until delivery of the property, performance of the services, or the contract is cancelled. These escrow arrangements and trusts must each meet certain requirements. Cemetery prearranged contracts entered into after August 28, 2009, can be cancelled within thirty days of receiving the executed contract for a full refund and at any time before the services or merchandise are provided, with exceptions, for the net amount of all payments made into the escrow account or trust.

The division is allowed to direct a trustee, financial institution, or escrow agent to suspend distributions from endowed care trust funds or escrow accounts, if the cemetery operator is not licensed or does not meet certain other requirements. The cemetery operator may appeal this suspension.

The act creates a crime for destroying, mutilating, disfiguring, defacing, injuring, or removing without authorization any human remains from a cemetery or burial ground.

Several provisions that previously applied to the city of St. Louis and allowed the sale of certain cemeteries owned by the city and applied to cemetery operators who purchased cemeteries from the city are now applied to all cities.

EMILY KALMER

02/23/2009 S First Read--SB 416-Dempsey and Days (S352)

02/25/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S401)

EFFECTIVE: August 28, 2009

\*\*\* SB 417 \*\*\*

2083S.011

SENATE SPONSOR: Goodman

SB 417 - This act allows law enforcement agencies to hold a suspect arrested without a warrant for up to 48 hours before charging the person with a crime. Currently, suspects can be held for 24 hours.

SUSAN HENDERSON MOORE

02/23/2009 S First Read--SB 417-Goodman (S352)

02/25/2009 Second Read and Referred S General Laws Committee (S401)

EFFECTIVE: August 28, 2009

\*\*\* SB 418 \*\*\*

0960S.021

SENATE SPONSOR: Goodman

SB 418 - This act provides that any health plan that provides health care services to low income individuals on a prepaid basis and that meets certain conditions shall not be considered engaging in the business of insurance and shall not be subject to health insurance laws. The plan shall be subject to the following conditions:

- Eligibility for the plan is limited to persons who earn less than two hundred percent of the federal poverty level and are not covered under any other group insurance arrangement;
- The plan is operated on a nonprofit basis;
- Covered primary care services are provided to enrollees either by providers on staff of the sponsoring organization or by volunteers recruited from a local medical society who have, in both instances, agreed to provide their services for free or for nominal reimbursement for out-of-pocket expenses or expendable supplies directly related to, and incurred as a result of, the service provided to the enrollee;
- Payments to outside contractors for marketing, claims administration and similar services total no more than ten percent of the total charges;
- The plan has received the approval and endorsement of the local medical society in consultation with the Missouri State Medical Association;
- The sponsoring nonprofit organization files an annual report with the secretary of state.

This act also provides that any volunteer or retired volunteer licensed physician, dentist, optometrist, pharmacist, registered nurse or licensed practical nurse who provides medical treatment to a patient at a nonprofit faith-based community health center providing health care services for a nominal fee shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care provider.

ADRIANE CROUSE

02/23/2009 S First Read--SB 418-Goodman (S352)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S401)

EFFECTIVE: August 28, 2009

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\*\*\* SB 419 \*\*\*

1832S.011

SENATE SPONSOR: Purgason

SB 419 - Current law requires each city with a population over 500 in a solid waste management district to appoint a representative to the district's council. This act removes the population requirement and instead requires each city within the district, regardless of size, to appoint a representative.

ERIKA JAQUES

02/23/2009 S First Read--SB 419-Purgason (S352)

02/25/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 420 \*\*\*

2102S.011

SENATE SPONSOR: Pearce

SB 420 - This act creates a state income tax credit for the purchase of processed biomass engineered fiber fuel. The credit is non-transferrable and non-refundable, but may be carried forward up to four years. The credit will be based upon a percentage of the purchase price of the biomass. In the first year biomass is purchased and used, the tax credit will be equal to thirty percent of the purchase price. Each subsequent year in which biomass is purchased and used the tax credit will be equal to five percent less than the preceding year's credit such that by the sixth year in which biomass is purchased and used, no credit will be issued.

This act is identical to House Bill 809 (2009).

JASON ZAMKUS

02/23/2009 S First Read--SB 420-Pearce (S352)

02/25/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 421 \*\*\*

2092S.011

SENATE SPONSOR: Pearce

SB 421 - This act removes a provision requiring the circuit court to approve the director of finance appointment of a liquidating agent for a failed bank.

CHRIS HOGERTY

02/23/2009 S First Read--SB 421-Pearce (S352)

02/25/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 422 \*\*\*

1784S.011

SENATE SPONSOR: Pearce

SB 422 - This act provides local school boards the authority to identify a designee to bind the school district in a settlement agreement reached during the resolution session of a special education due process hearing.

Current law requires a five business day notice for the introduction of evidence at a special education due process hearing, with the exception of an expedited hearing. This act removes the exception for expedited hearings and applies the five-day notice period to expedited hearings as well.

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

This act is identical to SCS/SBs 1225 & 1226 (2008) and HCS/HBS 1876 & 1877 (2008) and contains provisions identical to HB 265 (2007), HB 267 (2007), SB 133 (2007), SB 140 (2007), SB 147 (2007), and SB 148 (2007).

MICHAEL RUFF

02/23/2009 S First Read--SB 422-Pearce (S352)

02/25/2009 Second Read and Referred S Education Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 423 \*\*\*

2103S.011

SENATE SPONSOR: Pearce

SB 423 - Beginning January 1, 2010, this act adds a third judge to the seventeenth judicial circuit, which consists of Cass and Johnson counties. This judge will sit in division three and will be elected in 2010.

This act is similar to HB 184 (2009).

EMILY KALMER

02/23/2009 S First Read--SB 423-Pearce (S352)

02/25/2009 Second Read and Referred S General Laws Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 424 \*\*\*

1209S.011

SENATE SPONSOR: Justus

SB 424 - Under this act, Kansas City may enact ordinances to allow the city building official to petition the circuit court in the county where a vacant nuisance building is located for the appointment of a receiver to rehabilitate the building, demolish it, or sell it to a qualified buyer.

SUSAN HENDERSON MOORE

02/23/2009 S First Read--SB 424-Justus (S352)

02/25/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 425 \*\*\*

2084S.011

SENATE SPONSOR: Justus

SB 425 - This act requires health carriers to provide coverage to pregnant women for dental care services delivered by licensed dentists. Under the act, dental care services shall also include services related to the treatment of periodontal disease and dental care disease. The dental care services shall not be subject to greater deductibles or co-payments than other similar health care services provided under a health benefit plan.

STEPHEN WITTE

02/23/2009 S First Read--SB 425-Justus (S353)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 426 \*\*\*

2004S.011

SENATE SPONSOR: Griesheimer

SB 426 - This act repeals the current provisions regulating nonintoxicating beer and requires such beer to

be regulated in the same manner as other intoxicating liquors.

SUSAN HENDERSON MOORE

02/23/2009 S First Read--SB 426-Griesheimer (S353)

02/25/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 427 \*\*\*

2182S.011

SENATE SPONSOR: Griesheimer

SB 427 - This act modifies the organizational structure of the Missouri One Call System from a not-for-profit organization to a public governmental body. The Missouri One Call System shall be subject to the Sunshine Law.

ERIKA JAQUES

02/23/2009 S First Read--SB 427-Griesheimer (S353)

02/25/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 428 \*\*\*

1813S.011

SENATE SPONSOR: Griesheimer

SB 428 - This act repeals the Underground Facility Safety and Damage Prevention Act, which authorized the creation of the Missouri One Call system.

ERIKA JAQUES

02/23/2009 S First Read--SB 428-Griesheimer (S353)

02/25/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 429 \*\*\*

0634S.031

SENATE SPONSOR: Smith

SB 429 – This act requires the Department of Elementary and Secondary Education to designate comprehensive and performance-based teacher assessment programs for use by all school districts and charter schools by July 1, 2010. The assessments may include the Praxis Examination, the National Teacher Examination, or other existing assessment tools. Multiple assessments must be developed to assess teachers according to the subject areas they teach.

Beginning August 28, 2010, any unaccredited school district must require each teacher to be assessed every five years to determine competency in his or her subject areas. The district must use one or more of the assessments developed by the Department. If a teacher fails to demonstrate a minimum level of competency, he or she may retake the assessment no more than one time within three months after receiving notification of failure. A teacher who demonstrates a high level of competency is exempt from assessment for the next five-year period.

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

MICHAEL RUFF

02/23/2009 S First Read--SB 429-Smith (S353)

02/25/2009 Second Read and Referred S Education Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 430 \*\*\*

0081S.031

SENATE SPONSOR: Smith

SB 430 - This act creates and modifies provisions pertaining to environmentally sustainable practices.

## SECTION 8.305 - Energy-Efficient Appliances

Any appliance purchased with any portion of state funding shall be an Energy Star appliance under the Energy Star program of the U.S. Department of Energy and the Environmental Protection Agency.

## SECTION 8.824 - State Buildings

Any state building built, substantially renovated, or acquired for lease after August 28, 2009 must be certified by the U.S. Green Building Council as meeting the silver rating under the Leadership in Energy and Environmental Design (LEED) green building rating system.

## SECTIONS 64.170 and 67.280 - Codes

The act gives counties of the third classification the same authority to adopt a building code as current law provides to counties of the first and second classifications.

The act adds "energy efficiency" code to the definition of a "technical code" for which certain counties, fire protection districts, and municipalities have the authority to adopt by reference. Any energy efficiency code adopted shall be at least as stringent as the 2006 International Energy Conservation Code.

## SECTION 143.114 and 143.121 - Income Tax Deductions

The 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 may deduct from their Missouri adjusted gross income the lesser of either \$2,000 or 10% of the vehicle's purchase price. The tax deduction sunsets in 6 years unless reauthorized.

The act creates an income tax deduction of up to one hundred percent of the purchase price paid for Energy Star labeled products, up to \$1,000 per taxpayer per year.

## SECTION 161.360 - Green School Grants

The Department of Elementary and Secondary Education shall provide grants to public school districts after July 1, 2010 to assist schools obtain LEED certification for new building construction or substantial renovation projects. Preference for the grants shall be given to schools that are designed to function as community centers of learning. The total amount of grants that may be awarded per year shall not exceed \$500,000.

Provisions of this act are similar to provisions in SB 1117 (2008) and HB 1326 (2008).

## ERIKA JAQUES

02/23/2009 S First Read--SB 430-Smith (S353)

02/25/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 431 \*\*\*

1701S.011

SENATE SPONSOR: Smith

SB 431 - This act allows a tax credit for taxpayers who construct a green building or modify an existing structure into a green building. A green building is defined as a building that is designed to achieve integrated systems design and construction so as to significantly reduce or eliminate the negative impact of the built environment in a number of different ways including water conservation, energy efficiency, renewable energy, and indoor environmental quality and human health.

The tax credit consists of three components: the green whole building component; the green base building component; and the green tenant space component. An applicant may receive a tax credit for each eligible component satisfied by the applicant's project.

Prior to construction, a taxpayer must apply for a preliminary certification for a green building tax credit from the Department of Natural Resources. If the director of the Department determines that the construction or renovation meets the requirements of the tax credit program, the director may issue a final certification upon completion of construction.

The green building tax credit has a per taxpayer cap of \$50,000 per year and an aggregate cap of \$1 million per year. Green building tax credits are refundable and fully transferable. The Department must promulgate rules 120 days after the effective date of this act to determine the amount of green building tax

credits available to any one taxpayer based upon the size of the building, the level of green rating achieved by the building (either through the Leadership in Energy and Environmental Design (LEED) or the Green Globes rating systems) and whether the project is located in an economic development area. The tax credit sunsets in 5 years unless reauthorized.

This act is similar to a provision in SB 1117 (2008).

ERIKA JAQUES

02/23/2009 S First Read--SB 431-Smith (S353)

02/25/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 432 \*\*\*

2018S.011

SENATE SPONSOR: Vogel

SB 432 - Each school district shall provide to the parent or guardian of each student enrolled in sixth grade and every year thereafter up to twelfth grade information concerning meningococcal (bacterial meningitis) disease and the availability of a vaccine.

The Department of Health and Senior Services shall no later than January 1, 2010, develop information about the disease as prescribed under the act and make such information available to each school district.

Nothing in this section shall be construed to require a student to obtain the vaccination against the disease, a school district to provide or pay for the vaccine, or prohibit an institution from establishing additional requirements concerning the vaccination.

ADRIANE CROUSE

02/23/2009 S First Read--SB 432-Vogel (S353)

02/25/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 433 \*\*\*

2033S.011

SENATE SPONSOR: Bray

SB 433 - Under current law, the Director of the Department of Natural Resources is required to develop minimum energy efficiency standards for two types of appliances and consumer electronics: those that have earned the federal Energy Star designation and those that have federally-required minimum energy efficiency standards. This act instead requires the director to establish the standards only for appliances and consumer electronics that do not have federally-required minimum standards. In cases where an appliance or consumer electronic is eligible for the Energy Star designation, the minimum standards set by the director shall not exceed the Energy Star requirements.

ERIKA JAQUES

02/23/2009 S First Read--SB 433-Bray (S353)

02/25/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 434 \*\*\*

2032S.011

SENATE SPONSOR: Green

SB 434 - Candidates nominated by a political caucus, shall file financial interest statements within 10 days of the nomination.

Currently, financial interest statements and disclosure reports are timely filed if postmarked not later than midnight of the day previous to the last day designated for filing. This act changes this requirement to midnight of the day designated for filing.

Candidates who are delinquent in paying any fees assessed by the Ethics Commission are disqualified.

Currently, committees filing campaign disclosure reports are subject to a late filing fee of \$10 a day. This penalty is changed to \$50 dollars a day. Notice shall be sent within 7 business days after the due date to the candidate and treasurer of the committee failing to file.

Currently, candidate committees filing campaign disclosure reports for the period closing the 12th day before the election are subject to a late filing fee of \$100 a day not to exceed \$6,000. This penalty is modified to apply to all types of committees. Notice shall be sent within 7 business days after the due date to the candidate and treasurer of the committee failing to file. Unpaid late fees may be collected through garnishment and execution against a committee's official depository account after a 30 day delinquency.

Candidates are barred from forming candidate committees or serving as a treasurer or deputy treasurer until all reports are filed and fees are paid to the Ethics Commission.

Currently, continuing committees who contribute over \$15,000 in a calendar year must electronically file disclosure reports. This act modifies this provision to require all committees who receive or contribute over \$2,000 to electronically file.

Candidates delinquent in filing any campaign finance disclosure reports shall be disqualified from participating in the election.

CHRIS HOGERTY

02/23/2009 S First Read--SB 434-Green (S354)

02/25/2009 Second Read and Referred S General Laws Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 435 \*\*\*

2065L.011

SENATE SPONSOR: Lembke

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

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

This act is identical to HB 826 (2009).

SUSAN HENDERSON MOORE

02/23/2009 S First Read--SB 435-Lembke (S354)

02/25/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 436 \*\*\*

2117S.011

SENATE SPONSOR: Ridgeway

SB 436 - This act exempts unemployment benefits received by taxpayers from income tax for the 2009 and 2010 tax years.

JASON ZAMKUS

02/23/2009 S First Read--SB 436-Ridgeway, et al (S354)

02/25/2009 Second Read and Referred S Ways and Means Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 437 \*\*\*

2116S.011

SENATE SPONSOR: Lager

SB 437 - This act specifies that renewable energy resource property will be considered tangible personal property for property tax purposes. Renewable energy resource property includes: solar energy equipment; biomass property; and wind energy conversion property. The act provides a mechanism for determining the true value in money for renewable energy resource property and creates a separate subclass of tangible



personal property for such property which will be taxed at fifteen percent of true value. The act will not apply to property placed into service before January 1, 2010.

JASON ZAMKUS

02/23/2009 S First Read--SB 437-Lager (S354)

02/25/2009 Second Read and Referred S Ways and Means Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 438 \*\*\*

2070S.011

SENATE SPONSOR: Callahan

SB 438 – 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 the funding formula will be phased in through the 2011-2012 school year. This act phases the formula in through the 2009-2010 school year.

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 provisions that are also contained in SB 24 (2009), SB 25 (2009), and SB 831 (2008).  
MICHAEL RUFF

02/23/2009 S First Read--SB 438-Callahan (S354)

02/25/2009 Second Read and Referred S Education Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 439 \*\*\*

2079S.011

SENATE SPONSOR: Lembke

SB 439 – This act prohibits a board of education or the special administrative board of a school district from placing a restrictive covenant in a deed that prohibits the use of real property as a school providing instruction for grades kindergarten through twelve. In addition, any restrictive covenant on real property previously operated as a public school in any deed that has been filed in the office of the recorder of deeds will be void and unenforceable.

MICHAEL RUFF

02/23/2009 S First Read--SB 439-Lembke (S359)

02/25/2009 Second Read and Referred S Education Committee (S402)

EFFECTIVE: August 28, 2009

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\*\*\* SB 440 \*\*\*

1981S.011

SENATE SPONSOR: Schaefer

SB 440 - This act requires all court orders regarding child custody or visitation or regarding ex parte orders of protection issued or modified while either party is in active military service and deployed out-of-state to be temporary in nature. Such orders regarding custody or visitation which are issued as part of an entry of decree of dissolution shall also be temporary in nature. Upon return from deployment, the party will be given an opportunity to be heard on the child custody and visitation order before a permanent order is entered. If the party in active military service knowingly and voluntarily signs a written waiver to the right to have such a hearing upon the party's return from out-of-state military deployment, the court may issue a permanent order on the issues under this section.

This act is similar to HB 504 (2009).  
ADRIANE CROUSE

02/24/2009 S First Read--SB 440-Schaefer (S366)

02/26/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S424)

EFFECTIVE: August 28, 2009

\*\*\* SB 441 \*\*\*

1985S.011

SENATE SPONSOR: Schaefer

SB 441 – This act modifies tenure procedures for teachers statewide.

Current law allows local school districts to dismiss tenured teachers for certain causes after following certain administrative procedures. This act amends such procedures to allow teachers the right to request a preliminary hearing about the dismissal before an impartial hearing officer prior to a hearing before the board of education; however, the board of education would retain the authority to make the final decision as to whether the teacher is dismissed.

Boards of education or superintendents must notify teachers at least sixty days before formal notice is served, rather than the current thirty day notice requirement. If the teacher requests a preliminary hearing, the superintendent must contact the Labor and Industrial Relations Commission, which must follow procedures described in the act for the selection of a hearing officer and for the hearing itself. The act directs the Labor and Industrial Relations Commission to promulgate rules for the hearings. The school district must pay the costs of the preliminary hearing, except for the teacher's counsel. The hearing will be open to the public unless the teacher requests that the hearing be closed.

If a teacher chooses to have a preliminary hearing before a hearing officer, the hearing officer must provide an advisory opinion as to whether the teacher should be dismissed within thirty days of the hearing. Within thirty days of the receipt of this opinion, the school board must provide notice to the teacher as to the board's intention.

If a school district suspends a teacher until a final decision is rendered, the teacher is entitled to receive salary and benefits during the suspension. Currently, teachers are only guaranteed salary. If the hearing officer's opinion is in favor of dismissal, the teacher's benefits and salary may be suspended; however, such benefits will be repaid if the board reverses the decision of the hearing officer.

After the preliminary hearing, the teacher is entitled to a hearing before the board of education, which will be open to the public unless the teacher requests that it be closed. The record of the preliminary hearing shall be part of the records of the board meeting. The teacher may appeal the final decision of the school board to the circuit court of the county or city not within a county where the employing school district is located as described in the act.

This act repeals the current teacher tenure law for the St. Louis City School District and brings it under the same teacher tenure law as the rest of the state.

This act is similar to SB 1060 (2008), SB 561 (2007), SB 1088 (2006), and SB 118 (2005).  
MICHAEL RUFF

02/24/2009 S First Read--SB 441-Schaefer (S366)

02/26/2009 Second Read and Referred S Education Committee (S424)

EFFECTIVE: August 28, 2009

\*\*\* SB 442 \*\*\*

2119S.011

SENATE SPONSOR: Callahan

SB 442 - This act prohibits any person or business from having more than five liquor licenses, rather than three.

SUSAN HENDERSON MOORE

02/24/2009 S First Read--SB 442-Callahan (S366)

02/26/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S424)

EFFECTIVE: August 28, 2009

\*\*\* SB 443 \*\*\*

1796S.011

SENATE SPONSOR: Days

SB 443 – This act modifies the law regarding the operations of a special administrative board when a school district's corporate organization has lapsed after having been classified as unaccredited. Current law provides for three members on a special administrative board, one of whom will be a professional administrator and act as chair. This act allows the State Board of Education to appoint additional members. In addition, the State Board of Education may set a final term of office for any special administrative board member, after which a successor member must be elected by the school district as described in the act. If the State Board of Education appoints a successor member to replace the special administrative board's chair, the current members of the special administrative board may appoint a superintendent of schools and contract for his or her services. The State Board of Education may set a date on which the school district will return to local governance.

MICHAEL RUFF

02/24/2009 S First Read--SB 443-Days and Mayer (S366)

02/26/2009 Second Read and Referred S Education Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 444 \*\*\*

0847S.021

SENATE SPONSOR: Wilson

SB 444 - This act creates standards for the use of mediation to resolve disputes. These standards apply to all mediation conducted in disputes for which mediation is authorized by statute, regulation, or by contract.

The act allows participants to select their own mediator, or apply to a court for appointment of a qualified mediator. If the court appoints a mediator, they must consider any potential bias or conflicts of interest the mediator might have. Additionally, state agencies that establish mediation programs must adopt rules to assure the impartiality of mediators.

The act also sets forth the duties of the mediator and requires that no mediator provide subsequent representation, counseling, or treatment to a party to the mediation, unless it is distinct from the issues raised in mediation.

Finally, communications in mediation proceedings shall be confidential and are not admissible as evidence in court. No mediator may be subpoenaed or compelled to disclose information disclosed in the process of setting up or conducting the mediation. However, the act does not prohibit mediators who are mandated by state law from reporting child or elder abuse, and allows mediators to be called to testify in an action to enforce a written settlement agreement for the limited purpose of describing the events that followed the mediation.

EMILY KALMER

02/24/2009 S First Read--SB 444-Wilson (S366)

02/26/2009 Second Read and Referred S General Laws Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 445 \*\*\*

2109S.011

SENATE SPONSOR: Rupp

SB 445 – This act prohibits school district employees, volunteers, and independent contractors from placing a student receiving special education services into seclusion, which is defined as confinement in a locked box, locked closet, or locked room as a behavior management technique or discipline management practice. Exceptions to the prohibition on seclusion include a court-ordered placement, situations that fall under the federal Children's Health Act of 2000, and when a student has a weapon and confinement is necessary to prevent bodily harm.

