

95th General Assembly

2nd Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**February 22 - 26, 2010**

Prepared by  
Divisions of Research and Computer Information Systems

\*\*\* SB 577 \*\*\*

SCS SB 577

3568S.07P

SENATE SPONSOR: Shields

SS/SCS/SB 577 - With a unanimous vote of the Ethics Commission, the executive director may conduct an independent investigation of an ethics violation without a complaint if there are reasonable grounds to believe that a violation has occurred. The commission shall notify the person under investigation and assign a special investigator. The investigations of the executive director are confidential and the revealing of such information shall be cause for removal or dismissal. Investigations failing to establish reasonable grounds to believe a violation has occurred shall be terminated. (Sections 105.955, 105.957, 105.959, 105.961)

Currently, within 120 days of receipt of a complaint, the special investigator submits a report to the commission. This amendment changes that threshold to 90 days. (Section 105.961)

Determinations that violations have occurred, other than referrals for criminal prosecution, may be appealed de novo to the Circuit Court of Cole County. (Section 105.961)

The act removes a provision allowing extra time for investigations when they are assigned to a retired judge and a provision allowing the commission to file a petition to seek extra time. (Section 105.966)

Deputy treasurers are no longer required to be residents of the county or district in which their committee sits. (Section 130.021)

Committees are barred from transferring funds to all other committees. However, candidate committees may receive funds from all other committees and candidate committees may transfer funds to continuing committees. Civil penalties shall be assessed for those who do so and those who do so three times or with the intent to conceal the identity of the source shall vacate their position as treasurer and be forever barred from acting as treasurer. (Section 130.031)

State senators and representatives and candidates for those offices shall report contributions received during the legislative session exceeding \$250 within 48 hours of receiving the contribution. The same 48 hour reporting requirement is imposed for contributions given to the governor, all statewide elected officials, and candidates for those offices during legislative session and any time when legislation from the regular legislative session awaits gubernatorial action. (Section 130.044)

CHRIS HOGERTY

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 577-Shields (S67)  
 01/13/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S112)  
 01/26/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/02/2010 SCS Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee (3568S.02C)  
 02/02/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor w/SCS (S198)  
 02/10/2010 SS for SCS S offered (Shields)--(3568S.05F) (S266-267)  
 02/10/2010 SA 1 to SS for SCS S offered & withdrawn (Bray)--(3568S05.01F) (S267)  
 02/10/2010 SA 2 to SS for SCS S offered & adopted (Callahan)--(3568S05.02F) (S267)  
 02/10/2010 SA 3 to SS for SCS S offered (Crowell)--(3568S05.12S) (S267-269)  
 02/10/2010 SSA 1 for SA 3 to SS for SCS S offered (Griesheimer)--(3568S05.20S) (S269-270)  
 02/10/2010 Bill Placed on Informal Calendar (S270)  
 02/17/2010 SSA 1 for SA 3 to SS for SCS S withdrawn (S352)  
 02/17/2010 SA 3 to SS for SCS S withdrawn (S352)  
 02/17/2010 SA 4 to SS for SCS S offered (Crowell)--(3568S05.40S) (S352-353)  
 02/17/2010 SA 1 to SA 4 to SS for SCS S offered & defeated (Ridgeway)--(3568S05.48S) (S353-354)  
 02/17/2010 SA 2 to SA 4 to SS for SCS S offered & adopted (Rupp)--(3568S05.49S) (S354)  
 02/17/2010 SA 3 to SA 4 to SS for SCS S offered & defeated (Crowell)--(3568S05.03F) (S354)  
 02/17/2010 SA 4 to SA 4 to SS for SCS S offered (Lembke)--(3568S05.55S) (S354-355)  
 02/17/2010 Bill Placed on Informal Calendar (S355)  
 02/24/2010 SS for SCS S withdrawn (S407)  
 02/24/2010 SS#2 for SCS S offered (Shields)--(3568S.07F) (S407)  
 02/24/2010 SA 1 to SS#2 for SCS S offered & defeated (Green)--(3568S07.38S) (S407-408)  
 02/24/2010 SA 2 to SS#2 for SCS S offered & adopted (Green)--(3568S07.01F) (S408)  
 02/24/2010 SA 3 to SS#2 for SCS S offered & Ruled out of order (Crowell)--(3568S07.57S) (S408-409)  
 02/24/2010 SA 4 to SS#2 for SCS S offered & Ruled out of order (Crowell)--(3568S07.21S) (S409-410)  
 02/24/2010 SA 5 to SS#2 for SCS S offered & Ruled out of order (Crowell)--(3568S07.41S) (S411-412)  
 02/24/2010 SA 6 to SS#2 for SCS S offered & Ruled out of order (Crowell)--(3568S07.13S) (S412-416)