MICHAEL RUFF

02/24/2009 S First Read--SB 445-Rupp (S366)

02/26/2009 Second Read and Referred S Education Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 446 \*\*\*

2100S.011

SENATE SPONSOR: Rupp

SB 446 – This act modifies the elementary and secondary education funding formula. It removes from the calculation of the state adequacy target the inclusion of the gaming revenues from the repeal of the loss limits.

This act contains a provision also contained in SB 24 (2009) and SB 25 (2009).  
MICHAEL RUFF

02/24/2009 S First Read--SB 446-Rupp (S366)

02/26/2009 Second Read and Referred S Education Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 447 \*\*\*

1674S.011

SENATE SPONSOR: Pearce

SB 447 - This act authorizes the governing body of the City of Peculiar to seek voter approval for the imposition of a sales tax to fund public safety improvements. The amount of the tax cannot exceed one-half of one percent and will be in addition to all other sales taxes authorized by law.

JASON ZAMKUS

02/24/2009 S First Read--SB 447-Pearce (S366-367)

02/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 448 \*\*\*

2105S.011

SENATE SPONSOR: Pearce

SB 448 – This act authorizes school districts to enter into design-build contracts for design-build projects costing more than \$1,000,000. A school district must establish written procedures for pre-qualifying design-build contractors before any such contractor may make a proposal on the project. In addition, a school board must adopt various procedures as described in the act, including procedures for requesting proposals and evaluating and awarding contracts from up to five pre-qualified contractors. A school district must publicly advertise for two consecutive weeks in a newspaper, as described in the act, the design-build proposal. If a school district does not receive at least two responsive submissions, it must readvertise the project. A school district may reject any and all submissions and proposals. Any proposals from pre-qualified design-build contractors must be opened publicly. A school district must award the contract to the design-build contractor whose proposal represents the best overall value in terms of quality, skill, schedule, and cost. For any pre-qualified responsive design-build contractor who submits a proposal but is not awarded a contract, the school district must pay a reasonable stipend.

Payment bond requirements will apply to any design-build project. However, the performance bond for the design-build contractor does not need to cover the design services as long as the contractor or subcontractors have professional liability insurance in the amount specified by the school district.

Any person or firm providing services for a design-build contract must be licensed in Missouri. In addition, a school district planning a design-build project must retain an architect or engineer, as described in the act, unless it already retains one. The architect or engineer is prohibited from acting as the design-build contractor or participating as part of the design-build contractor's team.

This act is substantially similar to HB 596 (2009) and HCS/HB 1707 (2008).

MICHAEL RUFF

02/24/2009 S First Read--SB 448-Pearce (S367)

02/26/2009 Second Read and Referred S Education Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 449 \*\*\*

2129S.011

SENATE SPONSOR: Purgason

SB 449 - Under current law, business district advisory boards must enter into an agreement with the

county collector for the county in which a business district is located to collect transient guest tax revenues. This act requires business district advisory boards to enter into an agreement with the director of the department of revenue for the collection of the transient guest tax revenues. Such agreement will supersede any previously existing agreement with county collectors.

JASON ZAMKUS

02/24/2009 S First Read--SB 449-Purgason (S367)

02/26/2009 Second Read and Referred S Ways and Means Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 450 \*\*\*

0511S.021

SENATE SPONSOR: Cunningham

SB 450 – This act requires public libraries, by January 1, 2010, to adopt written policies, consistent with contemporary community standards, on the placement of books and other materials to restrict minors from gaining access to material that is obscene or pornographic for minors. Exempted books and materials include those in collections that require the written permission of a parent or guardian of an unemancipated minor. Policies must also contain procedures for members of the public to challenge the placement of such books and other materials and provide comments and guidance on the library policies.

As an alternative, any library that does not adopt written policies must prominently display a statement that the library may contain uncensored materials that may be objectionable and offensive to minors.

Libraries must include in their annual report the number of complaints about placement of books and their resolution. Library policies must be recorded with the city or county and made available to the public at the library and city or county government office.

A violation of this section is subject to a misdemeanor.

MICHAEL RUFF

02/24/2009 S First Read--SB 450-Cunningham (S367)

02/26/2009 Second Read and Referred S General Laws Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 451 \*\*\*

2101S.011

SENATE SPONSOR: Cunningham

SB 451 - Currently, any winery, distiller, manufacturer, wholesaler or brewer may provide beverage samples off a licensed retail premises as long as no sales transactions take place. This act would allow such entities to provide tasting samples on a licensed retail premises if they have certain permits and no money is given to retailers for the tasting.

This act is similar to HB 81 (2007).

SUSAN HENDERSON MOORE

02/24/2009 S First Read--SB 451-Cunningham (S367)

02/26/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 452 \*\*\*

2090S.011

SENATE SPONSOR: Cunningham

SB 452 - This act allows qualified companies receiving benefits under the Missouri Quality Jobs Act to continue to receive benefits after filing for, or publically announcing an intention to seek, bankruptcy protection, provided certain conditions are met.

This act is similar to provisions contained in the SCS/SB 45 (2009) and SCS/HCS/HB 191 (2009).

JASON ZAMKUS

02/24/2009 S First Read--SB 452-Cunningham (S367)

02/26/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 453 \*\*\*

1962S.011

SENATE SPONSOR: Mayer

SB 453 – 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.

This act is similar to SB 24 (2009) and contains provisions similar to those contained in SB 831 (2008).  
MICHAEL RUFF

02/24/2009 S First Read--SB 453-Mayer (S367)

02/26/2009 Second Read and Referred S Education Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 454 \*\*\*

1829S.011

SENATE SPONSOR: Mayer

SB 454 - This act waives the waiting week that must be served before becoming eligible to receive unemployment insurance for unemployed workers who were employed in or a resident of the counties of Barry, Bollinger, Butler, Cape Girardeau, Carter, Douglas, Dunklin, Howell, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Reynolds, Ripley, Scott, Shannon, Stoddard, Stone, Taney, and Wayne that were adversely affected by the winter storm in January of 2009. Workers shall have been employed in or been a resident of one of the aforementioned counties between January 26, 2009 and April 1, 2009 to be eligible for the waiver. The section, if enacted, shall expire April 1, 2009.

CHRIS HOGERTY

02/24/2009 S First Read--SB 454-Mayer (S367)

02/26/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S424)

EFFECTIVE: Emergency Clause

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\*\*\* SB 455 \*\*\*

2017S.011

SENATE SPONSOR: Mayer

SB 455 - This act increases the assessed valuation a county must maintain in order to move into a higher classification. The assessed valuation for counties of the first classification is increased from \$600 million to \$1 billion. The assessed valuation for counties of the second classification is increased from \$450 million to \$750 million. All counties with an assessed valuation of less than \$750 million will be counties of the third classification.

SUSAN HENDERSON MOORE

02/24/2009 S First Read--SB 455-Mayer (S367)

02/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S424)

EFFECTIVE: August 28, 2009

\*\*\* SB 456 \*\*\*

1494S.011

SENATE SPONSOR: Lager

SB 456 - It shall be lawful for Caldwell County to enter into a contract with private corporations engaged in delivering water at wholesale for domestic consumption. The county may also acquire, own, and hold, with private corporations, water mains.

SUSAN HENDERSON MOORE

02/24/2009 S First Read--SB 456-Lager (S367)

02/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S424)

EFFECTIVE: August 28, 2009

\*\*\* SB 457 \*\*\*

1495S.011

SENATE SPONSOR: Lager

SB 457 - This act allows Caldwell County to establish a jail or holding facility outside of the county seat.

SUSAN HENDERSON MOORE

02/24/2009 S First Read--SB 457-Lager (S367)

02/26/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S424)

EFFECTIVE: August 28, 2009

\*\*\* SB 458 \*\*\*

2049S.011

SENATE SPONSOR: Lager

SB 458 - This act requires every employee of the oversight division of the committee on legislative research to take an oath to support the Missouri Constitution, to faithfully demean himself or herself in office, to not disclose confidential information, and to not accept any gifts or emoluments for discharging their official duties, other than their official compensation. Any employee who violates this act is guilty of a Class A misdemeanor.

JIM ERTLE

02/24/2009 S First Read--SB 458-Lager (S367)

02/26/2009 Second Read and Referred S General Laws Committee (S424)

03/03/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 459 \*\*\*

1826S.011

SENATE SPONSOR: Lager

SB 459 - This act allows criminal charges to be filed against a mother for any harm to an unborn child resulting from the mother's intentional and unlawful ingestion or use of controlled substances.

This act is identical to SB 1219 (2008).

ADRIANE CROUSE

02/24/2009 S First Read--SB 459-Lager (S367-368)

02/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S424)

EFFECTIVE: August 28, 2009

\*\*\* SB 460 \*\*\*

2113S.011

SENATE SPONSOR: Nodler

SB 460 - This act allows the Division of Developmental Disabilities to contract directly with providers of targeted case management services for clients of the division with developmental disabilities in a defined region.

ADRIANE CROUSE

02/24/2009 S First Read--SB 460-Nodler (S371)  
02/26/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S424)

EFFECTIVE: August 28, 2009

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\*\*\* SB 461 \*\*\*

2130S.011

SENATE SPONSOR: Callahan

SB 461 - The state is barred from entering into any contract with a financial institution for the purposes of issuing electronic payment cards for the disbursement of unemployment insurance benefits when the bank charges any fees for the use of such card or the administration of the account of the cardholder.

CHRIS HOGERTY

02/24/2009 S First Read--SB 461-Callahan (S371)  
02/26/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 462 \*\*\*

2128S.011

SENATE SPONSOR: Crowell

SB 462 - Under current law, when more than 50 gallons of petroleum, natural gas, natural gas liquids, liquified natural gas, or synthetic gas are spilled or released, it is considered a hazardous substance emergency. This act changes the minimum threshold to 3,000 gallons.

Under current law, if a political subdivision or volunteer fire protection district provides services in response to a hazardous substance emergency, the person who controls the hazardous substance is liable for reasonable and necessary costs incurred by the political subdivision or fire protection district. This act limits the person's liability to 25% of the reasonable and necessary costs.

ERIKA JAQUES

02/24/2009 S First Read--SB 462-Crowell (S371)  
02/26/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee  
(S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 463 \*\*\*

1745S.011

SENATE SPONSOR: Days

SB 463 - This act requires health carriers to provide coverage for the treatment and diagnosis of eating disorders. The coverage shall apply to health benefit plans issued, continued or renewed on or after January 1, 2010. Under the act, a health carrier offering group health insurance coverage shall not cancel or refuse to renew an individual's coverage for the purpose of avoiding the eating disorder mandate. The carrier shall not deny coverage for the treatment of eating disorders, including coverage for residential treatment of eating disorders, if such treatment is medically necessary in accordance with certain national standards. Under this act, a health carrier shall not provide payments or other benefits to individuals to encourage them to accept less coverage than is provided by the act. A health carrier shall not penalize, reduce or limit the reimbursement to a provider because the provider provided care to a beneficiary in accordance with the act.

Under the act, the mandated coverage shall include access to psychiatric and medical treatment. The health benefit plan shall also provide coverage for integrated care and treatments as prescribed by medical and psychiatric health care professionals.

The coverage mandated by the act for treating and diagnosing eating disorders does not include coverage for mental illness.

The coverage required by the act shall not be subject to any greater deductible or co-payment than other health care services provided by the plan.

The act requires the Department of Health and Senior Services, in collaboration with the Department of



Social Services, to provide diagnosis and treatment services for Missouri residents who do not have insurance coverage for eating disorders. The eating disorder care shall be provided at eating disorder units, private facilities, and state-operated facilities that have licensed eating disorder specialists on staff.

This act is identical to HB 519 (2009).  
STEPHEN WITTE

02/24/2009 S First Read--SB 463-Days, et al (S371)

02/26/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 464 \*\*\*

2158S.011

SENATE SPONSOR: Stouffer

SB 464 - This act clarifies the continuing educational requirement statute for insurance producers. Under the act, a course of instruction sponsored by an entity engaged in the business of providing education courses to producers is recognized as a qualified continuing education course (Section 375.020).

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

This act allows the department to publish notices regarding surplus lines insurance companies on a website rather than mailing notices to each surplus lines licensee (Section 384.025).

The act requires the biennial renewal of a surplus lines license rather than having it renewed on an annual basis. The biennial renewal fee is \$100 (currently the renewal fee is \$50 for an annual license) (Section 384.043).

This act transfers the collection of surplus lines taxes directly to the Department of Revenue in order to comply with Executive Order 07-06. Current law reflects a system in which tax funds are collected by DFIP and then are remitted to the Department of Revenue (Section 384.051).

Under this act, surplus lines brokers are required to report the gross amounts charged for surplus lines insurance with respect to risks located within this state, exclusive of sums collected for the payment of federal, state, or local taxes and the amount of net premiums with respect to the insurance (Section 384.057).

The act repeals a provision of law that requires the director of the department of insurance to personally report to certain legislative committees of all actions initiated, maintained and concluded by the director (Section 374.456).

Under current law, each surplus lines licensee must file a written report with the director within 30 days of placing surplus lines insurance describing the surplus lines insurance transaction. This act repeals this provision (Section 384.031).

STEPHEN WITTE

02/24/2009 S First Read--SB 464-Stouffer (S371)

02/26/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S425)

03/03/2009 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 465 \*\*\*

1937S.011

SENATE SPONSOR: Pearce

SB 465 - This act creates the Division of Job Development and Training within the Division of Employment Security. All of the powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges relating to the administration of free public employment offices, employment assistance programs, and job development training and placement currently vested in the division of workforce development within the department of economic development are transferred to the division of job development and training.

Currently, in order to qualify for unemployment benefits, claimants shall report every 4 weeks. Under this act, claimants may report by phone or email and the 4 week reporting requirement is waived when the state unemployment rate is 6% or greater.

CHRIS HOGERTY

02/24/2009 S First Read--SB 465-Pearce (S371)

02/26/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S425)

EFFECTIVE: August 28, 2009

\*\*\* SB 466 \*\*\*

2112S.011

SENATE SPONSOR: Smith

SB 466 - Committees shall disclose contributions every forty-eight hours within thirty days of the election when making any contribution in support of or in opposition to any candidate for state representative, state senator, or statewide elected office.

This act creates a method for publicly financing election campaigns for legislative and statewide candidates.

Candidates certified as clean election candidates are eligible to receive public funding for their respective campaigns by raising qualifying contributions, in the sum of \$5 per voter, from a specified number of individuals, during a specified qualifying period. The candidates may, before certification, raise and spend seed money contributions of no more than \$100 per contribution, up to \$50,000 for candidates for Governor, \$10,000 for nongubernatorial statewide candidates, \$1,500 for candidates for the Senate, and \$500 for candidates for the House of Representatives. Any individual may contribute to the fund at any time without limitation.

The Ethics Commission shall disburse funds from the Clean Election Fund to certified candidates to match the funds raised and spent by any non-certified opponent. The fund is comprised of \$2,000,0000 appropriated from the general revenue fund that shall be deposited into the fund yearly, all qualifying contributions, unspent funds, reallocations, certain fines, and other donations.

The amounts of funds to be distributed to certified candidates are based on average expenditures of previous campaigns and whether or not the race is contested. Once certified, participating candidates may only receive and spend moneys allocated to the candidate from the fund. All unspent revenues originating from the fund must be returned by participating candidates defeated in primaries and all participating candidates after applicable general elections.

A process for challenging the certification of a candidate is included in the act. Fines may be imposed upon candidates in violation of the act and certain acts constitute a class A misdemeanor.

A Joint Committee on Clean Elections is also established to study and recommend legislation relating to the administration, implementation, and enforcement of the act.

This act is similar to SB 1071 (2008).

CHRIS HOGERTY

02/24/2009 S First Read--SB 466-Smith (S371)

02/26/2009 Second Read and Referred S General Laws Committee (S425)

EFFECTIVE: August 28, 2009

\*\*\* SB 467 \*\*\*

2160S.011

SENATE SPONSOR: Justus

SB 467 - This act requires nursing home facilities to carry liability insurance with limits of no less than \$1 million per occurrence to compensate residents for damages caused by care received by the facility.

STEPHEN WITTE

02/24/2009 S First Read--SB 467-Justus (S371)

02/26/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S425)

EFFECTIVE: August 28, 2009

\*\*\* SB 468 \*\*\*

2161S.011

SENATE SPONSOR: Justus

SB 468 - This act requires local law enforcement agencies or other government agencies to enter information regarding the service of ex parte orders of protection into the Missouri Uniform Law Enforcement system within twenty-four hours after the ex parte order is served.

EMILY KALMER

02/24/2009 S First Read--SB 468-Justus (S371)

02/26/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 469 \*\*\*

2123S.011

SENATE SPONSOR: Justus

SB 469 - This act requires that at least twenty days notice of foreclosure sales be given to mortgagors of the property (i.e. borrowers) and any tenants residing on the property. The lender must mail notice to the tenant of the foreclosure sale. The act provides the language of the notice to the tenant. When the lender or trustee does not know the name of the tenant they do not have to send the notice by certified or registered mail. The lender or trustee must record an affidavit of service as proof they notified the tenant.

In cases where a foreclosed property is lawfully occupied by a residential tenant who is not in violation of any lease agreement, no unlawful detainer (i.e. eviction) action may begin against the tenant until 45 days after the date the tenant is given notice that the foreclosure sale occurred. A tenant is not guilty of unlawful detainer until they have received written notice that the foreclosure sale has occurred and they are either in violation of any lease agreement or it has been at least 45 days after the date of the foreclosure sale.

EMILY KALMER

02/24/2009 S First Read--SB 469-Justus (S371)

02/26/2009 Second Read and Referred S General Laws Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 470 \*\*\*

2118S.011

SENATE SPONSOR: Ridgeway

SB 470 - Under current law, any amount of individual taxable income above nine thousand dollars is taxed at a rate of six percent. This act modifies the tax table by lowering the highest rate of tax to four percent of taxable income in excess of five thousand dollars.

JASON ZAMKUS

02/24/2009 S First Read--SB 470-Ridgeway (S371-372)

02/26/2009 Second Read and Referred S Ways and Means Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 471 \*\*\*

1808S.011

SENATE SPONSOR: Ridgeway

SB 471 - This act creates an administrative procedure in which a towing company may seek to recoup reasonable towing and storage fees associated with towing an abandoned vehicle from public property. The towing company may submit an affidavit within 30 days, but no more than 45 days of the tow to recoup the towing company's towing and storage fees. In addition to the affidavit, the towing company must submit an application which shall include an itemized accounting of the towing and storage fees. The application shall also be accompanied by a copy of the crime and inquiry inspection report (the DOR 4569 Form) and the applicant shall attest that the towing company has complied with all the statutory procedural requirements related to the towing of abandoned vehicles.

Within 5 business days of receiving the application, the Department of Revenue shall send notice to the registered owner of the abandoned motor vehicle that a claim for reasonable towing and storage charges has been filed with the department. The notice shall state that if the registered owner does not provide proof to the department that such charges have been paid within 30 days of receiving the notice, the department shall suspend the owner's license and any motor vehicle registrations registered in the owner's name. The notice of suspension shall be mailed to the registered owner at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension

shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing. The suspension shall become effective 30 days after the registered owner is deemed to have received the notice. The period of the suspension shall continue until the owner submits proof that he or she has satisfied all reasonable towing and storage charges.

Under this act, "reasonable storage charges" shall not exceed the charges for motor vehicles which have been towed with the consent of the owner on a negotiated basis. Reasonable storage charges shall not exceed 90 days.

This portion of the act is identical to HB 360 (2009) and similar to SB 1284 (2006) and SB 606 (2006).

Under this act, the highway patrol may use a rotation list when requesting towing services for the removal of abandoned vehicles and property.

The act allows any vehicle responding to an emergency or critical situation on the state highway system to use amber lights instead of red or blue lights when there is a threat of serious physical injury or death.

STEPHEN WITTE

02/24/2009 S First Read--SB 471-Ridgeway (S372)

02/26/2009 Second Read and Referred S Transportation Committee (S425)

EFFECTIVE: August 28, 2009

\*\*\* SB 472 \*\*\*

2064S.011

SENATE SPONSOR: Ridgeway

SB 472 - 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.

Political subdivisions and special districts shall provide a detailed accounting of their monthly expenditures on the web, if they administer web sites and use electronic accounting systems.

This act is similar to HB 975 (2007), SB 1204 (2008), HB 174 (2009), SB 155 (2009), and SB 162 (2009).  
CHRIS HOGERTY

02/24/2009 S First Read--SB 472-Ridgeway (S372)

02/26/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S425)

EFFECTIVE: August 28, 2009

\*\*\* SB 473 \*\*\*

2124S.011

SENATE SPONSOR: Bray

SB 473 - This act requires that the public body and the exclusive bargaining representative shall bargain in good faith to reach an amicable agreement. Tentative bargaining agreements shall be ratified pursuant to the ratification process established by the exclusive bargaining representative.

If an agreement is not reached, disputes are resolved pursuant to the impasse resolution process agreed to by the parties. If no such process is agreed to, upon application of either party, the state board of mediation may hold a conference with the parties and assist in negotiating or drafting a settlement agreement or submitting the dispute to binding arbitration.

CHRIS HOGERTY

02/24/2009 S First Read--SB 473-Bray (S372)

02/26/2009 Second Read and Referred S General Laws Committee (S425)

EFFECTIVE: August 28, 2009

\*\*\* SB 474 \*\*\*

1830S.021

SENATE SPONSOR: Wright-Jones

SB 474 - Gas, electric, water, heating, sewer and telephone companies are prohibited from requiring a deposit or other guarantee for new residential service except for: customers who have wrongly interfered with or diverted the utility's service within the past five years, or for customers who do not meet the acceptable credit rating.

These utilities are prohibited from requiring a deposit or other guarantee for continued service unless: the service has been shut off due to the customer's delinquency in payment, or the customer wrongly interfered with or diverted the utility's service. No deposit or other guarantee shall be required for any customer who has consistently paid at least a portion of his or her monthly utility bill and when the outstanding balance owed is \$500 or less.

This act is similar to HB 2587 (2008).

ERIKA JAQUES

02/24/2009 S First Read--SB 474-Wright-Jones (S372)

02/26/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 475 \*\*\*

1102S.011

SENATE SPONSOR: Wright-Jones

SB 475 - This act requires all health carriers of at least 50,000 people to expend at least 90% of their total annual Missouri-associated revenues on health care services in any given calendar year (non-health expenditures must not exceed 10% of their Missouri-associated revenue). This percentage is known as the Missouri care share under the act. The act also requires health carriers of at 25,000 persons but less than 50,000 persons to expend at least 85% of their total annual Missouri-associated revenues on health care services in any given calendar year.

The act requires health carriers to report submit an annual report to the director of the Department of Insurance, Financial Institutions and Professional Registration. The health carrier shall report its total revenues, Missouri-associated revenue, total premiums, Missouri premiums, total health expenditures, Missouri-associated health expenditures, total non-health expenditures, care share, and Missouri care share.

The director shall publish annually the care share and the Missouri care share of each health carrier doing business in the state of Missouri. All written materials used for advertising and marketing health benefit plans to prospective insured persons or groups shall include a statement of the health carrier's care share and its Missouri care share.

Under the terms of the act, any health carrier that fails to comply with the act shall refund to the persons insured by it a percentage of its Missouri-associated revenues equal to the Missouri care share required by the act for the calendar year less the Missouri care share actually expended for the calendar year. An insurer that reports a shortfall in its Missouri care share may pay the refund by reducing the total premiums payable by its insureds or enrollees for the calendar year in which the shortfall is reported by an amount equal to the total shortfall.

The act requires the director to audit the books and records of a random sample of 10% of health carriers that have more than 25,000 persons insured under health benefit plans. The director may appoint an independent auditor to conduct the audit and shall assess each health carrier a fee to pay the reasonable costs of the audit.

STEPHEN WITTE

02/24/2009 S First Read--SB 475-Wright-Jones (S372)

02/26/2009 Second Read and Referred S Progress and Development Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 476 \*\*\*

1831S.011

SENATE SPONSOR: Wright-Jones

SB 476 - This act allows elected officials to be excused from jury duty during their term of office.

This act is similar to HB 1091 (2006).

EMILY KALMER

02/24/2009 S First Read--SB 476-Wright-Jones (S372)

02/26/2009 Second Read and Referred S General Laws Committee (S425)

EFFECTIVE: August 28, 2009

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\*\*\* SB 477 \*\*\*

2104S.011

SENATE SPONSOR: Wright-Jones

SB 477 - This act amends the Missouri Transportation Development District Act to include public mass transportation systems as transportation development district projects.

Under current law, owners of property adjacent to a TDD may petition the court to add their property to the district and such property shall be added if the property owners within the district unanimously approve of its addition. Under this act, unanimous approval is not needed to add adjacent property to a TDD formed by a local transportation authority for the purpose of operating a public mass transportation system. Instead, adjacent property listed in the petition shall be added upon approval of the district's board of directors.

Under the act, the board of directors for a district formed by local transportation authorities for the purpose of operating a public mass transportation system shall consist of not less than 3 nor more than 5 persons appointed by the chief executive officers of each local transportation authority. The directors appointed by the chief executive officers may be removed by such officers at any time with or without cause. Under the act, the state highways and transportation commission is prohibited from appointing advisers to the boards of directors of these types of transportation development districts.

Under the act, districts formed by local transportation authorities for the purpose of operating a public mass transportation system do not have to submit their project plans to the state highways and transportation commission.

The act provides that the sales tax for a district formed by a local transportation authority for the purpose of operating a public mass transportation system shall not be considered economic activity taxes as used in the TIF statutes and that the tax revenues are not subject to allocation by the TIF statutes. The act also creates a special fund known as the "Transportation Development District Sales Tax Trust Fund" to deposit the sales tax revenues generated by these types of transportation development districts.

STEPHEN WITTE

02/24/2009 S First Read--SB 477-Wright-Jones (S372)

02/26/2009 Second Read and Referred S Transportation Committee (S425)

03/04/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 478 \*\*\*

2063S.011

SENATE SPONSOR: Shoemyer

SB 478 - This act prohibits contracts between health carriers and health care providers from containing provisions that require health care providers to disclose their reimbursement rates with other health carriers. Under the act, such provisions are void and unenforceable.

STEPHEN WITTE

02/25/2009 S First Read--SB 478-Shoemyer (S380)

03/02/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 479 \*\*\*

2173S.011

SENATE SPONSOR: Shoemyer

SB 479 - This act allows contributions to a downtown revitalization preservation development project from

any private not-for-profit organization or local contributions from tax abatement or other sources to be substituted on a dollar-for-dollar basis for the local match of 100% of payments in lieu of taxes and economic activity taxes from the development's fund.

This act is identical to House Bill 746 (2009).

JASON ZAMKUS

02/25/2009 S First Read--SB 479-Shoemyer (S380)

03/02/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S442)

EFFECTIVE: August 28, 2009

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

2181S.011

SENATE SPONSOR: Shoemyer

SB 480 - This act creates the Missouri Board on Geographic Names within the office of the Secretary of State charged with the following duties:

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

CHRIS HOGERTY

02/25/2009 S First Read--SB 480-Shoemyer (S380)

03/02/2009 Second Read and Referred S General Laws Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 481 \*\*\*

2174S.011

SENATE SPONSOR: Ridgeway

SB 481 - Beginning January 1, 2010, this act authorizes a corporate income tax exemption for corporations that do not receive funds from any program administered by the Department of Economic Development. To be eligible for the exemption, the corporation must annually file a request form with the Department of Revenue indicating that the corporation is not receiving funds from a Department of Economic Development program and will not receive funds for five taxable years following the request. A corresponding individual income tax exemption is provided for taxpayer income received from business entities with flow-through tax treatment.

The provisions authorizing the corporate income tax exemption will expire December 31 six years from the effective date.

This act is similar to House Bill 432 (2009).

JASON ZAMKUS

02/25/2009 S First Read--SB 481-Ridgeway (S381)

03/02/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 482 \*\*\*

1934S.011

SENATE SPONSOR: Ridgeway

SB 482 - This act requires that tanning facilities be licensed by the Department of Health and Senior Services. Tanning facilities are also required to provide written warnings to customers, post warning signs, have an operator present to assist customers in the proper use of the tanning devices, provide customers with protective eyewear, show customers how to use physical aids at the facility, use accurate timers on all devices, maintain remote control timers, maintain a manual control that allows the customer to terminate the lamps, limit a customer's time to the maximum recommended by the manufacturer, and ensure the facility's temperature does not exceed 100 degrees Fahrenheit.

Every person who uses a tanning facility is required to sign a written statement that they have read and understand all the required warnings and agree to wear the protective eyewear.

Individuals under the age of sixteen are prohibited from using a tanning device. Individuals under the age of eighteen must have a signed written statement from their parent or guardian before they can use a tanning device.

The director of the Department of Health and Senior Services has the authority to establish rules regarding tanning facility licenses. These rules shall include standards of hygiene, procedures to grant, deny, discipline, or reinstate licenses, and rules for inspections of facilities.

The department is authorized to collect fees from tanning facilities. The fees will be deposited in the newly created Tanning Facility Fund.

A person who violates this act is guilty of a class C misdemeanor.

This act is similar to HB 352 (2009).  
EMILY KALMER

02/25/2009 S First Read--SB 482-Ridgeway (S381)

03/02/2009 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 483 \*\*\*

2099S.011

SENATE SPONSOR: Rupp

SB 483 - This act amends Missouri's annual financial reporting laws to correspond with the NAIC Annual Financial Reporting Model Regulation. In the act's main provisions, the legislative proposal requires insurers to be governed by an audit committee with respect to annual audit reports; prohibits certain CPA non-audit services; requires CPA audit partner rotation every 5 years; requires a "cooling off" period before CPA auditors can be hired by insurance clients; requires audit committee preapproval of all audit and nonaudit services provided by CPA firms; and institutes certain internal control requirements over financial reporting to ensure the reliability of financial statements that are reported to the Department of Insurance.

The act exempts insurers having direct premiums written in this state less than \$1,000,00 in any calendar year and less than 1,000 policyholders of direct written policies nationwide at the end of the calendar year from the purview of the act. The exemption does not apply if the director makes a finding that compliance with the act is necessary to carry out statutory responsibilities. The exemption also does not apply to insurers having assumed premiums pursuant to contracts of reinsurance of \$1,000,000 or more (Section 375.1028).

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

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

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

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



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

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

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

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

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

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

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

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

Under the act, the management of insurance companies with \$500,000,000 or more in direct or assumed annual premiums must file a report with the Department of Insurance regarding its assessment of internal control over financial reporting (known as a management's report of internal control over financial reporting). The report shall include a statement by management officials whether these controls are effective to provide reasonable assurance regarding the reliability of the statutory financial statements and disclosure of any unremediated material weaknesses in internal control over financial reporting. The act establishes what the management's report of internal control over financial reporting must include (Section 375.1055).

STEPHEN WITTE

02/25/2009 S First Read--SB 483-Rupp (S381)

03/02/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 484 \*\*\*

2184S.011

SENATE SPONSOR: Rupp

SB 484 - This act provides that any federal highway and bridge funds received by the Missouri Highways and Transportation Commission shall be distributed to the various transportation districts, with the St. Louis region transportation district receiving a minimum of 33% of such funds.

STEPHEN WITTE

02/25/2009 S First Read--SB 484-Rupp (S381)

03/02/2009 Second Read and Referred S Transportation Committee (S442)

EFFECTIVE: August 28, 2009

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

2185S.011

SENATE SPONSOR: Pearce

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

CHRIS HOGERTY

02/25/2009 S First Read--SB 485-Pearce (S381)

03/02/2009 Second Read and Referred S General Laws Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 486 \*\*\*

2071S.011

SENATE SPONSOR: Green

SB 486 - Current law prohibits police, deputy sheriffs, Missouri State Highway Patrolmen, Missouri National Guard, all teachers of all Missouri schools, colleges and universities from forming and joining labor organizations. This act repeals that prohibition and grants employees of any public body the right to form and join organizations and to present proposals to any public body for salaries and other conditions of employment.

MICHAEL RUFF

02/25/2009 S First Read--SB 486-Green, et al (S381)

03/02/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 487 \*\*\*

2159S.011

SENATE SPONSOR: Stouffer

SB 487 - This act changes the name of the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council and codifies the executive order transferring the Missouri Brain Injury Advisory Council to the Department of Health and Senior Services. The act provides for the decrease of members of the council from the present twenty-five to eighteen. Meetings of the full council shall be held four times a year or at the call of the council chairperson.

This act prescribes some additional duties for the department, including promulgating rules to prescribe policies or standards which affect charging and funding of adult brain injury rehabilitation services and reasonable rules relative to the implementation of participant rights for those using rehabilitation services. The department shall also promulgate rules to create a reasonable standard means test to be applied to all programs and services funded by the department. The department may also receive federal grants and aids for brain injury prevention, brain injury and brain injury rehabilitation. The administration of the Brain Injury Fund is also transferred to the department.

This act also provides that services provided by the department shall be directed toward preparation for education or vocational achievement, independent living, and community participation.

This act is similar to SB 333 (2007).

ADRIANE CROUSE

02/25/2009 S First Read--SB 487-Stouffer (S381)

03/02/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 488 \*\*\*

2172S.011

SENATE SPONSOR: Vogel

SB 488 - This act allows the governing body of the city of Lake Ozark to withdraw from any special road district located in Camden and Miller County and form a new road district with boundaries identical to the boundaries of the city. The act also authorizes the issue of a special road district tax to be placed on the same ballot as the withdrawal and formation of the new road district.

This act is identical to HB 573 (2009).

STEPHEN WITTE

02/25/2009 S First Read--SB 488-Vogel (S381)

03/02/2009 Second Read and Referred S Transportation Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 489 \*\*\*

2095S.031

SENATE SPONSOR: Dempsey

SB 489 - This act repeals specific authorization for the Cities of Edmundson, Woodson Terrace, and St. Peters to impose hotel and motel license taxes and authorizes the mayor or board of alderman of any city to impose a license tax on the gross revenues of hotels and motels not to exceed two and one half percent.

JASON ZAMKUS

02/25/2009 S First Read--SB 489-Dempsey (S381)

03/02/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 490 \*\*\*

2087S.011

SENATE SPONSOR: Wilson

SB 490 - This act incorporates provisions of the model complementary enforcement legislation for the master settlement agreement by establishing certain requirements for participating tobacco manufacturers and nonparticipating tobacco manufacturers relating to the agreement between various tobacco companies, the State of Missouri, 45 other states, the District of Columbia, and five U. S. territories.

All tobacco manufacturers whose cigarettes are sold in Missouri are required to report and certify to the attorney general's office by April 30th of each year that they are in compliance with the Tobacco Settlement Model Statute currently in Missouri law. In addition to the certification, participating manufacturers must also provide a list of "brand families" of cigarette types.

Nonparticipating manufacturers must submit their brand families, the number of units sold for each family at any time during the preceding year, the name and address of any other manufacturer of their brand families for the preceding or current calendar year, as well as other information required to verify compliance with the model statute. Each nonparticipating manufacturer must further certify it is registered to do business in the state or maintains an agent within the state for the purpose of service of process relating to the enforcement of the act.

All tobacco manufacturers must update their lists thirty days prior to any addition to, or modification of, its brand families through a supplemental certification to the attorney general. Tobacco product manufactures must maintain all invoices and documentation of sales and other such information relied upon for certification for a period of five years, unless otherwise required by law to maintain such records for a longer period of time.

By July 1, 2010, the Director of the Department of Revenue must make available for public inspection, or

publish on the department's web site, a list of all tobacco product manufacturers that have satisfied the certification requirements established in the act.

Stamping agents (persons authorized to affix cigarette tax stamps to cigarette packages) are required to submit to the director an e-mail address for the receipt of notifications as required by the bill and to submit various reports and documents as required by the department.

Various penalties and actions for failure to comply with the requirements of the act are included. The act contains an emergency clause.

This act is similar to the senate committee substitute for Senate Bill 242 (2007).

JASON ZAMKUS

02/25/2009 S First Read--SB 490-Wilson and Nodler (S381)

03/02/2009 Second Read and Referred S General Laws Committee (S442)

EFFECTIVE: Upon passage and approval

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\*\*\* SB 491 \*\*\*

1786S.011

SENATE SPONSOR: Mayer

SB 491 – This act modifies procedures for the lapse of a school district that has been classified as unaccredited by the State Board of Education for two successive school years. Current law provides that the corporate organization of a school district classified as unaccredited will lapse on June 30 of the second full school year of unaccredited classification. This act allows the State Board of Education to set a date for a school district's lapse. However, the school district cannot lapse prior to June 30 of the second full school year of unaccredited classification.

When a school district lapses, current law requires the Department of Elementary and Secondary Education to conduct a public hearing in the school district to review the district's plans to return to accredited status or to offer technical assistance to the district. This act changes the focus of the public hearing to be the accreditation status of the school district in general.

When a school district lapses, the State Board of Education may allow the school board to continue governing the district under terms and conditions established by the State Board of Education.

MICHAEL RUFF

02/25/2009 S First Read--SB 491-Mayer (S381)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 492 \*\*\*

1824S.011

SENATE SPONSOR: Mayer

SB 492 – This act creates the GED Revolving Fund, which will be administered by the Commissioner of Elementary and Secondary Education. The Fund will consist of moneys appropriated by the General Assembly whose source are fees charged to GED test applicants and examinees. Moneys in the fund will be available for the payment of the costs and expenses for GED test administration.

MICHAEL RUFF

02/25/2009 S First Read--SB 492-Mayer (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 493 \*\*\*

1803S.011

SENATE SPONSOR: Mayer

SB 493 – Current law provides the same requirements and qualifications to participate in the A+ Schools Program for private career-technical schools and public career-technical schools. This act removes public career-technical schools from those requirements.

MICHAEL RUFF

02/25/2009 S First Read--SB 493-Mayer (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 494 \*\*\*

2120S.011

SENATE SPONSOR: Griesheimer

SB 494 - Under current law, any county which has established an emergency communications system commission may, upon voter approval, levy and collect a property tax to fund the establishment, operation, and maintenance of an emergency communications system. This act would give such counties the option to seek voter approval to impose the property tax or a sales tax not to exceed one-tenth of one percent to fund the establishment, operation, and maintenance of an emergency communications system. The Department of Revenue will collect the sales tax revenues and deposit them into the newly created county emergency communications fund for distribution to the counties from which they were collected.

JASON ZAMKUS

02/25/2009 S First Read--SB 494-Griesheimer (S382)

03/02/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 495 \*\*\*

2121S.011

SENATE SPONSOR: Griesheimer

SB 495 - Currently, the taxable wage base for calendar year 2010 and each calendar year thereafter shall be determined by the average balance of the unemployment compensation trust fund of the four preceding calendar quarters less federal advances, and principal, interest, and expenses related to credit instruments and financial agreements. If the balance is \$350 million or less, the base is increased by \$1,000. If it is \$650 million or more, it is decreased by \$500 not to increase beyond \$13,000 or decrease to less than \$7,000.

This computation is altered so that the base for every other calendar year beginning in calendar year 2010 is increased from the previous base by 10% rounded to the nearest \$100 increment. This biennial increase is suspended when the balance in the trust fund reaches an average high cost multiple (as defined by the United States Department of Labor) of .45 or greater and, whereupon the base shall decrease every calendar year by 10% rounded to the nearest \$100 increment.

The average weekly benefit amount for calendar year 2012 and all years beyond that shall increase by 4%.

All contributions and payments in lieu of contributions paid by employers to the unemployment compensation trust fund shall only be deposited in the fund and be used solely for the purposes enumerated in Chapter 288, RSMo.

The contribution rate for employers is modified for calendar year 2010 and beyond.

Currently, the total amount of outstanding obligations under agreements entered into by the Board of Unemployment Fund Financing in issuing credit instruments shall not exceed the difference of \$450 million and the principal amount of outstanding credit instruments. This act removes this provision.

Sections 288.121 and 288.122, RSMo that increase and decrease an employer's contribution rate when the balance in the trust fund is under or over certain thresholds are repealed with a delayed effective date of January 1, 2010.

CHRIS HOGERTY

02/25/2009 S First Read--SB 495-Griesheimer (S382)

03/02/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S442)

EFFECTIVE: 8/28/09 &amp; 1/1/2010

\*\*\* SB 496 \*\*\*

2149S.011

SENATE SPONSOR: Cunningham

SB 496 – This act allows the Department of Elementary and Secondary Education, at the discretion of the

State Board of Education, to provide oversight and administration for all public schools that choose to participate in extracurricular competitive activities, beginning in the 2010-2011 school year. Private schools may choose to have the Department of Elementary and Secondary Education provide oversight and administration as well. The Department may charge a fee and participate in a licensing arrangement to generate revenue for the cost of administration.

No public school can participate in an association that regulates extracurricular competitive activities unless the association submits its proposed rules and regulations to the Joint Committee on Administrative Rules.

This act is substantially similar to HB 1232 (2007).

MICHAEL RUFF

02/25/2009 S First Read--SB 496-Cunningham (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 497 \*\*\*

2142S.011

SENATE SPONSOR: Cunningham

SB 497 – Current law provides that school districts that do not maintain an accredited school must pay tuition and provide transportation for resident students to attend an accredited school in another district. This act provides that if the sending district is delinquent in tuition payments, the Department of Elementary and Secondary Education may, upon request of the receiving district, withhold an amount equal to the delinquent tuition from the sending district's state aid.

This act is substantially similar to HB 1875 (2008).

MICHAEL RUFF

02/25/2009 S First Read--SB 497-Cunningham (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 498 \*\*\*

2150S.011

SENATE SPONSOR: Cunningham

SB 498 – School districts must include in their annual school accountability report card whether the school district currently has a state-approved gifted education program. The school district must also indicate if it has had a state-approved gifted education program within the last three years.

This act is substantially similar to HB 2542 (2008).

MICHAEL RUFF

02/25/2009 S First Read--SB 498-Cunningham (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

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\*\*\* SB 499 \*\*\*

2132S.011

SENATE SPONSOR: Cunningham

SB 499 – This act creates the Emily Brooker Higher Education Sunshine Act, which defines intellectual diversity for reporting purposes at public institutions of higher education. By December 31, 2010, the Coordinating Board for Higher Education will require each public institution of higher education to annually report to the General Assembly on steps taken to ensure intellectual diversity and the free exchange of ideas. The institution must post its annual report on its website. Each institution must ensure that students are notified of measures to promote intellectual diversity and how to report alleged violations.

This act is substantially similar to HB 1315 (2008), SB 983 (2008) and is similar to HB 213 (2007).

MICHAEL RUFF

02/25/2009 S First Read--SB 499-Cunningham (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 500 \*\*\*

2131S.011

SENATE SPONSOR: Cunningham

SB 500 – This act requires each school district to adopt policies for annually notifying parents or legal guardians of students of school-sponsored clubs and extracurricular activities and allowing them an opportunity to withhold permission for their child to participate. The annual notification must include a description of the club or activity, the name of the club's faculty advisor, and a description of past or planned activities. The school district may use the student handbook for such notification. Beginning with the 2009-2010 school year, students must receive written permission from their parents or legal guardians to participate in school-sponsored clubs and extracurricular activities.

This act is identical to HB 35 (2007).

MICHAEL RUFF

02/25/2009 S First Read--SB 500-Cunningham (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 501 \*\*\*

2111S.011

SENATE SPONSOR: Cunningham

SB 501 - This act limits increases in assessed value of residential real property, not subject to transfers of ownership, during reassessment years to the lesser of the percentage increase in the consumer price index for the Midwest Region or two percent. Residential real property will only be subject to reassessment upon a transfer of ownership. Certain transfers between family members and transfers made by people age fifty-five and older will not trigger reassessment. Every county and the City of St. Louis is required to impose a split-rate property tax for each subclass of property.

Taxpayers may dispute assessed values by hiring appraisers who meet certain accreditation requirements. Appraisals provided by such appraisers will form the basis for determining assessed value. This act subjects all school districts in the state to the property tax rate roll-back requirements created by the enactment of Senate Bill 711 (2008). The state tax commission is required to create informational pamphlets, to be included in assessment increase notices provided by assessors, which will provide taxpayers with information regarding the process and time-line for appealing assessments.

The provisions of this act will only become effective upon passage of a constitutional amendment limiting increases in assessed value of residential real property, due to reassessment, until a transfer of ownership occurs.