02/24/2010 SA 7 to SS#2 for SCS S offered & withdrawn (Green)--(3568S07.56S) (S416-418)  
 02/24/2010 SA 8 to SS#2 for SCS S offered & defeated (Callahan)--(3568S07.02F) (S418)  
 02/24/2010 SA 9 to SS#2 for SCS S offered (Callahan)--(3568S07.04S) (S418)  
 02/24/2010 SSA 1 for SA 9 to SS#2 for SCS S offered & defeated (Bray)--(3568S07.03S) (S418-419)  
 02/24/2010 SA 9 to SS#2 for SCS S defeated (S419)  
 02/24/2010 SA 10 to SS#2 for SCS S offered (Green)--(3568S07.56S) (S419-421)  
 02/24/2010 SA 1 to SA10 to SS#2 for SCS S offered & adopted (Ridgeway)--(3568S07.60S) (S421)  
 02/24/2010 SA 10 to SS#2 for SCS, as amended, S adopted (S421)  
 02/24/2010 SA 11 to SS#2 for SCS S offered & defeated (Callahan)--(3568S07.02S) (S421-42)  
 02/24/2010 SA 12 to SS#2 for SCS S offered & adopted (Ridgeway) (S422)  
 02/24/2010 SS#2 for SCS, as amended, S adopted (S422)  
 02/24/2010 Perfected (S422)  
 02/25/2010 Reported Truly Perfected S Rules Committee  
 02/25/2010 S Formal Calendar S Bills for Third Reading--SS#2 for SCS for SB 577-Shields

EFFECTIVE: August 28, 2010

\*\*\* SB 578 \*\*\* SS SB 578

3168S.04P

SENATE SPONSOR: Shields

**SS/SB 578 - 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.

Under the act, port authorities located within Clay County do not have authority to establish port improvement districts within their port authority boundaries (SA 2).

**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. The act exempts railroad property from port improvement district real property taxes unless agreed to by writing by the property owner.

**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.

**COMPETITIVE BIDS** - Under this act, expenditures made by port authorities over \$25,000, including professional service contracts, must be competitively bid (Section 68.057).

The act contains a nonseverability clause (SA 1).

The provisions of this act are identical to SB 215 (2009) (Sections 68.200 to 68.260).

STEPHEN WITTE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 578-Shields (S67)  
 01/13/2010 Second Read and Referred S Ways and Means Committee (S112)  
 02/03/2010 Hearing Conducted S Ways and Means Committee  
 02/08/2010 Voted Do Pass S Ways and Means Committee  
 02/11/2010 Reported from S Ways and Means Committee to Floor (S313)  
 02/15/2010 SS S offered (Shields)--(3168S.04F) (S324)  
 02/15/2010 SA 1 to SS S offered & adopted (Ridgeway)--(3168S04.02S) (S324)  
 02/15/2010 SA 2 to SS S offered & adopted (Ridgeway)--(3186S04.01S) (S324)  
 02/15/2010 SS, as amended, S adopted (S324)  
 02/15/2010 Perfected (S325)  
 02/16/2010 Reported Truly Perfected S Rules Committee (S340)  
 02/18/2010 S Third Read and Passed (S367 / H349)  
 02/18/2010 H First Read (H349)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

\*\*\* SB 579 \*\*\*

SCS SB 579

3169S.02C

SENATE SPONSOR: Shields

SCS/SB 579 - This act repeals provisions of law which currently prohibit any Kansas City police officer from:

- (1) Belonging to a political party committee;
- (2) Soliciting any person to vote for or against any political candidate, party, or organization; or
- (3) Making contributions of any kind for political activity.

This act also repeals the provision which prohibits any person from soliciting a police officer or a member of the police board for any political purpose.

This act is similar to SB 18 (2007) and SB 189 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 579-Shields (S67)  
 01/13/2010 Second Read and Referred S General Laws Committee (S112)  
 01/26/2010 Hearing Conducted S General Laws Committee  
 02/09/2010 SCS Voted Do Pass S General Laws Committee (3169S.02C)  
 02/11/2010 Reported from S General Laws Committee to Floor w/SCS (S315)  
 02/22/2010 Bill Placed on Informal Calendar (S384)  
 02/25/2010 S Informal Calendar S Bills for Perfection--SB 579-Shields, with SCS

EFFECTIVE: August 28, 2010

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\*\*\* SB 580 \*\*\*      SS SCS SB 580

3635S.04P

SENATE SPONSOR: Griesheimer

SS/SCS/SB 580 - This act modifies various provisions relating to political subdivisions.