JASON ZAMKUS

02/25/2009 S First Read--SB 501-Cunningham (S382)

03/02/2009 Second Read and Referred S Ways and Means Committee (S442)

EFFECTIVE: Contingent

\*\*\* SB 502 \*\*\*

2154S.011

SENATE SPONSOR: Cunningham

SB 502 – This act creates procedures for evaluation of credits when a student transfers to a public school from another educational setting, including an unaccredited public school, a nonpublic school, and a home school. The school district must provide the student and parent or guardian with a written explanation of enrollment, credit issuance, grade placement and an appeal process if the parent or guardian disagrees with the school's evaluation of the student's credits. The school district must review the student's work and other materials, as described in the act, to determine the issuance of course credits and grade level placement. If the district cannot make a determination, it may have the student take a placement test under district policy. Incoming students will be judged by the same criteria for passing as current students. Board policies must be reasonable and nondiscriminatory. If the coursework does not fulfill a district's curricular objectives, elective credit may be awarded if the course is sufficiently documented.

This act is substantially similar to HB 38 (2007).

MICHAEL RUFF

02/25/2009 S First Read--SB 502-Cunningham (S382)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 503 \*\*\*

2140S.011

SENATE SPONSOR: Cunningham

SB 503 – This act allows two or more adjacent school districts to share a superintendent who possesses a valid Missouri superintendent's license when at least one of the school districts is classified as accredited or provisionally accredited by the State Board of Education.

This act is identical to HB 2537 (2008).

MICHAEL RUFF

02/25/2009 S First Read--SB 503-Cunningham (S383)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 504 \*\*\*

2147S.011

SENATE SPONSOR: Cunningham

SB 504 – Beginning in the fall term of academic year 2010-2011, this act prohibits a student from taking the same undergraduate course more than twice unless the student pays tuition at one hundred percent of the full cost of instruction, based on the institution's cost of courses. Exceptions exist for hardship and extenuating circumstances, as described in the act.

This act is identical to HB 2280 (2008).

MICHAEL RUFF

02/25/2009 S First Read--SB 504-Cunningham (S383)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 505 \*\*\*

2152S.011

SENATE SPONSOR: Cunningham

SB 505 – This act prohibits the superintendent of an unaccredited or provisionally accredited school district from transferring a teacher, per the teacher's request, to another school if the principal of the receiving school refuses the transfer. School boards in unaccredited or provisionally accredited school districts cannot adopt a policy that assigns priority for transfers to teachers who request a transfer after April 15th in the year prior to the year the transfer would become effective.

This act is substantially similar to 1047 (2007).

MICHAEL RUFF

02/25/2009 S First Read--SB 505-Cunningham (S383)

03/02/2009 Second Read and Referred S Education Committee (S442)

EFFECTIVE: August 28, 2009

\*\*\* SB 506 \*\*\*

2153S.011

SENATE SPONSOR: Callahan

SB 506 - The state Fire Marshal shall promulgate rules controlling the registration of persons and entities engaged in the fire sprinkler system business and the requirements for planning, installing and servicing such systems.

This act requires contractors to be registered with the state fire marshal in order to plan, sell, install, or service a fire sprinkler system. The application and issuance fees for unlimited or residential certificates of registration shall not exceed \$100. Unlimited certificates of registration apply to those working on all fire



sprinkler systems, while residential certificates of registration apply to those working on systems for one or two family residential dwellings.

Each contractor must employ at least one licensed "responsible managing employee" on a full-time basis to assure that systems are installed and serviced according to standards. Such employee may only work for one contractor at a time. This act outlines the requirements that a "responsible managing employee" must meet in order to obtain an unlimited or residential license. The state Fire Marshal may assess an examination fee not to exceed \$100 for applicants who are required to take a written technical examination and a written practical examination. The state Fire Marshal must notify applicants of the results within a certain time period. The state Fire Marshal may adopt procedures to certify continuing education programs.

Certificates of registration and licenses shall be valid for one year and must be displayed in the contractor's place of business. The certificate of registration number must also be displayed on all plans, bids, offers, installation drawings, and contractor vehicles displaying the firm's name or logo. The fees collected from licensed contractors and "responsible managing employees" shall be deposited into the state general revenue fund to be used only by the state Fire Marshal to administer these provisions.

This act sets out the process for renewing a license or certificate of registration that is unexpired or expired and the required fee for such renewals. This act also establishes the required general liability insurance for applicants, but allows the state fire marshal to increase or decrease the amounts pursuant to rule.

Failure to maintain liability insurance as required shall constitute grounds for denial, suspension, or revocation of a certificate of registration after notice and the opportunity of a hearing is provided.

This act creates the "Fire Sprinkler System Advisory Council" consisting of seven members appointed by the state Fire Marshal. The advisory council shall advise the state Fire Marshal about standards of practice in the fire sprinkler industry and the rules necessary to implement this act. It shall also make recommendations regarding forms and procedures for certificates of registration and licenses. Three of the members shall have worked in fire sprinkler business management for at least five years and be qualified to have an unlimited license and, one shall be a qualified fire or building official, one shall be an engineer, one shall have certain fire protection certification, and one shall be a representative of the state Fire Marshal's office.

A person or organization shall not participate in the fire sprinkler business without a valid certificate of registration, act as a contractor without the necessary "responsible managing employee", act as a "responsible managing employee" without a valid license, obtain a certificate or license by fraudulent misrepresentation, or conduct fire sprinkler business in violation of this act. Such violations shall be a Class A misdemeanor. The state Fire Marshal may also apply for injunctive relief to stop a violation of this act.

The state Fire Marshal may refuse to issue or renew, or may suspend or revoke, a certificate of registration or license if a person violates this act or the rules adopted by the state Fire Marshal, or makes misrepresentations in connection with the sale of products or services rendered. The appeals process shall be conducted by the Administrative Hearing Commission.

SUSAN HENDERSON MOORE

02/25/2009 S First Read--SB 506-Callahan (S396)

03/02/2009 Second Read and Referred S Small Business, Insurance and Industry Committee (S443)

EFFECTIVE: August 28, 2009

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\*\*\* SB 507 \*\*\*

1671S.011

SENATE SPONSOR: Callahan

SB 507 - This act authorizes the City of Sugar Creek, upon voter approval, to impose a transient guest tax upon charges for all sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds for the purpose of promoting tourism. The tax must be at least two percent, but may not exceed five percent per occupied room per night.

This act is identical to Senate Bill 1209 (2009).

JASON ZAMKUS

02/25/2009 S First Read--SB 507-Callahan (S396)

03/02/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S443)

EFFECTIVE: August 28, 2009

\*\*\* SB 508 \*\*\*

2222S.011

SENATE SPONSOR: Bray

SB 508 - This act allows institutions of metropolitan zoological park and museum districts to impose admission fees on nonresidents of the district. Any county in the state may, upon voter approval, join an existing metropolitan zoological park and museum district and impose a property tax to fund such district.

JASON ZAMKUS

02/25/2009 S First Read--SB 508-Bray, et al (S396)

03/02/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S443)

EFFECTIVE: August 28, 2009

\*\*\* SB 509 \*\*\*

2179S.011

SENATE SPONSOR: Scott

SB 509 - This act modifies the requirements for collaborative practice arrangements between advanced practice registered nurses and collaborating physicians. Advanced practice registered nurses are required to submit a random sample of the documentation of their delivery of health care services to the physician for review every fourteen days. If the advanced practice registered nurse's practice includes the prescription of controlled substances, the charts reviewed shall include a minimum of twenty percent of the cases in which the advanced practice registered nurse wrote a prescription for controlled substances.

EMILY KALMER

02/25/2009 S First Read--SB 509-Scott (S397)

03/02/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S443)

EFFECTIVE: August 28, 2009

\*\*\* SB 510 \*\*\*

1055S.011

SENATE SPONSOR: Lager

SB 510 - This act mandates that, no later than August 28, 2014, the cities of St. Louis, Kansas City and St. Joseph adopt plans to repeal the imposition of their city earnings taxes on nonresidents. Effective January 1, 2019, provisions of law authorizing the imposition and collection of earnings taxes on nonresidents for the cities of St. Louis, Kansas City and St. Joseph will expire.

This act is similar to Senate Bill 1256 (2008).

JASON ZAMKUS

02/25/2009 S First Read--SB 510-Lager (S397)

03/02/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S443)

EFFECTIVE: August 28, 2009

\*\*\* SB 511 \*\*\*

2114S.011

SENATE SPONSOR: Nodler

SB 511 - This act provides that beginning July 1, 2009, each provider of health benefit services providing residential habilitation, individualized supported living or day habilitation services in this state shall pay a provider reimbursement based on a formula set forth in rules promulgated by the Department of Mental Health. Fee payments under this act shall be deposited in the Home and Community-Based Developmental Disabilities Waiver Reimbursement Allowance Fund. The act sets forth the procedures for providers appealing a decision regarding the fee payments and reimbursements. The provider reimbursement allowance shall expire on September 30, 2011.

This act has an emergency clause.

ADRIANE CROUSE

02/25/2009 S First Read--SB 511-Nodler (S397)

03/03/2009 Second Read and Referred S Ways and Means Committee

EFFECTIVE: Contingent

\*\*\* SB 512 \*\*\*

2171S.011

SENATE SPONSOR: Dempsey

SB 512 - This act modifies laws regarding the Missouri Local Government Employees' Retirement System (LAGERS).

Currently, if a retiree elects to receive a partial lump sum distribution their monthly benefit is reduced or increased based on their age at retirement. This act requires at least a 10% reduction if the retiree elects a partial lump sum distribution.

This act creates a retirement benefit payment option D plan. Under the option D plan the retiree would receive a reduced monthly benefit (80% of the monthly amount), but upon the retiree's death their beneficiary would receive the same amount the retiree was receiving, rather than a percentage of the retiree's amount.

Except for the retiree's spouse, a surviving beneficiary under retirement benefit payment options plans A, B, or D must, in addition to the current age and financial dependency requirements, be a lineal descendant of the retiree or related to the retiree up to the third degree of kinship.

Retirees may authorize LAGERS to deduct payments for health insurance or long-term care insurance premiums from their retirement allowance.

Funding provisions are modified to provide for benefits when a member dies as the result of a duty-related injury or illness. The employer's contribution for pensions that result from duty-related deaths shall be determined once a year.

This act is similar to HB 214 (2009) and HB 1490 (2008).  
EMILY KALMER

02/25/2009 S First Read--SB 512-Dempsey (S397)

03/03/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2009

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

2221S.011

SENATE SPONSOR: Dempsey

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

CHRIS HOGERTY

02/25/2009 S First Read--SB 513-Dempsey (S397)

03/03/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 514 \*\*\*

2156S.011

SENATE SPONSOR: Dempsey

SB 514 - This act modifies provisions regarding the duties of certain committees of the General Assembly.

Currently, the director of the Committee on Legislative Research provides administrative and legal support to the Joint Committee on Corrections. This act provides that house research and appropriations staff and senate research and appropriations staff shall alternately provide such support depending on whether the chair of the committee is a senator or representative.

This act establishes the Legislative Budget Office within the Committee on Legislative Research. The

Office shall provide budgetary information to members of the General Assembly. The Office shall be responsible for providing a continuing study of the fiscal condition of the state, as well as other issues regarding budgetary and fiscal matters.

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

This act requires every employee of the Oversight Division of the Committee on Legislative Research to take an oath to support the Missouri Constitution, to faithfully demean himself or herself in office, to not disclose confidential information, and to not accept any gifts or emoluments for discharging their official duties, other than their official compensation. Any employee who violates this act is guilty of a class A misdemeanor.

This act is similar to provisions in SB 739 (2008).

JIM ERTLE

02/25/2009 S First Read--SB 514-Dempsey (S397)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 515 \*\*\*

2180S.011

SENATE SPONSOR: Cunningham

SB 515 – Current law provides that a school district with a graduation rate below sixty-five percent has the authority to suspend or terminate the contract of teachers and administrators and to reconstitute the school with new personnel. This act revises the conditions under which school districts may suspend or terminate teacher and administrator contracts, regardless of whether the State Board of Education has made a formal determination on the district's accreditation classification. This act specifies conditions for when a teacher or administrator's termination may be rescinded. In addition, school districts must develop a plan of staff incentives, which may include pay for performance.

This act is substantially similar to HB 1223 (2007).

MICHAEL RUFF

02/25/2009 S First Read--SB 515-Cunningham (S397)

03/03/2009 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 516 \*\*\*

2151S.011

SENATE SPONSOR: Cunningham

SB 516 – This act modifies provisions relating to education personnel.

**SCHOOL ADMINISTRATOR COMPENSATION:** The school board for each school district is required to annually provide a detailed financial statement to the Department of Elementary and Secondary Education containing names, total compensation packages, and any expenses made on behalf of the districts' superintendents and any assistant superintendents whose compensation package exceeds \$100,000 per academic year. The school board must also publish the total compensation package for any consultant hired for administrative duties. Such information shall be published on the Department's website. The Department of Elementary and Secondary Education must create a central repository of information for all districts, which will include public access to school district financial and policy information. The Department must establish clear standards to ensure that all school district submissions contain all necessary information. In addition, the Department must maintain the information online and update it. The Department may contract with one or more entities to create and maintain the repository. (Section 165.111)

**SHARING OF SUPERINTENDENTS:** Two or more adjacent school districts may share a superintendent who possesses a valid Missouri superintendent's license when at least one of the school districts is classified as accredited or provisionally accredited by the State Board of Education.

**FINAL AVERAGE SALARY FOR PSRS MEMBERS:** This act changes from ten percent to twenty percent the maximum percentage of increase in annual compensation from one year to the next in the final average

salary period for members of the Public School Retirement System of Missouri other than a superintendent of schools or other certified central office personnel of a school district. (Section 169.010)

**CONFIDENTIALITY OF PUBLIC SCHOOL RETIREMENT SYSTEM OF MISSOURI MEMBER ACCOUNT INFORMATION:** This act provides that individually identifiable information pertaining to Public School Retirement System of Missouri members, retirees, beneficiaries and survivors will be confidential unless the individual is post-retirement, employed as a part-time employee, consultant, or independent contractor directly or indirectly with a public school or college. (Section 169.020)

Section 169.010 contains an emergency clause.

This act contains provisions similar to or also contained in HB 2281 (2008), HCS/SB 768 (2008), SCS/SB 994 (2008), HCS/HB 1774 (2008), HB 2537 (2008).

MICHAEL RUFF

02/25/2009 S First Read--SB 516-Cunningham (S397)

03/03/2009 Second Read and Referred S Education Committee

EFFECTIVE: Varies

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\*\*\* SB 517 \*\*\*

2186L.011

SENATE SPONSOR: Lembke

SB 517 – This act modifies provisions relating to health care transparency.

This act provides that a health carrier and any other entity in the business of offering health care coverage, to the extent allowed under federal law, shall provide data regarding quality of patient care, access to care, enrollee health status and patient satisfaction to the Department of Insurance, Financial Institutions and Professional Registration. The data submission shall be consistent with and more expansive than the requirements already required of health maintenance organizations. This raw data obtained by the department shall not be public information but may be disclosed to the Department of Health and Senior Services. Reports and studies prepared by the Department of Health and Senior Services based upon such information shall be public information and may identify individual health care or coverage providers. However, the department shall not release data in a form which could be used to identify a patient. Any disclosure violation is a Class B misdemeanor.

The department shall also collect and make publicly available data on such entities medical loss ratios, administrative costs as a percentage of total premium and incidence of grievances.

This act establishes guidelines for transparency in quality of health care services. A contract between a health carrier and a health care provider cannot require the provider to submit quality of care data to the health carrier as a condition of payment for medical services, unless such data is included in the set of quality of care indicators as selected by the federal Centers for Medicare and Medicaid Services for disclosure in comparative format to the public. The act prescribes what measures the health carrier may make as to data collected and disclosed. The act also prescribes what information and disclaimers shall be disseminated if any person sells or otherwise distributes to the public quality of care data.

Criteria is established for insurers to use in programs that publicly assess and compare the quality and cost efficiency of health care providers. 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.

This act also prescribes requirements for electronic claims transport, which is the accepting and digitizing of claims or accepting of claims already digitized and placing such claims into a format that complies with the electronic transaction standards issued by the federal Department of Health and Human Services under HIPAA law. The act outlines procedures for when such claims are electronically transmitted to the appropriate contracting entity, payer, or third-party administrator.

ADRIANE CROUSE

02/25/2009 S First Read--SB 517-Lembke (S397)

03/03/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 518 \*\*\*

2237S.011

SENATE SPONSOR: Lembke

SB 518 - This act requires the Joint Committee on Public Employee retirement to study the issue of allowing members of the Police Retirement System of St. Louis to credit unused sick leave to their retirement.  
EMILY KALMER

02/25/2009 S First Read--SB 518-Lembke (S397)

03/03/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 519 \*\*\*

2094S.011

SENATE SPONSOR: Shields

SB 519 - This act repeals the following boards, commissions and committees: the Joint Committee on Wetlands, the Joint Committee on County Salaries, the Multistate Tax Compact Advisory Committee, the Thomas Hart Benton Homestead Memorial Commission, the Low-Level Radioactive Waste Compact Advisory Committee, the Transportation Development Commission, the Workers Memorial Committee, the Joint Committee on Urban Voluntary School Transfer Programs, and the joint committee to study fee restructuring for hazardous waste generators.

The act eliminates legislative members from the Missouri Head Injury Advisory Council, the Video Instructional Development and Education Opportunity Commission, the board of directors for the "Missouri Access to Higher Education Trust", the Coordinating Council on Special Transportation, and the board of trustees to oversee the Missouri Fire Education Trust Fund.

The act removes the \$50 per diem for members of the Seismic Safety Commission.

The act provides that the following committees and commissions shall expire on December 31, 2010: the Seismic Safety Commission, the Video Instructional Development and Education Opportunity Commission, and the Missouri Head Injury Advisory Council, the Coordinating Council on Special Transportation.

This act is similar to SCS/SB 385 (2007) and SCS/SB 1187 (2006).  
JIM ERTLE

02/25/2009 S First Read--SB 519-Shields (S397-398)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 520 \*\*\*

2215S.011

SENATE SPONSOR: Wright-Jones

SB 520 - This act establishes physical education requirements for school districts beginning with the 2010-2011 school year. Physical education class will be required for students in kindergarten through fifth grade and will include 150 minutes of movement each week as described in the act. Students will have the opportunity to learn individual health self-assessment skills and will be encouraged to improve and sustain healthy fitness levels. School districts will create community and business partnerships to provide resources to reward schools for improved health status. Annually, the Commissioner of Education will recognize students, schools, and school districts that have achieved improved fitness.

This act is similar to HB 1215 (2007).  
MICHAEL RUFF

02/25/2009 S First Read--SB 520-Wright-Jones (S398)

03/03/2009 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 521 \*\*\*

2211S.011

SENATE SPONSOR: Wright-Jones

SB 521 – This act establishes physical education requirements for school districts beginning with the 2010-2011 school year. Physical education class will be required for students in sixth through twelfth grade and will include 225 minutes of movement each week as described in the act. Students will have the opportunity to learn individual health self-assessment skills and will be encouraged to improve and sustain healthy fitness levels. School districts will create community and business partnerships to provide resources to reward schools for improved health status. Annually, the Commissioner of Education will recognize students, schools, and school districts that have achieved improved fitness.

This act is similar to HB 1214 (2007).

MICHAEL RUFF

02/25/2009 S First Read--SB 521-Wright-Jones (S398)

03/03/2009 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 522 \*\*\*

2214S.011

SENATE SPONSOR: Stouffer

SB 522 - This act modifies several provisions of law relating to the regulation of commercial drivers' licenses.

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).

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).

ALCOHOL-RELATED ENFORCEMENT CONTACTS - The act specifically provides that a person is disqualified from driving a commercial motor vehicle for a period of one year or greater if convicted for the first violation of any alcohol-related enforcement contact (Section 302.755).

Many of the provisions contained in this act can be found in SB 58 (2009).

STEPHEN WITTE

02/25/2009 S First Read--SB 522-Stouffer (S398)  
03/03/2009 Second Read and Referred S Transportation Committee  
03/04/2009 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 523 \*\*\*

1274S.011

SENATE SPONSOR: Bartle

SB 523 - This act establishes advance voting for seven days prior to an election at the office of each election authority.

Voters who do not provide photo identification at the polls shall have a photograph taken of them which shall be affixed to a signed affidavit averring that the voter is the individual listed in the precinct register. All costs relating to administering the section requiring photos to be taken at the polls shall be paid by the state.  
CHRIS HOGERTY

02/25/2009 S First Read--SB 523-Bartle (S398)  
03/03/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: 8/28/09 &amp; 1/1/2010

\*\*\* SB 524 \*\*\*

2224S.011

SENATE SPONSOR: Griesheimer

SB 524 - This act creates a state and local sales and use tax exemption for bulk or batch sales of printed products for public distribution at no cost. The term printed products is defined to include newspapers and any other documents sold for circulation to the general public which contain commercial speech such as daily shoppers and advertising supplements.

JASON ZAMKUS

02/25/2009 S First Read--SB 524-Griesheimer (S398)  
03/03/2009 Second Read and Referred S Ways and Means Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 525 \*\*\*

2155S.011

SENATE SPONSOR: Griesheimer

SB 525 - This act modifies the definition of all-terrain vehicles by increasing the vehicle's unladen dry weight from 1,000 pounds to 1,500 pounds. The definition is also modified by stating that an ATV is a vehicle with four or more nonhighway tires (current law uses the term low pressure tires).

The act also provides a definition for the term "recreational off-highway vehicle" for purposes of Missouri's titling and registration laws. Under the act, a recreational off-highway vehicle is any motorized vehicle manufactured and used exclusively for off-highway use which is 60 inches or less in width, with an unladen dry weight of 1,500 pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which are subject to the same registration requirements and trail use as all-terrain vehicles.

STEPHEN WITTE

02/25/2009 S First Read--SB 525-Griesheimer (S398)  
03/03/2009 Second Read and Referred S Transportation Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 526 \*\*\*

2245S.011

SENATE SPONSOR: Clemens

SB 526 - Any animal or bird under investigation by the state veterinarian for carrying a toxin must not be removed from the premises until certain conditions are met. The act gives the state veterinarian the authority to choose the method of eradication of the toxin. The state veterinarian may restrict the movement of any animal or bird under investigation for the presence of a toxin. Once an investigation is completed, the animal



or bird shall either be allowed to be moved or must be permanently quarantined.

ERIKA JAQUES

02/26/2009 S First Read--SB 526-Clemens (S413)

03/03/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 527 \*\*\*

2234S.021

SENATE SPONSOR: Nodler

SB 527 - Under this act, federal funds intended for highway or bridge purposes which are currently credited to the State Road Fund under Section 226.220, RSMo, are credited to a newly created fund within the state treasury known as the "Federal Highways and Bridge Fund." Moneys in the fund shall be available to be used by the State Highways and Transportation Commission for highway and bridge purposes upon appropriation. No payments or transfers shall ever be made from the newly created fund except for expenditures made pursuant to a lawful appropriation from the General Assembly, under the supervision of the commission, and for appropriate highway purposes.

STEPHEN WITTE

02/26/2009 S First Read--SB 527-Nodler and Bray (S413-414)

03/03/2009 Second Read and Referred S Appropriations Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 528 \*\*\*

2246S.011

SENATE SPONSOR: Nodler

SB 528 - This act authorizes the Department of Economic Development to provide economic development incentives for the manufacture, assembly, design, and development of alternative energy vehicle components.

JASON ZAMKUS

02/26/2009 S First Read--SB 528-Nodler (S414)

03/03/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 529 \*\*\*

2107S.011

SENATE SPONSOR: Goodman

SB 529 - A person commits child abuse when knowing that she is pregnant and willfully, with the knowledge of the danger to her unborn child, chronically and severely exposes an unborn child at 28 weeks gestational age or older to alcohol or a controlled substance during pregnancy and such child, at birth, is demonstrably adversely affected by such exposure. Child abuse is a Class C felony.

A person commits child endangerment in the second degree when knowing that she is pregnant and willfully, with the knowledge of the danger to her unborn child, chronically and severely exposes an unborn child at 28 weeks gestational age or older to a controlled substance during pregnancy. Child endangerment is a Class A misdemeanor.

It shall be an absolute defense to prosecution for child abuse or child endangerment under this act if such person's alleged violation of the provision was discovered due to her seeking alcohol or substance treatment.

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

This act is similar to SB 766 (2008) and SB 676 (2007).

ADRIANE CROUSE

02/26/2009 S First Read--SB 529-Goodman (S414)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 530 \*\*\*

2238S.011

SENATE SPONSOR: Goodman

SB 530 - This act modifies provisions relating to child abuse investigations. Within forty-five days of a oral report of abuse or neglect, rather than thirty days, the local office of the Children's Division must update the information system with certain information about the report.

The Children's Division must complete all investigations of child abuse within forty-five days. If not, the division shall promptly notify all parties of the proposed extension. Any party may object to the extension by filing an objection with the Attorney General's office of the child advocate, which shall rule on the objection within 10 business days and grant the extension if there is good cause. If the extension is granted, the division must set a new deadline for completion, which can only be extended further by the division notifying all parties. If the extension is not granted, the investigation shall be deemed completed ten working days after the date of denial. No objection to an extension shall be allowed if the division is waiting to receive a medical or law enforcement report or information from another state, except on the basis that the division's grounds for extension are false.

After an investigation, the division shall make a preliminary determination by a preponderance of the evidence that the alleged perpetrator has committed child abuse. No determination of child abuse shall be entered in the central until the alleged perpetrator fails to request review by the child abuse and neglect review board within thirty days or a determination is made by such board that the alleged perpetrator has committed abuse. The alleged perpetrator has thirty days to seek reversal of the division's determination, rather than sixty days. In cases where criminal charges are pending, the request for review shall be made within thirty days of the indictment being returned, dismissal of the charges, the information being filed, or the division's release of the report.

Currently, investigative reports are not released to the alleged perpetrator with pending criminal charges until an indictment is returned or an information is filed. Under this act, such report shall also be released after one year has passed since the division notified the prosecuting attorney and the alleged perpetrator puts his or her intent to seek further review in writing. However, the prosecuting attorney may petition the court to extend the one year period for good cause shown.

ADRIANE CROUSE

02/26/2009 S First Read--SB 530-Goodman (S414)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 531 \*\*\*

2096S.011

SENATE SPONSOR: Goodman

SB 531 - This act allows dentists to advertise a range of prices for routine services without being subject to discipline from the Dental Board. It removes the requirement that dentists include a disclaimer in their advertising that notes which dentists are not licensed in Missouri as specialists in certain advertised dental specialties. It also eliminates the language which allows dentists to be disciplined for advertising specialties not recognized by the American Dental Association.

EMILY KALMER

02/26/2009 S First Read--SB 531-Goodman (S414)

03/03/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 532 \*\*\*

2256S.011

SENATE SPONSOR: Bray

SB 532 - All electronic voting machines shall produce a paper ballot that is verifiable by the voter. Those machines that do not produce a paper ballot may be used for disabled voters until they are replaced by voting machines that produce paper ballots that are compliant with the Help America Vote Act.

CHRIS HOGERTY

02/26/2009 S First Read--SB 532-Bray (S414)

03/03/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 533 \*\*\*

1140S.011

SENATE SPONSOR: Rupp

SB 533 - This act requires that by October 1, 2009, the Adjutant General certify that members of the Missouri National Guard are informed of the possible health risks of exposure to depleted uranium.

Also, the Missouri Veterans Commission shall assist certain veterans and members of the Missouri National Guard, who served in the Persian Gulf War, or in a combat zone during Operation Enduring Freedom or Operation Iraqi Freedom, in obtaining information on available federal treatment services for exposure to depleted uranium. No state funds shall be used for testing or treatment.

EMILY KALMER

02/26/2009 S First Read--SB 533-Rupp (S414)

03/03/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 534 \*\*\*

1117S.011

SENATE SPONSOR: Rupp

SB 534 - If any person dies as a result of suicide, the coroner or medical examiner shall report the death and circumstances of the suicide to the Department of Health and Senior Services in writing. The description of the circumstances of the suicide shall include any information provided by law enforcement regarding any violent acts alleged to have been committed by the person immediately prior to his or her death. Such report shall be made within five days of the conclusion of the required testing.

The coroner or medical examiner shall perform, or cause to be performed, necessary tests to determine the presence of psychotropic substances in the blood of the deceased. The results of such tests shall be included in the report to the department. The contents of the report, including any test results, shall be used by the department for statistical purposes only and the department shall not reveal the identity of the deceased.

The department shall provide an annual report to the governor compiling the information received from coroners and medical examiners throughout the state. The department shall make such report available to the public and forward it to the United State Food and Drug Administration.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 534-Rupp (S414)

03/03/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 535 \*\*\*

2258S.011

SENATE SPONSOR: Days

SB 535 - A person shall be guilty of breaching airport security when he or she:

- (1) Unlawfully enters airport property that is not open to the public;
- (2) Knowingly or recklessly enters an area within the airport's buildings that is not open to the public; or
- (3) Knowingly or recklessly enters an area of an airport without the prior authorization required by airport or transportation security administration personnel to enter such area.

Breaching airport security shall be a Class D felony.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 535-Days (S414)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 536 \*\*\*

2223S.011

SENATE SPONSOR: Wilson

SB 536 - This act establishes a Foster Care and Adoptive Parents Recruitment and Retention Fund. The fund shall consist of all gifts, donations, transfers, and moneys appropriated by the General Assembly. The fund shall be administered by the Department of Social Services.

Moneys in the fund shall be used for the department, either in-house or through private partnerships, to promote foster care and adoption promotion recruitment programs.

This act is identical to SB 1250 (2008).

ADRIANE CROUSE

02/26/2009 S First Read--SB 536-Wilson (S414)

03/03/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 537 \*\*\*

2226S.011

SENATE SPONSOR: Cunningham

SB 537 – This act creates procedures for open enrollment across school district boundary lines for children in foster care and for children of parents who are employed as a firefighter, emergency medical technician, or peace officer who must live within a designated school district as part of their employment. School districts must adopt a policy and designate appropriate class sizes for purposes of open enrollment, incorporating the minimum standard of teacher-pupil ratio promulgated by the Department of Elementary and Secondary Education. The policy may include spaces that could be filled by open enrollment. A student wishing to participate in open enrollment must declare intent by March first prior to the year in which the student would open enroll. If a receiving school has insufficient space for all students who want to enroll, it may institute an admissions process.

If a parent believes that a receiving district has unreasonably disapproved an application for admittance, he or she may request that the Department of Elementary and Secondary Education review it. School districts must keep records and make them publicly available, as described in the act.

A student requiring special education services may only transfer if the receiving district verifies that it has an instructional program that is appropriate for the student and that the enrollment would not negatively affect the class size.

A student who enrolls in another district will be included in the receiving district for purposes of state school foundation aid.

The parent or guardian is responsible for transporting a child who enrolls in another school district. At the discretion of the receiving district, the parent or guardian may transport the child to a point on an existing school bus route.

The act also contains provisions for statewide assessment scores of students, intradistrict transfers, participation in school activities, and school district eligibility for small school grants.

This act is similar to HCS/HBs 807 & 690 (2007).

MICHAEL RUFF

02/26/2009 S First Read--SB 537-Cunningham (S414)

03/03/2009 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 538 \*\*\*

2254S.011

SENATE SPONSOR: Champion

SB 538 - This act allows any resident of a nursing home who receives MO HealthNet Program benefits to retain not less than fifty dollars per month for discretionary spending.

This act is identical to SB 990 (2008).

ADRIANE CROUSE

02/26/2009 S First Read--SB 538-Champion (S414)

03/03/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 539 \*\*\*

2062S.021

SENATE SPONSOR: Schaefer

SB 539 - This act provides authority to the Department of Natural Resources to enter into cooperative agreements with other states, political subdivisions, and educational institutions in order to seek and obtain federal grants. The act allows funds appropriated to the Department for energy-related activities to be used to carry out agreements, contracts, subgrants, or cooperative arrangements with other governmental and non-profit organizations.

The act creates the Energy Futures Fund. Moneys in the fund may be used for energy-related activities including energy efficiency programs, energy studies, energy resource analyses, and related departmental administration costs.

ERIKA JAKUES

02/26/2009 S First Read--SB 539-Schaefer (S414-415)

03/03/2009 Second Read and Referred S Appropriations Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 540 \*\*\*

2163S.011

SENATE SPONSOR: Schaefer

SB 540 - This act authorizes the Governor to convey state property in Boone County, known as the Mid-Missouri Mental Health Center, to the University of Missouri-Columbia.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 540-Schaefer (S415)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 541 \*\*\*

1365S.021

SENATE SPONSOR: Pearce

SB 541 - This act institutes various provisions regulating practices involved in making residential mortgage loans.

Creditors are barred from knowingly or intentionally making a residential mortgage loan that refinances an existing residential mortgage loan when the new loan does not have reasonable, tangible benefit to the borrower. Before issuing a residential mortgage loan, the creditor shall verify the borrower's reasonable ability to pay the scheduled payments. The standards for reasonableness are enumerated.

Creditors are barred from making subprime loans containing prepayment penalties.

Creditors shall not make false, deceptive, or misleading statements or advertisements in connection with a residential mortgage loan.

Residential mortgage loans shall not finance property, life, or health insurance premiums, debt cancellation or suspension agreements, or products that are not related to the loan closing such as auto club memberships or the monitoring of credit reports.

Mortgage brokers shall act as agents of the borrower with reasonable care, in the borrower's best interest and according to the instructions of the borrower. Brokers shall have the duty to disclose all material facts relating to the transaction, and account for all of the borrower's money received by the broker.

Those in violation shall be liable for punitive, actual, and consequential damages, court costs, damages equal to two times the amount of all lender and broker fees.

CHRIS HOGERTY

02/26/2009 S First Read--SB 541-Pearce (S415)

03/03/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 542 \*\*\*

2225S.011

SENATE SPONSOR: Pearce

SB 542 - The act adds two additional eligible participants in the State Treasurer's linked deposit loan program: individuals who want to produce their own energy from renewable resources; and political subdivisions or other public entities seeking to finance capital improvements or other significant programs.

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

ERIKA JAQUES

02/26/2009 S First Read--SB 542-Pearce (S415)

03/03/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 543 \*\*\*

2241S.011

SENATE SPONSOR: Pearce

SB 543 - This act creates a state income tax credit for eligible costs incurred by taxpayers in making homes reach certain bench marks for green building standards. The credits will be available in amounts ranging from forty-five cents per square foot for minimum green building standard attainment to one dollar and fifteen cents for maximum standard attainment. The tax credits will be fully transferrable and non-refundable, but may be carried backward or forward. The program is capped at two million dollars of tax credit issuance per year and tax credits will be issued on a first-to-file first-to-receive basis. The provisions of this act will automatically sunset on December 31st five years after the effective date of the act unless reauthorized.

JASON ZAMKUS

02/26/2009 S First Read--SB-543-Pearce (S415)

03/03/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 544 \*\*\*

1983S.011

SENATE SPONSOR: Schmitt

SB 544 - Currently, a municipality or county has discretion to allow organizations to solicit charitable contributions in its roads. Under this act, a municipality or county is required to authorize organizations to make such solicitations if public safety officers will be making the solicitations. The organization must file a written application providing certain information, including proof of a valid liability insurance policy in an amount of at least one million dollars, in order to receive authorization.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 544-Schmitt (S415)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 545 \*\*\*

2110S.011

SENATE SPONSOR: Schmitt

SB 545 - Under current law, electrical corporations that operate on the not-for-profit cooperative business plan are exempt from regulation under the Public Service Commission (PSC) with regard to rates. This act removes the exemption and thereby gives the PSC jurisdiction over the rates set by such cooperatives.

ERIKA JAQUES

02/26/2009 S First Read--SB 545-Schmitt (S415)

03/03/2009 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 546 \*\*\*

2036S.011

SENATE SPONSOR: Schmitt

SB 546 - This act increases the amount of Social Security Disability Income that is disregarded for eligibility purposes in the Ticket to Work Health Assurance Program from \$50 to \$250.

This act is identical to HB 663 (2009).

ADRIANE CROUSE

02/26/2009 S First Read--SB 546-Schmitt, et al (S415)

03/03/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

\*\*\* SB 547 \*\*\*

2242S.011

SENATE SPONSOR: Schmitt

SB 547 - This act amends or enacts several provisions of law related to health insurance.

HRA ONLY PLANS - Under this act, employees are allowed to use funds from one or more employer health reimbursement arrangement (HRA) only plans to help pay for individual health insurance coverage. HRAs are employee benefit plans provided by an employer which establish an account funded solely by the employer to reimburse the employee for qualified medical expenses incurred by the employee or his or her family. HRAs allow the employee to carry forward any unused funds at the end of the coverage period to subsequent coverage periods (Section 376.1600). A similar provision is contained in HB 229 (2009). The act also provides that if an employer provides health insurance to an employee and the employee pays any portion of the cost of the premium, the employer must also provide a premium-only cafeteria plan or a health reimbursement arrangement (Section 376.453). Current law only requires the provision of a premium-only cafeteria plan. This provision is contained in HB 229 (2009).

MISSOURI MINI-COBRA LAW TO MIRROR FEDERAL COBRA LAW - This act requires group health insurance policies issued by health carriers to employers not covered by the federal COBRA law (employers with 2 to 19 employees) to provide terminated employees with group insurance coverage continuation rights in the same manner as provided by the federal COBRA law (Section 376.428). This provision is contained in HB 231 (2009).

CONTINUATION OF HEALTH INSURANCE COVERAGE FROM AGE 55 - Under this act, every group health insurance policy issued or renewed on or after January 1, 2010, must contain a provision that allows an employee or group member, whose continuation coverage under the federal COBRA law or state's continuation law has expired, to continue coverage under that group policy provided the employee or group member was 55 years or older when coverage under COBRA or the state continuation law expired. The extended continuation coverage provided by this act will terminate upon the earliest of the following:

- (1) The date the employee or group member fails to pay premiums;
- (2) The date the group policy is terminated as to all group members;
- (3) The date on which the employee or group member becomes insured under another group policy;
- (4) The date on which the employee or group member becomes eligible for coverage under the federal

Medicare program; or

(5) The date on which the group member turns 65 (Section 376.437).

**RATING OF MISSOURI CONTINUATION COVERAGE POLICIES** - This act requires health insurance policies that are issued to individuals eligible for continuation coverage under state law to be pooled across all fully insured group business in Missouri. The rating system in which the premium for all persons covered under a continuation of coverage provision shall be based on the experience of all persons covered by a continuation of coverage provision with any cost of the pool experience spread over all fully insured premiums on an equal percentage basis (Section 376.439).

**CONTINUATION OF COVERAGE RIGHTS THROUGH A HSA ELIGIBLE PLAN** - This act requires health carriers who provide group insurance policies to persons who are exercising their continuation of coverage rights under COBRA or the state continuation of coverage law (Section 376.428) to offer such persons the option of continuation of coverage through a HSA eligible high deductible plan rather than the underlying group policy. The premiums for the HSA eligible high deductible plans shall be consistent with the underlying group plans rated relative to the standard or manual rates for the benefits provided (Section 376.443).

The provisions contained in this act are also contained in SB 415 (2009).

STEPHEN WITTE

02/26/2009 S First Read--SB 547-Schmitt (S415)

03/03/2009 Second Read and Referred S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 548 \*\*\*

2264S.011

SENATE SPONSOR: Schmitt

SB 548 - This act authorizes the Department of Social Services to select and engage non-profit organizations in the Kansas City and St. Louis Metropolitan areas who have governance boards that include representatives from employer and provider groups to deploy and manage a regional health bank. Health banks are defined as a legal arrangement under the administration of a health bank operator where an individual has consented to have his or her electronic health record maintained and stored by the health bank.

The health bank shall enable a secure, web-based health information infrastructure for the sharing of electronic health information among health care facilities, health care professionals, public and private payers, and patients. The health bank shall comply with all state and federal privacy requirements and link all components of the health care delivery system through secure and appropriate exchanges of health information for the purpose of enhancing health care quality, patient safety, communication of patient information, chronic condition management capabilities, patient and provider satisfaction, clinical and administrative cost reductions, and public health emergency preparedness. The individual shall be able to create a secure, electronic health record bank account so that he or she may be able to consolidate his or her respective health information collected during the course of the individual's lifetime.

The state shall sponsor the following accounts in an opt-out fashion for the regional health banks:

- (1) MO HealthNet recipients;
- (2) State health care for uninsured children recipients;
- (3) Missouri residents receiving Medicare benefits;
- (4) Foster care children; and
- (5) State employees.

Each non-profit organization as selected by the department to be a state-designated entity shall be authorized to submit and request funds in fiscal year 2010 to enable the creation of the health bank from the federal secretary of the Department of Health and Human Services as defined in the American Recovery and Reinvestment Act of 2009. Such organizations shall also be required to propose what state appropriations should be requested in years fiscal years 2011, 2012, and 2013 to qualify for the federal matching funds.

No personal health information of a patient which can be identified as specific to such patient shall be disclosed to any employer, public or private payor, or employee or agent of a state department or agency without the written consent of the patient and health care provider. However, such information may be disclosed to a health insurer, employer, state employee or agent in connection with the performance of such



employee's official duties.

No health care provider shall be required to redact information when disclosing personal health information under this act.

ADRIANE CROUSE

02/26/2009 S First Read--SB 548-Schmitt (S415)

03/03/2009 Second Read and Referred S General Laws Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 549 \*\*\*

2126S.011

SENATE SPONSOR: Schmitt

SB 549 - This act requires the MO HealthNet Division, by August 28, 2010, to implement a program to make available through its Internet web site nonaggregated data on MO HealthNet participants collected under the federal Medicaid Statistical Information System to the extent such data has already been de-identified in accordance with federal HIPAA privacy requirements.

In implementing the program the Division shall ensure that the information made available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for programs and services under the MO HealthNet program, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under the program.

By August 28, 2011, and annually thereafter, the director shall submit to the General Assembly and the MO HealthNet oversight committee, a report on the progress of the program, including the extent to which information made available through the program is accessed and the extent to which comments received on the program were used during the year to improve the utility of the program.

The Division shall also report to the General Assembly the feasibility of expanding the transparency program for the health care for uninsured children program (SCHIP).

This program has a six-year sunset clause.

ADRIANE CROUSE

02/26/2009 S First Read--SB 549-Schmitt (S415)

03/03/2009 Second Read and Referred S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 550 \*\*\*

2255S.011

SENATE SPONSOR: Crowell

SB 550 - This act requires that all state retirement systems monitor their investments on a regular basis to determine the existence of fraud or misdealing. These retirement systems shall also determine whether an action to recover any losses from fraud or misdealing is appropriate.

EMILY KALMER

02/26/2009 S First Read--SB 550-Crowell (S415)

03/03/2009 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2009

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\*\*\* SB 551 \*\*\*

2235S.011

SENATE SPONSOR: Crowell

SB 551 - Currently, chronic nonviolent offenders with substance abuse addiction can receive long-term drug treatment from the Department of Corrections. This act would allow such nonviolent persons to receive such treatment when they are eligible for probation and parole, and have:

(1) Pleaded guilty to or been found guilty of two prior felonies; or

(2) Completed a one hundred twenty day treatment program for a methamphetamine offense and have

either subsequently pleaded guilty to or been found guilty of a drug offense or have violated terms of probation and the substance abuse was a precipitating or contributing factor in the commission of the probation violation.

Currently, an offender's first time incarceration in the department under the long-term drug treatment program or a one hundred twenty day treatment program is not considered a previous prison commitment under the minimum sentencing requirements. The act removes these provisions from law. Also under this act, methamphetamine offenses shall be subject to the minimum sentencing requirements.

In any case when the offender has committed a distribution, unlawful purchase with a minor, manufacturing, or production of methamphetamine offense that is a Class A or B felony, he or she must serve one hundred twenty days in the Department of Corrections before being eligible for probation or parole.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 551-Crowell and Schaefer (S415-416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 552 \*\*\*

2244S.011

SENATE SPONSOR: Crowell

SB 552 - This act modifies provisions relating to the MO HealthNet Division's authority to collect from third party payers and from workers' compensation beneficiaries.

Under this act any third party administrator, administrative service organization, health benefit plan and pharmacy benefits manager shall process and pay all properly submitted MO HealthNet subrogation claims for a period of three years from the date services were provided or rendered, regardless of any other timely filing requirement. The entity shall not deny such claims on the basis of the type or format of the claim form, or a failure to present proper documentation of coverage at the point of sale.

Payments made by the department to or on behalf of a MO HealthNet eligible individual as the result of any workers' compensation injury shall be presumed to be benefits incorrectly paid for purposes of Mo HealthNet estate recovery and shall be considered a debt due the state. Any settlement approved or judgment issued by the administrative law judge shall constitute a judgment of a court on account of benefits incorrectly paid for Mo HealthNet estate recovery purposes.

Any settlement approved or judgment issued by an administrative law judge shall require full repayment of all moneys paid by the department to or on behalf of a person eligible for public assistance as the result of any workers' compensation injury. All moneys repaid to the department shall be allocated as medical expenses in the settlement or judgment. The state shall have a right of subrogation to any funds for medical expenses owed to or received by the employee.