#### SECTION 48.020

This section 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 \$900 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. However, counties of the second classification, which on August 28, 2010 have had an assessed valuation of at least \$600 million for at least one year may, by resolution, instead choose to be a county of the first classification.

The required assessed valuation for each classification shall be increased annually by an amount equal to any percentage change in the annual average of the consumer price index for all urban consumers or zero, whichever is greater. The state tax commission shall calculate and publish this amount so that it is available to all counties.

This section contains an emergency clause.

This section is similar to SB 455 (2009) and SCS/SB 605 (2010).

#### SECTION 49.310

This section allows all counties of the third classification to establish a jail or holding facility outside of the county seat. Currently, Moniteau County is the only county of the third classification that may establish such a jail.

This section has an emergency clause.

This section is identical to HB 1707 (2010).

#### SECTION 50.622

This section allows counties to amend the annual budget during a fiscal year to reflect any decrease in funds that were not estimated or anticipated when the original budget was adopted. Currently, the county may amend the budget during a fiscal year when the county receives additional funds which could not be estimated when the budget was adopted.

This section is similar to HB 1793 (2010).

## SECTION 50.660

Under this section, a county is not required to obtain bids on purchases of \$5,000 or less. Currently, such amount is set at \$4,500.

This section requires counties of the first classification to advertise contracts and purchases for bid on its website for at least thirty days. The section also requires the county commission of any county of the first classification to post notice of a "single feasible source" purchase that does not require bidding on its website for at least 30 days. In such counties, any prospective bidder or offeror may file a written challenge, prior to approval of the contract by the commission, that such supply has a single feasible source. Upon receiving the challenge, the commission shall take testimony on the subject at a public meeting and vote on whether to proceed with the purchase or accept bids for such supply.

This section is similar to provisions of SB 256 (2009) and HB 376 (2009).

## SECTION 50.783

Under current law, counties may waive competitive bidding when the county commission determines that there is only one feasible source for the supply. This section 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 provisions of SB 256 (2009) and HB 376 (2009).

SECTIONS 52.290, 52.312, 52.361, 52.370, 54.010, 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. Taxing authorities will be required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1.

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

Currently, all counties, except counties with a charter form of government excluding St. Charles County, are required to establish a "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the collector's office. Under these provisions, 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 collector becomes a collector-treasurer, the collector treasurer shall assume all duties, compensation, and requirements of the collector-treasurer.

These provisions are similar to provisions contained in the SCS#2/HCS/HB 148 (2009) and SB 736 (2010).

## SECTION 55.030

This section 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 \$2500 or more, rather than \$250.

This section is identical to HB 939 (2009), a provision of SS/SCS/HB 376 (2009) and HCS/SB 386 (2009), SB 354 (2009) and SB 628 (2010).

## SECTION 56.700

Under this section, the county counselor of Boone County shall receive \$15,000 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. The sums shall be paid out of the state treasury from funds appropriated for such purposes and received in the form of a reimbursement to county general revenue funds.

This section is similar to SCS/SB 258 (2009).

#### SECTION 58.030

Currently, certain county coroners and deputy coroners are required to complete educational training on an annual basis. This bill requires all county coroners or deputy coroners to complete the training within six months of their election or appointment.

This section is identical to HB 1044 (2009).

#### SECTION 59.003

This section requires requests for records filed by the recorder of deeds dated after December 31, 1969 be made to the office of the recorder of deeds in which the record was originally recorded.

This section is similar to a provision of SB 362 (2009).

#### SECTION 64.170

This section allows Boone County 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.

This section is similar to SB 247 (2009).

#### SECTION 67.110

This section requires political subdivisions located at least partially within a charter county or the City of St. Louis to set their property tax rates by October first each year.

This section is identical to SB 860 (2010).

#### SECTION 67.309

This section allows Boone County to establish curfews for persons under the age of seventeen. Any minor who violates such curfew is guilty of a class C misdemeanor. If the minor's parent or guardian has knowledge of such violation, he or she is also guilty of a class C misdemeanor.

This section is identical to a provision of HCS/SB 386 (2009).