The employer and attorney for an injured worker who is eligible for public assistance as a result of a workers' compensation injury shall give the Department of Social Services thirty days notice of any institution of a proceeding, settlement, or judgment. No such settlement or judgment may be approved or issued by the administrative law judge without the filing of a release from the MO HealthNet division evidencing full repayment of all moneys paid by the department to or on behalf of the worker for the injury.

ADRIANE CROUSE

02/26/2009 S First Read--SB 552-Crowell (S416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 553 \*\*\*

0990S.031

SENATE SPONSOR: Crowell

SB 553 - This act provides that on January 1, 2010, the health care programs of all state employees, including from the Department of Conservation and Transportation, University of Missouri employees including from state-supported colleges and universities shall be assimilated into the Missouri Consolidated Health Care Plan (MCHCP).

After July 1, 2010, the Board of Trustees of MCHCP shall investigate coordinating and purchasing health care benefit plans for employees and dependents of the public schools and community colleges as well as

investigate the lack of availability of health insurance coverage and the issues associated with the uninsured population of this state. The board is also authorized to investigate the feasibility of creating and administering insurance programs for businesses and to propose cost-effective solutions to reducing the number of uninsured in the state.

After July 1, 2011, the Board shall be the lead agency in coordinating and purchasing health care benefit plans for the employees and dependents of the public schools and community colleges whenever such entities opt to join the collective purchasing power of the plan.

This act establishes the Missouri Consolidated Health Information Exchange (MCHIE). The MCHIE shall operate under the authority of the MCHCP and in collaboration with the University of Missouri. MCHIE shall provide leadership in the redesign of the health care delivery system using information technology to ensure that all citizens receive safe, effective, efficient, and quality care. It shall also serve as a forum for the exchange of ideas and consensus building in the advancement of health information technology and infrastructure. In addition, the MCHIE shall implement pilot projects to determine the impact of various health care applications using information technology. All other duties of the MCHIE are prescribed under the act.

The board of MCHCP shall appoint a committee entitled the Missouri Consolidated Health Information Exchange Committee. The members are prescribed in the act. The committee's duties include implementing and overseeing the operation of a health information exchange in the state. MCHCP shall establish and create a separate trust fund entitled the "MCHIE trust fund" to be used solely for the purposes related to the MCHIE.

This act contains an emergency clause.

ADRIANE CROUSE

02/26/2009 S First Read--SB 553-Crowell (S416)

EFFECTIVE: Emergency Clause

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\*\*\* SB 554 \*\*\*

2247S.011

SENATE SPONSOR: Crowell

SB 554 - This act allows the Adjutant General to assign the number of assistant adjutants general that are authorized by National Guard Bureau rules and regulations rather than limiting the number to two. Such assistant adjutants general, if qualified, shall hold military rank as may be authorized and approved for the positions by the National Guard Bureau of the United States.

This act is similar to HB 861 (2009).

EMILY KALMER

02/26/2009 S First Read--SB 554-Crowell (S416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 555 \*\*\*

1027S.021

SENATE SPONSOR: Lager

SB 555 - This act requires price-capped incumbent local exchange carriers (ILECs) that have been deemed competitive by the Public Service Commission to reduce their terminating intrastate exchange access rates to the same amount as their terminating interstate exchange access rates by certain increments over a 2-year period.

ERIKA JAQUES

02/26/2009 S First Read--SB 555-Lager (S416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 556 \*\*\*

1059S.021

SENATE SPONSOR: Mayer

SB 556 - This act prohibits large users of water resources from unduly disrupting the normal irrigation activities of certain large farms. If such a disruption occurs in the Southeast Missouri Regional Water District, the Attorney General may seek an injunction.

ERIKA JAQUES

02/26/2009 S First Read--SB 556-Mayer (S416)

EFFECTIVE: August 28, 2009

\*\*\* SB 557 \*\*\*

2220S.011

SENATE SPONSOR: Mayer

SB 557 - Under this act, when a county changes classification, the salary established for each county official at the time of the change shall not be reduced until such person holding office at the time of the change leaves office.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 557-Mayer (S416)

EFFECTIVE: August 28, 2009

\*\*\* SB 558 \*\*\*

2236S.011

SENATE SPONSOR: Mayer

SB 558 – This act creates the Missouri Promise Program within the Department of Higher Education, which is designated as the successor program to the A+ Schools reimbursements.

SCHOLARSHIPS FOR TWO-YEAR POST-SECONDARY SCHOOLS: The Commissioner of Higher Education will establish scholarships for use at public community colleges or vocational or technical schools. Scholarships may also be used at a two-year private vocational or technical school that meets certain requirements, as described in the act. The scholarship amount will be based on the cost of tuition and fees at public community colleges, vocational, or technical schools. To qualify for a scholarship, a student must: have attended a public high school in Missouri for at least three years prior to graduation; have made a good faith effort to secure other sources of funding; have earned a GPA of 2.5 on a 4.0 scale in high school; be enrolled full time at a public community college, public vocational school, public technical school, or private vocational or technical school, as described in the act; and maintain a grade point average of 2.5 on a 4.0 scale while enrolled and receiving a scholarship.

SCHOLARSHIP FOR FOUR-YEAR SCHOOLS: The Commissioner of Higher Education will establish scholarships beginning in academic year 2009-2010 for certain public four-year institutions, as described in the act, for students who previously received a scholarship under the A+ Schools Program during the 2008-2009 academic year, previously received a scholarship to a two-year school under this act, or completed a designated Associate's Degree and enrolls in an approved institution within nine months of completion. Additional eligibility requirements include: a good faith effort to first secure other sources of funding; maintaining full-time enrollment; and maintaining a 3.0 GPA on a 4.0 scale while receiving the scholarship. A student cannot receive a scholarship for more than six semesters.

If a student has a grade point average that falls below a 3.0 on a 4.0 scale, the student will be granted a one semester grace period. The student will lose eligibility if the student cannot subsequently raise his or her GPA to a 3.0.

Scholarships under this section will be subject to appropriation. If appropriations are insufficient to provide scholarships for all eligible students, scholarships to students attending two-year schools must be fully funded before scholarships can be distributed to students attending four year schools. In addition, scholarship amounts can be prorated if necessary.

The Commissioner of Higher Education must develop a procedure for evaluating the effectiveness of this program, which will be conducted biannually. The results of the evaluation must be sent to the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate.

MICHAEL RUFF

02/26/2009 S First Read--SB 558-Mayer, et al (S416)

EFFECTIVE: August 28, 2009

\*\*\* SB 559 \*\*\*

2248S.021

SENATE SPONSOR: Schaefer

SB 559 - This act authorizes the adoption of emergency rules to carry out the American Recovery and Reinvestment Act of 2009. At the discretion of the Joint Committee on Administrative Rules, these emergency rules may be effective for up to a two year period.

EMILY KALMER

02/26/2009 S First Read--SB 559-Schaefer (S416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 560 \*\*\*

2228S.011

SENATE SPONSOR: Green

SB 560 - This act removes the requirement that commissioners of the Administrative Hearing Commission be attorneys.

EMILY KALMER

02/26/2009 S First Read--SB 560-Green (S416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 561 \*\*\*

2253S.011

SENATE SPONSOR: Green

SB 561 - This act requires the Director of the Department of Revenue to award fee office contracts through a competitive bidding process with priority given to school districts or coalitions of school districts, charitable organizations, nonprofit organizations, and political subdivisions.

This act is identical to HB 598 (2009).

STEPHEN WITTE

02/26/2009 S First Read--SB 561-Green (S416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 562 \*\*\*

2240S.011

SENATE SPONSOR: Smith

SB 562 - Child support obligations may be terminated in the automated child support system when support is deemed terminated under state law.

This act allows child support to be terminated if the state case registry indicates that the child is twenty-one years old and the support order does not require further payment. The act also allows for a hearing regarding a child's emancipation when it is disputed by the parties, rather than treating the dispute as a motion to modify the support obligation.

This act specifies that affidavits shall be filed with the court for judicial orders and with the Family Support Division for administrative orders.

ADRIANE CROUSE

02/26/2009 S First Read--SB 562-Smith (S416)

EFFECTIVE: August 28, 2009

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\*\*\* SB 563 \*\*\*

2227S.011

SENATE SPONSOR: Smith

SB 563 - This act modifies provisions related to the Police Retirement System of St. Louis with regard to retirement based on disability.

The medical board that arranges for required disability-related medical examinations is eliminated and is replaced by a medical director who appoints doctors to investigate the physical and mental conditions of applicants for disability retirement. The medical director reports to the board of trustees of the police retirement system.

Any member in service or member of the Board of Police Commissioners who has at least five years of creditable service and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused by their duties as a police officer shall be retired upon certification of the medical director and approval of the board of trustees.

Members who are permanently disabled exclusively as a result of an accident occurring within the actual performance of duty at some definite time and place shall upon application be retired upon certification of the medical director and approval of the board of trustees. These members must apply for disability within five years of the accident, unless the accident was reported within five years and the member was examined by a health care provider provided by the board of police commissioners within thirty days of the accident.

Disability retirees under the age of sixty may be required to submit to a medical examination yearly for the first five years following their retirement and at least once every three years thereafter. If the retiree refuses to submit to a medical examination their disability pension may be discontinued. If the retiree refuses for one year, then their pension may be revoked.

If the medical director certifies to the board of trustees that the disability retiree is able to perform the duties of a police officer and the board agrees, the pension shall end. If the officer returns to active service, then the period of time during which the officer received a disability pension shall not be included in his time of service.

EMILY KALMER

02/26/2009 S First Read--SB 563-Smith (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 564 \*\*\*

1974S.021

SENATE SPONSOR: Smith

SB 564 – This act requires the Department of Elementary and Secondary Education to compare student assessment scores of students at charter schools that use the MAP test to measure student performance. The Department will compare the average of the scores from the school's first and second years of operation with the average of the scores from the sixth and seventh years of operation. If the later scores are worse, the Department must conduct a public hearing within sixty days, at which time the charter school may provide the Department with a compelling reason as to why it should remain open. The State Board of Education may monitor the charter school for the next two years. If student scores do not improve after two years, the State Board of Education must revoke the school's charter and close the school. In addition, the sponsor will not be able to sponsor any new charter schools.

MICHAEL RUFF

02/26/2009 S First Read--SB 564-Smith (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 565 \*\*\*

2259S.011

SENATE SPONSOR: Wright-Jones

SB 565 - This act defines a "reserve officer" as any member of the police reserve force, armed or unarmed, who works less than full time with or without compensation and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives retirement benefits.

A reserve officer shall not be considered a member of the police retirement system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits other than those awarded upon his or her original retirement. Service as a reserve officer shall not prohibit distribution of such benefits.

EMILY KALMER

02/26/2009 S First Read--SB 565-Wright-Jones (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 566 \*\*\*

2250S.011

SENATE SPONSOR: Wright-Jones

SB 566 - This act requires members of the St. Louis City reserve police force to be retired officers of the city. This act also provides such reserve officers the same powers as regular officers regardless of whether they are assigned to active duty.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 566-Wright-Jones (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 567 \*\*\*

2249S.011

SENATE SPONSOR: Wright-Jones

SB 567 - This act allows the Board of Police Commissioners to determine the number and ranks of police officers necessary for St. Louis City. Any increase in the number of officers appointed shall no longer require approval from the municipal board of estimate and apportionment.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 567-Wright-Jones (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 568 \*\*\*

2262S.011

SENATE SPONSOR: Rupp

SB 568 - This act establishes the Recovery Accountability and Transparency Board within the office of administration to prevent fraud, waste, and abuse of the funds received by the state or any political subdivision from the federal American Recovery and Reinvestment Act of 2009. The board will consist of the Commissioner of the Office of Administration, two members of the Senate, and two members of the House. This board will have the power to oversee the reporting of contracts and grants using covered funds, whether competition requirements applicable to contracts and grants have been satisfied, audit covered funds, and refer matters for investigation to the Attorney General or the agency dispersing the funds. The board is required to report annually to the governor and general assembly. The board also has the power to subpoena witnesses.

The act also adopts provisions regarding the filing of fraudulent claims for payment with the government. Under these provisions anyone who files false claims with the government, or any public employee or official who commits certain prohibited acts or violates certain criminal statutes, will in most cases be subject to civil penalties of not less than \$10,000 plus three times the amount of damages to the government. With some exceptions, private person can file a lawsuit on behalf of the government. The Attorney General has the authority to intervene and continue the lawsuit, or may allow the private person to continue with the lawsuit. The government may dismiss the action or settle the action, after a hearing before the court. The court may limit the participation of the private person in the lawsuit if the government shows that it would interfere with their civil case or may postpone discovery in the case if it would interfere with a criminal prosecution or other government civil case.

The private person who brings the lawsuit will get a percentage of the money awarded in the lawsuit. If the private person who brought the lawsuit planned or initiated the violation of state law their recovery is reduced. If the private person who brought the lawsuit is criminally convicted based on their role in the violation of state law, they cannot recover any money.

Employees who are discriminated against in the terms and conditions of their employment because of participating in a false claims case are entitled to file a lawsuit to be reinstated to their job, two times the amount of back pay, interest, special damages, litigation costs, and attorneys' fees.

EMILY KALMER

02/26/2009 S First Read--SB 568-Rupp (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 569 \*\*\*

2139L.011

SENATE SPONSOR: Lembke

SB 569 - This act modifies various provisions relating to initiative and referendum petitions.

Only mistakes, errors, or omission by those signing petitions shall invalidate those signatures.

The text of a petition may contain strike-through font to indicate the language to be deleted and shall contain all sections that are to be explicitly repealed.

Currently, signatures of voters from counties other than the one designated on the petition are invalid. Under this act they are valid if the voter or proponent of the petition identifies the voter's county of residence and shows proof of the voter's registration within 30 days of the issuance of the certificate of sufficiency or insufficiency by the Secretary of State.

Currently, signatures collected by circulators who have not registered by the final day for filing petitions are not counted. This act allows them to be counted when proof of the authenticity of the signatures is provided within 30 days of the issuance of the certificate of sufficiency or insufficiency by the Secretary of State.

The act creates the misdemeanor crime of intentional misrepresentation of a petition which occurs when the person knowingly and fraudulently gathers signatures for a petition. The act also creates the misdemeanor crime of malicious obstruction of the signing of a petition which occurs when the person maliciously intimidates, obstructs, or attempts to or otherwise prevents a voter from signing a petition.

Signature pages for petitions shall be arranged in file folders, with no more than 100 pages in each folder, labeled to indicate the county in which the signatures were gathered and the page numbers of the signature pages in each folder.

This act repeals a provision requiring the attorney general or the circuit court of Cole county to return an unsatisfactory fiscal note summary to the auditor for revision.

Changes to the official ballot title resulting from challenges brought later than 10 days after the official ballot title is certified shall not affect the validity of the signatures collected on the petitions. When a party other than the proponent of the measure initiates a challenge to the official ballot title, the proponent shall receive copies of all communications and court documents relating to the challenge and shall be allowed to intervene in the case. The court shall decide challenges to the official ballot title within 55 days from the original certification by the Secretary of State and the appeals court shall render a decision within 30 days of the filing of the appeal. Parties may then appeal to the Supreme Court which shall render a decision within 30 days.

Portions of ballot measures approved by the voters that do not conflict with other ballot measures approved by the voters at the same election shall be adopted.

Currently, the Secretary of State shall refer copies of petition sheets to the attorney general and to the auditor for approval. This act requires these copies to be referred within 48 hours.

Currently, the Secretary of State shall notify those submitting petition sheets of approval or rejection within 30 days of submission. This act reduces that time to 15 days.

CHRIS HOGERTY

02/26/2009 S First Read--SB 569-Lembke (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 570 \*\*\*

2219S.011

SENATE SPONSOR: Lembke

SB 570 - This act repeals the June 30, 2005, eligibility date for the non-MO HealthNet eligible consumer-directed personal care services program.

ADRIANE CROUSE

02/26/2009 S First Read--SB 570-Lembke (S417)

EFFECTIVE: August 28, 2009

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\*\*\* SB 571 \*\*\*

2217S.011

SENATE SPONSOR: Lembke

SB 571 - Under this act, no adjuster or insurer shall in collision cases:

- (1) Limit the freedom of an insured or claimant to choose the shop;
- (2) Require that an insured or claimant present the claim or the automobile for loss adjustment or inspection at a "drive-in" claim center or any other similar facility solely under the control of the insurer;
- (3) Engage in boycotts, intimidation, or coercive tactics in negotiating repairs to damaged motor vehicles which they insure or are liable to claimants to have repaired;
- (4) Attempt to secure, except in an emergency, the insured's or claimant's signature authorizing the party securing the signature to act in behalf of the insured or claimant in selection of a repair shop facility;
- (5) Adjust a damage appraisal of a repair shop when the extent of damage is in dispute without conducting a physical inspection of the vehicle;
- (6) Specify the use of a particular vendor for the procurement of parts or other materials necessary for the satisfactory repair of the vehicle; or
- (7) Unilaterally and arbitrarily disregard a repair operation or cost identified by an estimating system, which an insurer and collision repair facility have agreed to utilize in determining the cost of repair.

Under the act, no motor vehicle repair shop shall in any way coerce, or intimidate a motor vehicle owner to boycott an insurer's "drive-in" claim center or similar facility.

Motor vehicle repair shops are prohibited from attempting to secure, except in an emergency, the vehicle owner's signature authorizing the party securing the signature to act in behalf of the owner in selection of a repair shop.

Insurer's representatives are prohibited from unreasonably denying access to motor vehicle repair shops during normal business hours for the purpose of inspecting or reinspecting damaged vehicles.

Under the terms of the act, when a damaged vehicle is towed to a motor vehicle repair shop, the storage and towing charges shall not exceed the usual and customary charges for the towing and storage of undamaged vehicles in the area except if the vehicle, due to its damaged condition, requires special handling in the towing or storage, an added charge may be made.

STEPHEN WITTE

02/26/2009 S First Read--SB 571-Lembke (S417)

EFFECTIVE: August 28, 2009

\*\*\* SB 572 \*\*\*

2078S.011

SENATE SPONSOR: Dempsey

SB 572 - This act creates the Missouri science and innovation reinvestment authority to create, attract, and enhance new and existing science and innovation companies in the state and make Missouri the most attractive state for conducting, facilitating, performing, and supporting science and innovation research, development, and commercialization. The act sets out the powers, duties, and membership of the authority. The authority will have the power to allocate certain percentages of employee income tax withholdings of science and innovation companies to the newly created science and innovation fund along with other revenues derived from federal grants, loans, gifts and bond issuances to enhance Missouri's science and innovation research, development and commercialization.

JASON ZAMKUS

02/26/2009 S First Read--SB 572-Dempsey and Justus (S417)

EFFECTIVE: August 28, 2009

\*\*\* SB 573 \*\*\*

2252S.011

SENATE SPONSOR: Crowell

SB 573 - This act defines the term "maximum social security benefit available" as thirty-two thousand five hundred dollars for the tax year beginning on or after January 1, 2007. Such amount will increase annually by the percentage increase in the consumer price index. Currently, a taxpayer must be age sixty-two years or older in order to be eligible for the income tax exemption for publicly funded retirement benefits. This act

removes the age requirement for the publicly funded retirement benefit income tax exemption. Under current law, taxpayers who receive both social security benefits and publicly funded retirement benefits recipient must reduce the amount of their publicly funded retirement benefit exemption by the total amount of social security benefits not included in Missouri adjusted gross income. This act would require such taxpayers to reduce their publicly funded retirement benefit exemption by the amount of social security benefits exempted due to the enactment of House Bill 444 (2007).

This act is identical to Senate Bill 1180 (2008).  
JASON ZAMKUS

02/26/2009 S First Read--SB 573-Crowell (S422)

EFFECTIVE: August 28, 2009

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\*\*\* SB 574 \*\*\*

2278S.011

SENATE SPONSOR: Rupp

SB 574 - This act allows Lincoln County, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications. Currently, a county can only change classifications by a vote of the governing body if it is becoming a first class county; otherwise, the county must be at the required assessed valuation for five years before changing classifications. The effective date of the change in classification shall be at the beginning of the county fiscal year following the election by the governing body.

SUSAN HENDERSON MOORE

02/26/2009 S First Read--SB 574-Rupp (S422)

EFFECTIVE: August 28, 2009

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\*\*\* SB 575 \*\*\*

2279S.011

SENATE SPONSOR: Smith

SB 575 - This act authorizes concurrent jurisdiction between the St. Louis City Attorney or Prosecutor and any other entity authorized by law to prosecute taxpayers who file false personal property lists.

JASON ZAMKUS

02/26/2009 S First Read--SB 575-Smith (S423)

EFFECTIVE: August 28, 2009

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\*\*\* SB 576 \*\*\*

2280S.011

SENATE SPONSOR: Dempsey

SB 576 – Current law requires that public and nonpublic high schools report certain information about students age sixteen and older who drop out of school to the state literacy hotline. This act requires that records and reports based upon the school reports be made available by free electronic record on the Department of Elementary and Secondary Education's website on the first business day of each month. Identifying information of individual students must be excluded.

MICHAEL RUFF

02/26/2009 S First Read--SB 576-Dempsey (S423-424)

EFFECTIVE: August 28, 2009

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\*\*\* 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)

02/03/2009 Hearing Cancelled S Rules, Joint Rules, Resolutions and Ethics Committee

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 &amp; Ethics Committee (S140)

02/03/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/10/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

03/03/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor

03/03/2009 Resolutions Calendar--SCR 2-Crowell

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 &amp; Ethics Committee (S140)

02/03/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

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 and Smith (S90-91)  
01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)  
02/10/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

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\*\*\* 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

SCA 1 - TECHNICAL CHANGE (CORRECTS DATE REFERENCE FROM 1994 TO 1944)

01/12/2009 S Offered--SCR 5-Stouffer (S91-92)  
01/20/2009 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S140)  
02/10/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
02/17/2009 Voted Do Pass (w/SCA) S Rules, Joint Rules, Resolutions and Ethics Committee (0388S02.01S)  
02/17/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor w/SCA 1 (S320)  
03/03/2009 Resolutions Calendar--SCR 5-Stouffer, with SCA 1

EFFECTIVE: upon approval

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\*\*\* 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

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\*\*\* 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)  
02/10/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
02/17/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
02/17/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S320)  
03/03/2009 Resolutions Calendar--SCR 7-Pearce

EFFECTIVE: upon approval

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\*\*\* 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)  
02/24/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
02/24/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
02/24/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S373)  
03/03/2009 Resolutions Calendar--SCR 8-Shoemyer

EFFECTIVE: upon approval

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\*\*\* 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

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\*\*\* 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)  
03/03/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

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\*\*\* 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 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S182)  
02/24/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
02/24/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
02/24/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S372-373)  
03/03/2009 Resolutions Calendar--SCR 11-Bartle, et al

EFFECTIVE: upon approval

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\*\*\* 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 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S182)

EFFECTIVE: upon approval

## \*\*\* SCR 13 \*\*\*

1280S.02I

SENATE SPONSOR: Pearce

SCR 13 – This resolution encourages students and faculty in Missouri to promote international education as part of curricular and extracurricular life at Missouri's colleges and universities.

This resolution is identical to HCR 7 (2008).

MICHAEL RUFF

01/26/2009 S Offered (S178-179)

01/27/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S190)

EFFECTIVE: upon approval

## \*\*\* SCR 14 \*\*\*

1473S.03I

SENATE SPONSOR: Schmitt

SCR 14 - This concurrent resolution creates the blue ribbon panel on job retention and economic growth. The panel will advise and make recommendations to the Governor, General Assembly, and state agencies on matters concerning the social and economic effects of loss of major corporate presence and other businesses within the state. The panel must develop a comprehensive statewide plan for job retention and economic growth. The panel must issue preliminary recommendations by February 1, 2010.

The panel's duties include: determining the impact business relocation out-of-state and job loss has upon charitable giving, the social well being of affected areas and the state and local economy; studying the impact current state and local tax incentives have on business decision-making and recommending modifications to or additional incentives necessary to facilitate job retention and economic growth; assessing the educational needs of existing and potential Missouri businesses; examining the need for infrastructure improvements necessary to attract new and retain existing businesses; developing recommendations for enhancing the attractiveness of this state to business; and assessing the impact job loss has on the state and local economy and charitable giving.

JASON ZAMKUS

01/28/2009 S Offered (S204-206)

01/29/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S219)

03/03/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

03/03/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

03/03/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor

03/03/2009 Resolutions Calendar--SCR 14-Schmitt

EFFECTIVE: upon approval

## \*\*\* SCR 15 \*\*\*

1660S.02I

SENATE SPONSOR: Shoemyer

SCR 15 – This resolution urges the Governor and the Office of Administration to deposit from any moneys received from the federal government for capital improvements during the 111th Congress, first session, as part of a federal stimulus package, an amount sufficient to fully fund the capital improvement projects listed in the act into the Lewis and Clark Discovery Fund for distribution to state colleges, universities, the Coordinating Board for Higher Education, and the Department of Economic Development for capital projects as identified in the resolution.

MICHAEL RUFF

02/02/2009 S Offered--SCR 15-Shoemyer (S225-226)

02/03/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S240)

EFFECTIVE: upon approval

## \*\*\* SCR 16 \*\*\*

1645S.02I

SENATE SPONSOR: Pearce

SCR 16 - This concurrent resolution urges the Air Force to select Whiteman Air Force Base as the permanent headquarters of the new Global Strike Command, which will be responsible for all Air Force nuclear operations.

EMILY KALMER

02/02/2009 S Offered--SCR 16-Pearce (S226)  
 02/03/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S240)  
 02/24/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/24/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/24/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S373)  
 03/03/2009 Resolutions Calendar--SCR 16-Pearce

EFFECTIVE: upon approval

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\*\*\* SCR 17 \*\*\*

1569S.011

SENATE SPONSOR: Shields

SCR 17 - This concurrent resolution petitions the Council of State Governments to move the state of Missouri from the Southern Region of the Council to the Midwest Region of the Council.

JIM ERTLE

02/02/2009 S Offered--SCR 17-Shields (S226-227)  
 02/03/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S240)  
 02/17/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/17/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/17/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S320)  
 02/19/2009 S adopted (S337 / H359-360)  
 02/19/2009 Reported to the House (H359-360)

EFFECTIVE: upon approval

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\*\*\* SCR 18 \*\*\*

0967S.031

SENATE SPONSOR: Bartle

SCR 18 - This resolution condemns the federal government for passing and implementing the Emergency Economic Stabilization Act of 2008, commonly known as the "bailout plan", and urges Congress to refuse to pass any more "bailout bills". It also encourages the state to return federal money received to the taxpayers if it is given in the form of a block grant without any specific requirements.

SUSAN HENDERSON MOORE

02/03/2009 S Offered--SCR 18-Bartle and Rupp (S236-237)  
 02/04/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S248)

EFFECTIVE: upon approval

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\*\*\* SCR 19 \*\*\*

1678S.011

SENATE SPONSOR: Crowell

SCR 19 - This concurrent resolution urges the Office of Administration to create a sinking fund to collect appropriated funds necessary to payoff the Series A 2003 revenue bonds at the time that the bonds are callable in fiscal year 2014. The resolution further urges the Board of Public Buildings to approve the early payoff in order to save the state approximately \$123.6 million that the state would have otherwise paid in principal and interest over the lifetime of the bonds.

JIM ERTLE

02/04/2009 S Offered--SCR 19-Crowell (S246)  
 02/05/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S261)

EFFECTIVE: upon approval

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\*\*\* SCR 20 \*\*\*

1756S.011

SENATE SPONSOR: Pearce

SCR 20 - This resolution urges the United States Congress to repeal the Government Pension Offset

(GPO) and Windfall Elimination Provision (WEP) of the Social Security Act.

This resolution is substantially similar to SCR 25 (2004) and SCR 06 (2003).

MICHAEL RUFF

02/09/2009 S Offered--SCR 20-Pearce (S267-268)

02/10/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S279)

EFFECTIVE: upon approval

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\*\*\* SCR 21 \*\*\*

1652S.011

SENATE SPONSOR: Clemens

SCR 21 - This concurrent resolution expresses the General Assembly's support of the "25 by 25" national renewable energy initiative, where America's farms and forests will provide 25% of the nation's energy needs by the year 2025 while continuing to produce safe and affordable food and fiber.

ERIKA JAQUES

02/11/2009 S Offered--SCR 21-Clemens (S283)

02/12/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S302)

03/03/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

03/03/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

03/03/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor

03/03/2009 Resolutions Calendar--SCR 21-Clemens

EFFECTIVE: upon approval

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\*\*\* SCR 22 \*\*\*

1894S.011

SENATE SPONSOR: Bray

SCR 22 - This resolution urges the United States Congress to enact the United States Health Insurance Act sponsored by United States Representative John Conyers.

This resolution is substantially similar to SCR 24 (2007).

ADRIANE CROUSE

02/25/2009 S Offered--SCR 22-Bray, et al (S396)

02/26/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S426)

EFFECTIVE: upon approval

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\*\*\* SCR 23 \*\*\*

1493S.021

SENATE SPONSOR: Schmitt

SCR 23 - This resolution calls upon the State Tax Commission and the assessors of this state to accurately reflect current market conditions in assessing property and, where appropriate, decrease assessed values.

JASON ZAMKUS

02/26/2009 S Offered--SCR 23-Schmitt (S413)

02/26/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S436)

EFFECTIVE: upon approval

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\*\*\* SCR 24 \*\*\*

2239S.011

SENATE SPONSOR: Lager

SCR 24 - This concurrent resolution urges Congress to oppose the Employee Free Choice Act or similar legislation that requires employees to publicly vote for unionization.

CHRIS HOGERTY

02/26/2009 S Offered--SCR 24-Lager (S418)

02/26/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S436)

EFFECTIVE: upon approval

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\*\*\* 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)

01/27/2009 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S192)

02/09/2009 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

02/23/2009 Voted Do Pass S Financial and Governmental Organizations and Elections Committee

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)

01/27/2009 Second Read and Referred S Transportation Committee (S192)

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)  
01/27/2009 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S192)  
03/02/2009 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

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)  
01/27/2009 Second Read and Referred S Ways and Means Committee (S192)  
03/04/2009 Hearing Scheduled S Ways and Means Committee

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)  
01/27/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S192)  
02/25/2009 Hearing Scheduled But Not Heard S Jobs, Economic Development and Local Government Committee  
03/04/2009 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

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)  
01/27/2009 Second Read and Referred S General Laws Committee (S192)  
02/17/2009 Hearing Scheduled But Not Heard S General Laws Committee

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)

01/27/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S192)

02/12/2009 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: Contingent

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\*\*\* 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)

01/27/2009 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S192)

02/25/2009 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: Contingent

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\*\*\* 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)  
 01/27/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S192)

EFFECTIVE: upon voter approval

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\*\*\* SJR 10 \*\*\*

0874L.01I

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)  
 01/27/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S192)

EFFECTIVE: upon voter approval

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\*\*\* SJR 11 \*\*\*

0875L.02I

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)  
 01/27/2009 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S192)

EFFECTIVE: Upon voter approval

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\*\*\* SJR 12 \*\*\*

0937S.03I

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)  
 01/27/2009 Second Read and Referred S General Laws Committee (S192)  
 03/03/2009 Hearing Conducted S General Laws Committee

EFFECTIVE: Contingent

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\*\*\* SJR 13 \*\*\*

1057S.01I

SENATE SPONSOR: Lager

SJR 13 - This constitutional amendment, if approved by voters, would limit state general revenue appropriations to the amount of appropriations made in the previous fiscal year increased by an inflationary growth factor. In any fiscal year where net general revenue collections exceed total state general revenue appropriations by more than one percent of total general revenue appropriations, the excess over one percent will be transferred to the newly created cash operating reserve fund to be used to reduce all state income tax rates. The amendment provides procedures for appropriating revenues in excess of the appropriation limitation and restoring certain expenditures of the state or any of its agencies when no other funds are available in cases of emergency.

This proposed constitutional amendment is identical to SJR 50 (2008).

JASON ZAMKUS

01/29/2009 S First Read--SJR 13-Lager (S218)

02/02/2009 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S231)

EFFECTIVE: Upon voter approval

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\*\*\* SJR 14 \*\*\*

0068S.011

SENATE SPONSOR: Wilson

SJR 14 - This proposed constitutional amendment, if approved by voters, would allow for the creation of discrete tax free or reduced tax geographic zones for the purpose of promoting economic development in such zones. No such zone may maintain tax favored status for a term longer than twenty-three years.

This proposed constitutional amendment is identical to SJR 47 (2008).

JASON ZAMKUS

02/24/2009 S First Read--SJR 14-Wilson (S370)

EFFECTIVE: upon voter approval

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\*\*\* SJR 15 \*\*\*

2162S.011

SENATE SPONSOR: Cunningham

SJR 15 - Upon voter approval, this constitutional amendment provides that the General Assembly shall not be required to enact legislation to comply with a court order that it raise taxes.

This act is identical to the Senate Committee Substitute for House Joint Resolution 41 (2008).

JASON ZAMKUS

02/25/2009 S First Read--SJR 15-Cunningham (S383)

EFFECTIVE: Voter approval

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\*\*\* SJR 16 \*\*\*

1056S.011

SENATE SPONSOR: Lager

SJR 16 - This constitutional amendment, if approved by voters, would prohibit the state of Missouri and any political subdivision of the state from imposing any tax upon the income of residents of the state after January 1, 2024.

This constitutional amendment is similar to Senate Joint Resolution 49 (2008).

JASON ZAMKUS

02/25/2009 S First Read--SJR 16-Lager (S398)

EFFECTIVE: Upon voter approval

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\*\*\* SJR 17 \*\*\*

2218S.011

SENATE SPONSOR: Lembke

SJR 17 - If approved by the voters, this constitutional amendment provides that it shall be unlawful to

expend, pay, or grant any public funds for abortion services, human cloning, or prohibited human research, as such terms were defined in the legislation enacted by the 92nd Missouri General Assembly in HB 688 (2003).

ADRIANE CROUSE

02/25/2009 S First Read--SJR 17-Lembke (S398)

EFFECTIVE: Contingent

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\*\*\* SJR 18 \*\*\*

2251S.011

SENATE SPONSOR: Cunningham

SJR 18 - 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.

This constitutional amendment is identical to SJR 4 (2009).

JASON ZAMKUS

02/26/2009 S First Read--SJR 18-Cunningham (S417)

EFFECTIVE: Upon voter approval

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\*\*\* 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

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\*\*\* SR 86 \*\*\*

1249S.061

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

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\*\*\* SR 102 \*\*\*

1371S.011

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

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\*\*\* 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

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\*\*\* SR 104 \*\*\*

0646S.011

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

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\*\*\* SR 139 \*\*\*

0934S.021

SENATE SPONSOR: Engler

SR 139 - This resolution amends Senate Rule 64 by requiring the distribution of a floor substitute to the members at least one legislative day prior to its consideration by the Senate.  
JIM ERTLE

01/26/2009 S Offered--SR 139-Engler (S177)  
01/27/2009 SA 1 S offered & adopted (Champion)--(0934S02.02S) (S189)  
01/27/2009 Motion to adopt - withdrawn (S190)  
02/18/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S330)

EFFECTIVE: upon approval

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\*\*\* SR 140 \*\*\*

0972S.041

SENATE SPONSOR: Engler

SR 140 - Beginning with the 96th General Assembly, this resolution designates Room 319 as the office of the majority floor leader and Room 333 as the office of the minority floor leader.

Certain seats in the chamber are designated for those senators holding the positions of president pro tem, majority floor leader and minority floor leader. The remaining seats shall be determined based on seniority, rather than by assignment to the majority and minority caucuses.

JIM ERTLE

01/26/2009 S Offered (S177-178)  
01/27/2009 SA 1 S offered & withdrawn (Green)--(0972S04.01F) (S189)  
01/27/2009 Motion to adopt - withdrawn (S189)  
01/27/2009 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S189)

EFFECTIVE: upon approval

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\*\*\* SR 141 \*\*\*

0933S.011

SENATE SPONSOR: Engler

SR 141 - 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

01/26/2009 S offered (S178)  
01/26/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S178)  
01/27/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
01/27/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
01/28/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S213)  
02/02/2009 SA 1 S offered & defeated (Bray)--(0933S01.05S) (S228-229)  
02/02/2009 SA 2 S offered & adopted (Scott)--(0933S01.06S) (S229)  
02/02/2009 SA 3 S offered & withdrawn (Shields)--(0933S01.07S) (S229-230)  
02/02/2009 SA 4 S offered & adopted (Nodler)--(0933S01.08S) (S230)  
02/02/2009 SA 5 S offered & adopted (Shields)--(0933S01.09S) (S230)

02/02/2009 Point of order raised (S230)  
 02/02/2009 Placed on Resolutions Calendar (S230)  
 03/03/2009 Resolutions Calendar--SR 141-Engler, with point of order (pending)

EFFECTIVE: Upon approval

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\*\*\* SR 153 \*\*\*

SENATE SPONSOR: Engler

SR 153 - This resolution establishes the rates of pay for Senate employees.  
 JIM ERTLE

01/28/2009 S Offered (S203-204)  
 02/03/2009 S adopted (S236)

EFFECTIVE: upon approval

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\*\*\* SR 177 \*\*\*

1492S.011

SENATE SPONSOR: Champion

SR 177 - This resolution requires any floor substitute that is offered to be accompanied by a brief summary of the changes from the previous version of the bill.

JIM ERTLE

01/28/2009 S Offered (S213)  
 02/03/2009 SA 1 S offered & adopted (Shields)--(1492S01.01S) (S238-239)  
 02/03/2009 S adopted, as amended (S239)  
 02/05/2009 Motion to reconsider vote to adopt - S adopted (S253-254)  
 02/05/2009 Motion to adopt S withdrawn (S254)  
 02/05/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S254)

EFFECTIVE: upon approval

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\*\*\* SR 207 \*\*\*

SCS SR 207

1518S.03C

SENATE SPONSOR: Lembke

SCS/SR 207 – The St. Louis Public School District and Kansas City School District are currently attempting to sell school buildings that are no longer being used. There have been reports of discriminatory sales practices for the buildings against private, religious, and public charter schools. This resolution urges the members of the Special Administrative Board of the Transitional School District of the City of St. Louis, the superintendent and officers of the St. Louis Public School District, the Kansas City School District board members, and the superintendent and officers of the Kansas City School District to determine if any such practice is occurring and respond to the Senate at their next public meetings.

MICHAEL RUFF

02/02/2009 S Offered--SR 207-Lembke (S224)  
 02/03/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S240)  
 02/17/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/17/2009 SCS Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee (1518S.03C)  
 02/17/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor w/SCS (S320-321)  
 02/19/2009 Motion to adopt SCS S withdrawn (S343)  
 02/23/2009 SS for SCS S offered (Lembke)--(1518L.04F) (S359)  
 02/23/2009 Motion to adopt SS for SCS withdrawn (S359)  
 03/03/2009 Resolutions Calendar--SR 207-Lembke and Smith, with SCS & SS for SCS (pending)

EFFECTIVE: upon approval

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\*\*\* SR 210 \*\*\*

1275S.021

SENATE SPONSOR: Schaefer

SR 210 - In this resolution, the Missouri Senate urges Missourians to recycle their unwanted analog television sets instead of throwing them into the trash as television broadcasting makes the switch from analog to digital on February 17, 2009.



ERIKA JAQUES

02/03/2009 S Offered-SR 210-Schaefer (S210)

02/04/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S248)

EFFECTIVE: upon approval

\*\*\* SR 211 \*\*\*

1699S.011

SENATE SPONSOR: Nodler

SR 211 - This resolution amends Senate Rule No. 28 to make certain that all bills relating to appropriations and the disbursement of money shall be assigned to the Committee on Appropriations.

JIM ERTLE

02/03/2009 S Offered--SR 211-Nodler (S234-236)

02/04/2009 SA 1 S offered &amp; adopted (Shields)--(1699S01.01S) (S244-245)

02/04/2009 S adopted, as amended (S245)

EFFECTIVE: upon approval

\*\*\* SR 238 \*\*\*

1532S.021

SENATE SPONSOR: Bray

SR 238 - This resolution urges Congress and President Obama to maximize the investment in expanded and improved passenger train service as part of the American Recovery and Reinvestment Plan.

JIM ERTLE

SCA #1 - REMOVES THE REFERENCE URGING CONGRESS TO PROVIDE "100 PERCENT" FEDERAL SOURCES WHEN EXPANDING PASSENGER TRAIN SERVICE

02/04/2009 S Offered--SR 238-Bray, et al (S245)

02/05/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S261)

02/10/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/10/2009 Voted Do Pass (w/SCA#1) S Rules, Joint Rules, Resolutions and Ethics Committee  
(1532S02.01S)

02/10/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor w/SCA 1 (S279)

02/11/2009 SCA 1 S adopted (S285)

02/11/2009 SR, as amended, S adopted (S285)

EFFECTIVE: upon approval

\*\*\* SR 302 \*\*\*

1314S.041

SENATE SPONSOR: Shields

SR 302 - This resolution creates the Missouri Senate Job Creation 2020 Committee.

JIM ERTLE

02/12/2009 S Offered--SR 302-Shields (S302)

02/12/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S302)

02/17/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/17/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

02/17/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S320)

02/24/2009 S adopted (S373)

EFFECTIVE: upon approval

\*\*\* SR 303 \*\*\*

1566S.041

SENATE SPONSOR: Shields

SR 303 - This resolution creates the Missouri Senate Healthy Missourians 2020 Committee.

JIM ERTLE

02/12/2009 S Offered--SR 303-Shields (S302-303)

02/12/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S302)

02/17/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/17/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

02/17/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S320)

02/24/2009 S adopted (S373)

EFFECTIVE: upon approval

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\*\*\* SR 304 \*\*\*

1641S.041

SENATE SPONSOR: Shields

SS/SR 304 - This resolution creates the Missouri Senate Educated Workforce 2020 Committee.

JIM ERTLE

02/12/2009 S Offered--SR 304-Shields (S303-304)

02/12/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S303)

02/17/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/17/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

02/17/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S320)

02/24/2009 Motion to adopt SR withdrawn (S373)

02/26/2009 SS S offered & adopted (Ridgeway)--(1641S.09F) (S425-426)

02/26/2009 S adopted (S426)

EFFECTIVE: upon approval

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\*\*\* SR 361 \*\*\*

1992S.011

SENATE SPONSOR: Dempsey

SR 361 - This resolution recognizes the month of March as Kidney Month in the State of Missouri.

ADRIANE CROUSE

02/19/2009 S Offered--SR 361-Dempsey (S342)

02/23/2009 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S354)

EFFECTIVE: upon approval

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\*\*\* HB 65 \*\*\*

0211L.01P

HOUSE HANDLER: Wilson

HB 65 - Currently, rural empowerment zones are only allowed to exist in Hickory County, which has a population of eight thousand nine hundred twenty-five residents. The act allows these zones to exist in any county with eighteen thousand or fewer residents, which includes fifty-six counties. The act also prohibits more than two rural empowerment zones in any county.

JASON ZAMKUS

12/01/2008 Prefiled (H)  
 01/07/2009 Read First Time (H) (H26)  
 01/08/2009 Read Second Time (H) (H41)  
 01/22/2009 Referred: Rural Community Development (H) (H137)  
 02/03/2009 Public Hearing Completed (H)  
 02/10/2009 Executive Session Completed (H)  
 02/10/2009 Voted Do Pass (H)  
 02/12/2009 Reported Do Pass (H) (H311)  
 02/12/2009 Referred: Rules - Pursuant to Rule 25(32)(f) (H311)  
 02/17/2009 Rules - Executive Session Completed (H)  
 02/17/2009 Rules - Voted Do Pass (H)  
 02/17/2009 Rules - Reported Do Pass (H) (H333)  
 02/23/2009 Perfected (H) (H368)  
 02/24/2009 Referred: Fiscal Review (H) (H384)  
 02/26/2009 Executive Session Completed (H)  
 02/26/2009 Voted Do Pass (H)  
 02/26/2009 Reported Do Pass (H) (H410)  
 02/26/2009 Third Read and Passed (H) (H416 / S436)  
 03/02/2009 S First Read--HB 65-Wilson (119), et al (S436)

EFFECTIVE: August 28, 2009

\*\*\* HB 86 \*\*\*

0109L.02P

HOUSE HANDLER: Sutherland

HB 86 - Under current law, corporations with outstanding shares and surplus in excess of one million dollars are subject to an annual franchise tax equal to one-thirtieth of one percent of its outstanding shares and surplus. This act would subject only those corporations with outstanding shares and surplus in excess of ten million dollars to the annual franchise tax.