#### SECTION 67.314

This section creates the "Political Subdivision Construction Bidding Standards Act". Except for certain violations, this act does not apply to political subdivisions that have specific state or local competitive bidding requirements that are equivalent or stricter than the ones contained in this act. If a political subdivision is not covered by a specific federal, state, or local law that is equivalent or stricter in its requirements, it shall comply with the advertising and bidding requirements outlined in this act when soliciting bids and awarding contracts of \$6,000 or more.

Contract for construction shall be advertised in advance of the acceptance of bids. Bids shall be advertised through publication in a central repository developed by the office of administration or for a minimum of two days in an area newspaper, with the first ad appearing at least 30 days in advance of the stated deadline for acceptance of bids. The office of administration shall develop procedures for bids to be placed in a central repository. Ads and solicitations must include the project name, submission deadline, and the time, date, and location of where the bids shall be received and opened. Political subdivisions shall not be required to comply with these advertising requirements until the office of administration develops such central repository at no cost to the state.

Unless otherwise specified by law, a contract shall be awarded to the lowest and best bidder. 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.

Under no circumstances shall construction contracts for any political subdivision 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 violations, may seek equitable relief and monetary damages for monetary losses.

Electronic bidding shall be allowed if it meets the standards of confidentiality. Nothing in this section shall require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract. Also, political subdivisions may award contracts without competitive bidding when there is an immediate public danger, to prevent loss to property, or to prevent or restore essential public services. Under such circumstances, the political subdivision must produce a written public record documenting the need to contract without competitive bidding.

#### SECTION 67.402

This section allows Andrews, Buchanan, and Livingston counties to enact nuisance abatement ordinances regarding the condition of real property.

This section allows the counties covered by the statute to adopt nuisance abatement ordinances involving land with tires or storm water runoff conditions resulting in damage to buildings.

No county shall have the power to adopt ordinances under this section governing any railroad company, telecommunications or wireless company, public utility, rural electric cooperative, or municipal utility.

This section is similar to SB 286 (2009) and HB 1303 (2010).

#### SECTION 67.1000

Under current law Jefferson City and various other cities and counties, are allowed 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 for only Jefferson City from five percent to seven percent. Such increase will become effective only upon voter approval.

#### SECTION 67.1360

This section authorizes the City of Sugar Creek and Montgomery County, 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 section is identical to SB 507 (2009).

#### SECTION 67.1361 & 70.220

Under current law, the City of St. Joseph and Buchanan County are authorized to seek voter approval to impose a tax of no less than two nor more than eight percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. The proceeds from the tax must be used for funding the promotion of tourism and convention facilities. These sections would permit the city and county to use the proceeds from the tax for capital expenditures incurred in funding the promotion of tourism and convention facilities.

These sections also allow the City of St. Joseph and Buchanan County to contract with one another to share transient guest tax revenues for the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities.

These sections are similar to SB 644 (2010).

#### 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), HB 1502 (2010), and SB 700 (2010).

#### SECTION 67.2725

For any public meeting where a vote of the governing body is required on issues regarding a tax increase, eminent domain, certain types of improvement or development districts, or tax increment financing, the governing body of such county, city, town or village must give at least four days notice before the entity may vote on such issues. Each such public meeting must include time for public comment. If proper notice is not given, no vote shall be taken until proper notice has been provided.

This section is similar to a provision contained in SCS/HCS/HB 316 (2009).

#### SECTION 67.3025

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) and SB 929 (2010).

SECTIONS 67.3053, 67.3059, 67.3062, 67.3065, 67.3068, 67.3071, 67.3074, 67.3077, 67.3080, 67.3081, 67.3083, 67.3086, 67.3089, and 67.3092

This act allows for the creation of law enforcement districts to fund, plan, construct, maintain and operate projects relating to law enforcement. Such districts may be created in Camden County.

Ten percent of the voters within the proposed district area must file a petition containing certain information with the court to create such district. A copy of the petition must be served on the owners and registered voters in the area that did not joint the petition or waive service.

If the court finds the proposed district and plans of operation are not unconstitutional, it shall declare the district organized. Any party that filed a petition or answer may appeal the court's order. Costs of filing and defending the petition and publication costs shall be paid by the petitioners, who may be reimbursed from district revenues if the district is formed.

The district will have a board consisting of five members to be elected by the registered voters. After initially staggered terms, the board members shall serve for three years. They must be at least twenty-one years of age. This act describes the administrative duties of the board and states that the district may receive and use funds for law enforcement projects.