JASON ZAMKUS

12/02/2008 Prefiled (H)  
 01/07/2009 Read First Time (H) (H28)  
 01/08/2009 Read Second Time (H) (H41)  
 01/22/2009 Referred: Ways and Means (H) (H137)  
 02/05/2009 Public Hearing Completed (H)  
 02/12/2009 Executive Session Completed (H)  
 02/12/2009 Voted Do Pass (H)  
 02/12/2009 Reported Do Pass (H) (H311)  
 02/12/2009 Referred: Rules - Pursuant to Rule 25(32)(f) (H311)  
 02/17/2009 Rules - Executive Session Completed (H)  
 02/17/2009 Rules - Voted Do Pass (H)  
 02/17/2009 Rules - Reported Do Pass (H) (H333)  
 02/25/2009 Perfected (H) (H398)  
 02/25/2009 Referred: Fiscal Review (H) (H400)  
 02/26/2009 Executive Session Completed (H)  
 02/26/2009 Voted Do Pass (H)  
 02/26/2009 Reported Do Pass (H)  
 02/26/2009 Third read and passed (H) (H414-415 / S424)  
 02/26/2009 S First Read--HB 86-Sutherland (S424)

EFFECTIVE: August 28, 2009

\*\*\* HB 96 \*\*\*

HCS HB 96

0099L.02P

SENATE SPONSOR: Mayer

HOUSE HANDLER: Wallace

HCS/HB 96 – This act modifies provisions relating to school protection measures.

**SCHOOL DISCIPLINE POLICIES & REPORTING REQUIREMENTS:** Currently, school discipline policies must include a requirement that school administrators report acts of school violence to teachers with a need to know. This act provides that such acts of school violence must be provided to all teachers at the attendance center. Students on suspension for acts of violence or drug-related offenses cannot be within 1,000 feet of school property or any activity of the district without the authorization of the superintendent. This act expands employee immunity from correctly following discipline policies to all policies.

Current law provides that spanking, when administered by certificated personnel in a reasonable manner, is not abuse. This act provides that the use of force to protect persons or property, when administered by school district personnel in a reasonable manner, is not abuse, as long as no allegation of sexual misconduct arises and another school employee is present as a witness in the case of spanking.

Additional reporting offenses include burglary in the second degree, harassment, and stalking. (Sections 160.261, 167.115)

**SCHOOL FACILITIES AND SAFETY CRITERIA:** By July 1, 2011, the State Board of Education must add to any school facilities and safety criteria developed for the Missouri School Improvement Program provisions that suggest that the drills required pursuant to the standard for safe facilities occur at least annually. All staff must receive sufficient training on the security and crisis management plan. (Section 160.660)

**SCHOOL VIOLENCE PREVENTION PROGRAMS:** This act removes a statutory reference to section 166.260, which was previously repealed. (Section 161.650)

**SCHOOL OFFICERS:** The Blue Springs school board may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses as described in the act. All school officers must be licensed peace officers. School officers must abide by school board policies and coordinate with the superintendent, or the superintendent's designee. Any crimes involving a sexual offense or any felony involving the threat or use of force will remain under the authority of the local jurisdiction. (Section 162.215)

**HOMELESS CHILDREN & TRANSFER OF SCHOOL RECORDS:** The act replaces the definition of "homeless children" with the federal definition when addressing residency requirements for school districts.

Current law requires a school official who enrolls a nonresident pupil to request student transfer records within forty-eight hours. This act requires a school official to request all education records deemed necessary by the school official for enrollment within two business days, including IEPs and health records. Any school district that receives a records request from another school district, private school, or parochial school must respond to the request within five business days of its receipt. In addition, school districts may report or disclose education records to other state or local officials as described in the act. (Sections 167.020 & 167.022)

**REPORTABLE OFFENSES FOR STUDENTS:** When a student is found to have committed a reportable offense, the school district must provide all information relating to the reportable offense to any school district to which the student transfers or enrolls. If the student is being tried as an adult, the school district must attach notice of the reportable offense to the student's permanent record and academic transcript. If the student is under the jurisdiction of the juvenile court, the school district must attach notice to the student's permanent record and academic transcript stating only that a reportable offense has been committed. (Section 167.023)

**STUDENT DRESS CODE:** Currently, only the St. Louis City school district may require school uniforms. This act allows any school district to require students to wear a school uniform or restrict student dress to a particular style. (Section 167.029)

**STUDENT EXPULSION:** A school board may expel a student upon a finding that the student has been charged, convicted or pled guilty to the commission of a felony after notice to parents or others have custodial care and after a hearing.

Current law provides that student suspension does not relieve the state or the suspended student's parents of

their responsibility to educate the child. This act includes students who have received an expulsion from a public school district to those for whom the state or parents have a responsibility to educate. (Sections 167.161 & 167.164)

**ADMINISTRATION OF MEDICATION OR MEDICAL SERVICES:** This act exempts unqualified employees who refuse to administer medication or medical services from disciplinary action. A school district may develop a program to train employees in CPR and other lifesaving methods. Qualified employees are exempted from liability for administering medication or medical services, including CPR, when done in good faith and according to standard medical practices. Students may self-administer medication for chronic conditions. Employees trained and supervised by the school nurse are authorized to use an epinephrine auto-syringe on a student as described in the act. Trained employees administering a prefilled auto syringe are exempted from liability when acting in good faith and according to standard medical practices. (Sections 167.621, 167.624, 167.627 & 167.630)

**EMPLOYEE BACKGROUND CHECKS AND FINGERPRINT RECORDS:** An employee background check and fingerprint record is good for one year and transferable from district to district or to a private or parochial school. A teacher's change in certification will not affect the transferability of records. (Section 168.133)

**MISSOURI CHILDREN'S SERVICES COMMISSION:** The Missouri Children's Services Commission is required to recommend best practices for sharing agency information regarding students receiving state services by July 1, 2010. (Section 210.102)

This act contains provisions that are similar to or are contained in SS/SCS/HCS/HB 1722 (2008), SB 995 (2008), HCS/HB 469 (2007), SB 399 (2007).

MICHAEL RUFF

12/08/2008 Prefiled (H)  
01/07/2009 Read First Time (H) (H28)  
01/08/2009 Read Second Time (H) (H41)  
01/22/2009 Referred: Elementary and Secondary Education (H) (H137)  
01/28/2009 Public Hearing Completed (H)  
02/03/2009 Executive Session Completed (H)  
02/03/2009 HCS Voted Do Pass (H)  
02/03/2009 HCS Reported Do Pass (H) (H215)  
02/03/2009 Referred: Rules - Pursuant to Rule 25(32)(f) (H215)  
02/10/2009 Rules - Executive Session Completed (H)  
02/10/2009 Rules - Voted Do Pass (H)  
02/10/2009 Rules - Reported Do Pass (H) (H281)  
02/16/2009 HCS Adopted (H) (H321)  
02/16/2009 Perfected with Amendments (H) (H319)  
02/18/2009 Third Read and Passed (H) (H345 / S330)  
02/18/2009 S First Read--HCS for HB 96 (S330)

EFFECTIVE: August 28, 2009

\*\*\* HB 191 \*\*\*

SCS HCS HB 191

0837S.06C

SENATE SPONSOR: Griesheimer

HOUSE HANDLER: Flook

SCS/HCS/HB 191 - The act removes the requirement that applicants for the BUILD program consider locating within another state and state the disparity in costs exist between such state and Missouri and increases the annual tax credit cap from fifteen million to twenty million dollars. The act allows an existing headquarters to receive tax credits for new or expanded business facilities for expansions done before January 1, 2015. At least twenty-five new employees and at least one million dollars in new investment must be attributed to such expansion. Buildings on multiple, non-contiguous property will be considered one facility if the buildings are within the same municipality.

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-five million dollars annually. The

department is required to deny any application received for certain other economic development incentives which, in addition to the benefits received under the new markets program by the entity, either directly or indirectly, would exceed the projected state benefit. 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.

The secondary mining use tax credit program is created to provide a tax credit for taxpayers, including not-for-profit insurance companies, that incur expenses for the utilization of an existing mine for secondary uses equal to the lesser of hundred percent of such costs or one hundred thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of one million dollars.

The Business Relocation for Secondary Mining Use Tax Credit program is created to provide a tax credit to taxpayers, including not-for-profit insurance companies, that incur expenses in relocating to an existing mine for use of the mine other than mining equal to the lesser of fifty percent of such costs or ten thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of one hundred thousand dollars.

The Abandoned Mine Safety Tax Credit Program is created to provide a tax credit, to taxpayers, including not-for-profit insurance companies, that incur expenses in implementing safety measures or devices in abandoned mines, equal to the lesser of fifty percent of such expenses or fifty thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of five hundred thousand dollars.

The act creates a one thousand dollar refundable state income tax credit for taxpayers who purchase a new or existing home between the effective date of the act and the end of this year. The tax credit program is capped at four million dollars and expires December 31, 2010. The act creates a state and local sales and use tax exemption for utilities, machinery and equipment used or consumed by certain businesses, which after the effective date of the act, commence operations in a facility located in an underground mine which contains at least five hundred thousand square feet of space which could be used by such business. The exemption will expire for taxpayers twenty years from the date the taxpayer is approved for the exemption. The sales tax exemption created by this act and benefits available under the Missouri Quality Jobs Act are mutually exclusive of one another such that any business which receives a tax benefit under one is ineligible for receipt of the other.

Under current law, historic preservation tax credits are authorized for twenty-five percent of eligible rehabilitation costs. This act reduces the amount of the credit to twenty percent of the eligible rehabilitation costs. Tax credit recipients and the department of economic development are required to report job creation resulting from tax credit utilization.

The Department of Economic Development is allowed to authorize up to \$5 million in tax credits per year to encourage equity investment in technology-based early stage Missouri companies, commonly referred to as angel investments. 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.

Records pertaining to a business project with which the Department of Economic Development, the Economic Development Export Finance Board, or a regional planning commission may be deemed closed records. The Department of Economic Development is allowed to include pre-employment training in its new or expanding industry training. The act specifies what services may be provided including development of training plans, the provision of training through qualified training staff, fees for training professionals, and transportation expenses if the training can be more effectively provided outside the community where the jobs will be located.

The aggregate cap on small business incubator tax credit authorization is increased from five hundred thousand dollars to one million per tax year. The act modifies provisions of law which authorize a tax credit for qualified research expenses. The tax credit will be equal to ten percent of qualified research expenses incurred during the taxable year unless such expenses were incurred in a distressed community, in which

case the credit will be equal to twenty-five percent of such expenses. Eligibility for receipt of the tax credit is limited to taxpayers with less than two hundred twenty-five employees, seventy-five percent of which must be employed within the state. Such taxpayers must be engaged, on a for-profit basis, in the development of medical instruments and devices, medical diagnostics and therapeutics, plant science products, or pharmaceutical or veterinary products with agricultural applications in order to receive the credit. Under current law, no qualified research expense tax credits may be approved, awarded or issued after January 1, 2005. This act removes the prohibition on approval and issuance of tax credits and increases the annual tax credit cap from nine million seven hundred thousand to three million dollars provided that at least two million dollars in tax credits be authorized for qualified research expenses incurred in distressed communities. No more than five hundred thousand dollars may be allocated annually per taxpayer unless such taxpayer incurred the qualified research expenses in a distressed community in which case such taxpayer may not receive more than one million dollars in tax credits annually.

The act creates a new tax credit for qualified research expenses. The amount of the tax credit will be based upon the increase in a taxpayer's qualified research expenses over average of the three preceding year's expenses. A taxpayer can receive a tax credit equal to: three percent of the amount of increased expenses which do not exceed two million five hundred thousand dollars; five percent of the amount of increased expenses which exceed two million five hundred thousand but do not exceed five million dollars; and seven and one half percent of the amount of increased expenses which exceed five million dollars. The Department of Economic Development is prohibited from issuing more than seven million dollars in qualified research tax credits annually. Qualified research expenses will be limited to those incurred in the research and development of agricultural biotechnology, plant genomics products, diagnostic and therapeutic medical devices, and prescription pharmaceuticals consumed by humans or animals. Expenses incurred in the research, development, or manufacturing of power system technology for aerospace, space, defense, or implantable or wearable medical devices are also permitted. The department director may allow a taxpayer to transfer up to forty percent of the tax credits issued, but not yet claimed, between January 1, 2010, and December 31, 2016. The Director of the Department of Economic Development must act between August 1 and August 15 on tax credit applications filed between January 1 and July 1 for claims from the previous year. A formula is provided by which tax credits will be issued if the eligible claims for the credits exceed the annual cap. No one taxpayer can be issued more than thirty percent of the total amount of tax credits authorized in any calendar year. Taxpayers are prohibited from simultaneously receiving benefits under this program and the other qualified research tax credit program contained in the act.

The act specifies that if the department fails to respond within thirty days of a Quality Jobs Program applicant's notice of intent, the notice is deemed a disapproval. Currently, the notice is deemed an approval if the department fails to respond within thirty days. The act specifies how the department must apply certain definitions when a business that has already received an approved notice of intent later files another notice of intent and eliminates the per-company annual cap on technology business projects. Qualified companies which file for, or publically announce intentions to seek, bankruptcy protection in the form of a reorganization will still be able to receive benefits under the quality jobs program provided certain conditions are met. The act also increases the annual limit on tax credit issuance for the Missouri Quality Jobs Act from sixty million dollars to one hundred twenty million dollars.

The Small Business and Entrepreneurial Growth Act is established to provide 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: employs more than five employees and increases payroll by at least twenty percent due to the creation of new jobs which pay at least eighty-five percent of the county average wage; or employs less than five employees and 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. No more than five million dollars in benefits will be available annually under the small business and entrepreneurial growth act.

The act contains an emergency clause.

The act is identical to the senate committee substitute for senate bill 45, 212, 136, 278, 279, 285 & 288 (2009).

JASON ZAMKUS

12/29/2008 Prefiled (H)

01/07/2009 Read First Time (H) (H34)

01/08/2009 Read Second Time (H) (H41)

01/22/2009 Referred: Job Creation and Economic Development (H) (H137)  
 01/27/2009 Public Hearing Completed (H)  
 01/27/2009 Executive Session Completed (H)  
 01/27/2009 HCS Voted Do Pass (H)  
 01/28/2009 HCS Reported Do Pass (H) (H187)  
 01/28/2009 Referred: Rules - Pursuant to Rule 25(32)(f) (H187)  
 02/02/2009 Rules - Executive Session Completed (H)  
 02/02/2009 Rules - Voted Do Pass (H)  
 02/02/2009 Rules - Reported Do Pass (H) (H207)  
 02/04/2009 Taken Up for Perfection (H)  
 02/04/2009 Laid Over (H)  
 02/04/2009 Taken Up for Perfection (H)  
 02/04/2009 HCS Adopted (H)  
 02/04/2009 Perfected with Amendments (H)  
 02/04/2009 Referred: Fiscal Review (H)  
 02/05/2009 Executive Session Completed (H)  
 02/05/2009 Voted Do Pass (H)  
 02/05/2009 Reported Do Pass (H) (H255)  
 02/05/2009 Third Read and Passed (H) (H256-257 / S260)  
 02/05/2009 Emergency Claus adopted (H) (H257-258 / S260)  
 02/05/2009 S First Read--HCS for HB 191 (S260)  
 02/09/2009 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S271)  
 02/11/2009 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/11/2009 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (0837S.06C)  
 02/12/2009 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S294)  
 02/12/2009 Referred S Governmental Accountability & Fiscal Oversight Committee  
 03/03/2009 S Formal Calendar H Bills for Third Reading--HCS for HB 191, with SCS (Griesheimer) (In Fiscal Oversight)

EFFECTIVE: Emergency Clause

\*\*\* HB 242 \*\*\*

HCS HB 242

0472L.02P

HOUSE HANDLER: Kingery

HCS/HB 242 – This act allows school boards to establish a four-day school week instead of a five-day school week by the adoption a resolution by a majority vote of board members. Any school district that does so must file a calendar with the Department of Elementary and Secondary Education. A minimum term for a school district adopting a four-day school week includes 142 days and 1044 hours of pupil attendance. A school district that adopts a four-day school week and subsequently meets at least two fewer performance standards on its annual performance report over a two year period must revert to a five-day school week. If the school district then meets the same number of performance standards it had met prior to adopting the four-day school week, it can resume a four-day school week.

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

This act is substantially similar to SB 345 (2009) and HB 1534 (2008).  
 MICHAEL RUFF

01/12/2009 Introduced and Read First Time (H) (H50)  
 01/13/2009 Read Second Time (H) (H53)  
 01/22/2009 Referred: Elementary and Secondary Education (H) (H138)  
 01/28/2009 Public Hearing Completed (H)  
 02/03/2009 Executive Session Completed (H)  
 02/03/2009 HCS Voted Do Pass (H)  
 02/11/2009 HCS Reported Do Pass (H) (H302)  
 02/11/2009 Referred: Rules - Pursuant to Rule 25(32)(f) (H302)



02/17/2009 Rules - Executive Session Completed (H)  
 02/17/2009 Rules - Voted Do Pass (H)  
 02/17/2009 Rules - Reported Do Pass (H) (H334)  
 02/19/2009 Taken Up for Perfection (H) (H354)  
 02/19/2009 Laid Over (H) (H354)  
 02/24/2009 Taken Up for Perfection (H) (H382)  
 02/24/2009 HCS Adopted (H) (H383)  
 02/24/2009 Perfected (H) (H382)  
 02/26/2009 Third Read and Passed (H) (H415 / S435)  
 03/02/2009 S First Read--HCS for HB 242 (S435)

EFFECTIVE: August 28, 2009

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\*\*\* HB 287 \*\*\*

0860L.01P

HOUSE HANDLER: Day

HB 287 - This act classifies sawmills and planing mills as defined in the United States Department of Labor's Standard Industrial Classification Manual as agricultural and horticultural property instead of commercial property for property taxation purposes.

JASON ZAMKUS

01/15/2009 Introduced and Read First Time (H) (H96)  
 01/20/2009 Read Second Time (H) (H124)  
 01/22/2009 Referred: Rural Community Development (H138)  
 02/03/2009 Public Hearing Completed (H)  
 02/10/2009 Executive Session Completed (H)  
 02/10/2009 Voted Do Pass (H)  
 02/17/2009 Reported Do Pass (H) (H333)  
 02/17/2009 Referred: Rules - Pursuant to Rule 25(32)(f) (H333)  
 02/19/2009 Rules - Executive Session Completed (H)  
 02/19/2009 Rules - Voted Do Pass (H)  
 02/19/2009 Rules - Reported Do Pass (H) (H357)  
 02/24/2009 Perfected (H) (H381)  
 02/26/2009 Third Read and Passed (H) (H413 / S423)  
 02/26/2009 S First Read--HB 287-Day, et al (S423)

EFFECTIVE: August 28, 2009

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\*\*\* HB 744 \*\*\*

1987L.01P

HOUSE HANDLER: Icet

HB 744 - This act creates two separate funds, the Missouri Family Recovery Plan Fund and the Economic Stimulus Fund, within the state treasury to receive and retain funds provided under the American Recovery and Reinvestment Act of 2009. Moneys allocable to the Water and Wastewater Loan Fund are specifically exempted from inclusion in the Missouri Family Recovery Plan Fund.

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

This act is similar to SCS/SB 313 (2009).

This act contains an emergency clause.

JASON ZAMKUS

02/16/2009 Introduced and Read First Time (H) (H323)  
 02/17/2009 Read Second Time (H) (H332)  
 02/17/2009 Referred: Rules (H) (H333)  
 02/18/2009 Public Hearing Completed (H)  
 02/18/2009 Executive Session Completed (H)  
 02/18/2009 Voted Do Pass (H)  
 02/18/2009 Reported Do Pass (H) (H348)  
 02/23/2009 Perfected with Amendments (H) (H367)  
 02/26/2009 Third Read and Passed with Amendments (H) (H410-411 / S423)

02/26/2009 Emergency Clause Adopted (H) (H412 / S423)

02/26/2009 S First Read--HB 744-Icet (S423)

EFFECTIVE: Emergency Clause

\*\*\* HCR 5 \*\*\*

0943L.011

SENATE SPONSOR: Lembke

HOUSE HANDLER: McGhee

HCR 5 - This resolution disapproves the Missouri Citizens' Commission on Compensation for Elected Officials salary recommendations.

JIM ERTLE

01/07/2009 Introduced and Read First Time (H) (H23)

01/08/2009 Read Second Time (H) (H41)

01/20/2009 Referred: Rules (H) (H125)

01/21/2009 Public Hearing Completed (H)

01/21/2009 Executive Session Completed (H)

01/21/2009 Voted Do Pass (H)

01/21/2009 Reported Do Pass (H) (H131)

01/26/2009 Third read and passed (H) (H147-148 / S184)

01/26/2009 S First Read--HCR 5-McGhee (Lembke) (S184-185)

01/27/2009 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S190)

01/28/2009 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

01/28/2009 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

01/28/2009 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S213)

01/29/2009 S Third Read and Passed (S217 / H194)

01/29/2009 Truly Agreed To and Finally Passed (S217 / H194)

01/29/2009 Signed by House Speaker (H194)

01/29/2009 Signed by Senate President (S219-220)

01/29/2009 Delivered to Governor (H194)

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 (S166-167 / H151)

01/26/2009 H Escort Committee appointed: Zerr, McNary, Riddle, Gatschenberger, Schlottach, Schoeller, Scavuzzo, Yaeger, Harris, Brown (50) (H148 / S185)

EFFECTIVE: upon approval

\*\*\* 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 (S167 / H151)

01/26/2009 House Escort Committee appointed: Diehl, Jones (89), Stevenson, Cox, Flook, Pratt, Talboy, Grill, Bringer, Storch (H148 / S185)

EFFECTIVE: upon approval

\*\*\* HCR 16 \*\*\*

HCS HCR 16

1411L.03C

HOUSE HANDLER: Tracy

HCS HCR 16 Tracy, Clint Bruns, Mark J. et al

## I N T R O D U C E D

01/26/2009 Offered (H) (H145)  
 01/27/2009 Referred: Homeland Security (H) (H166)  
 02/09/2009 Public Hearing Completed (H)  
 02/16/2009 Executive Session Completed (H)  
 02/16/2009 HCS Voted Do Pass (H)  
 02/18/2009 HCS Reported Do Pass (H) (H346)  
 02/18/2009 Referred: Rules - Pursuant to Rule 25(32)(f) (H346)  
 02/24/2009 Rules - Executive Session Completed (H)  
 02/24/2009 Rules - Voted Do Pass (H)  
 02/24/2009 Rules - Reported Do Pass (H) (H389)  
 03/03/2009 HCS Adopted (H)  
 03/03/2009 Reported to The Senate  
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