Upon approval of four-sevenths of the voters, the district may impose a property tax of .3%. The county collector shall collect the taxes and transfer them to the district treasurer. Upon a petition of 10% of the voters, the question of repealing the tax shall be presented to the voters.

The law enforcement districts shall have the following powers: contracting, entering lease agreements, borrowing money, entering labor agreements, establishing bid conditions, awarding and paying contracts, and supervising the district. They have other general powers of a political subdivision. The district may obtain insurance with needed and require contractors to obtain liability insurance with the district and employees as named insureds.

The district may self-insure if it is unable to obtain liability insurance coverage at a economical rate; however, it shall not attempt to do so unless it has sufficient funds to cover anticipated judgments and still complete its projects.

This act is similar to SB 537 (2000).

SECTIONS 68.025, 68.035, 68.040, 68.057, 68.070, 68.200, 68.205, 68.210, 68.215, 68.220, 68.225, 68.230, 68.235, 68.240, 68.245, 68.250, 68.255, 68.260, and Section 2

ESTABLISHMENT OF A PORT IMPROVEMENT DISTRICT - These sections establish 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. However, port authorities located within Clay County shall not have the authority to establish port improvement districts. The port authority board must

hold public hearings on whether to create a 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** - These sections set 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. To be considered by the board and court, the petition must be signed by property owners owning more than 60% of property within the district.

**PUBLIC HEARING ON PROPOSED PETITION** - These sections establish 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 and contain certain information.

**CIRCUIT COURT HEARING PROCEDURE** - These sections establish the procedure in which the circuit court must conduct certification hearings. 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** - These sections also establish 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** - These sections establish 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, except that a port improvement district cannot impose a real property tax on railroad property unless the owner agrees to such tax in writing. These sections set forth the sample ballot language. They also establish 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. These sections establish 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** - These sections set 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. These sections require 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** - These sections require 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.

**COMPETITIVE BIDS** - Under these sections, expenditures made by port authorities over \$25,000, including professional service contracts, must be competitively bid.

#### NONSEVERABILITY

These sections are nonseverable.

The sections are similar to SB 215 (2009) & SB 578 (2010).

#### SECTION 71.285

Currently, certain cities, including specific third class cities, are allowed to remove weeds and trash at the owner's expense, as a special tax bill, if the property is in violation of the city ordinances more than once during the year. This section would allow any city of the third classification to have such power.

#### SECTION 77.305

This section allows the city council of a third class city to submit a question to a vote of the people as an advisory referendum. If a majority of the voters vote in favor of the question, it shall be used only to indicate the preference of the voters and shall not have the force and effect of law.

This section is identical to a provision of SS/SCS/HCS/HB 376 (2009) and SB 581 (2010).

#### SECTION 94.271

This section 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 section is identical to the SCS/SB 1089 (2008) and SB 165 (2009).

#### SECTIONS 94.510, 94.550, and 94.577

Currently, under the general city sales tax law, cities may impose a 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%.

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. These sections specify that the combined rate of sales taxes adopted under the capital improvement city sales tax law cannot exceed 1%.

These changes are 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. 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 identical to certain provisions of HB 1442 (2010).

#### SECTION 94.840

This act authorizes the City of Raytown to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promotion, operation, and development of tourism and convention facilities. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

## SECTION 94.900

This section authorizes the governing body of the City of Peculiar and Blue Springs 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.

This section is similar to SB 447 (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) and SB 668 (2010).

## SECTION 94.1011

This section allows Waynesville, upon voter approval, impose a transient guest tax of not more than 3% per room per night for funding a multipurpose conference and convention center.

This section is identical to HB 1388 (2010).

## SECTIONS 115.305, 115.342, and 115.346

Candidates for public office cannot be in arrears for unpaid city taxes or municipal user fees. Upon receiving a complaint that a candidate is delinquent in payment, the department of revenue shall notify the candidate, who shall have 30 days to pay the amount owed before being disqualified.

These sections are identical to certain provisions of HB 1739 (2010).

## SECTIONS 137.180 &amp; 137.355

Currently, assessors in counties without a charter form of government must provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value effective January 1, 2011. This section would require all assessors in counties without a charter form of government and Jefferson County to provide property owners with additional information accompanying the notice of increased assessed value. The notice shall include the previous assessed value and any increase, provide a statement indicating that the change in assessed value may impact the record owner's tax liability, and provide processes and deadlines for appealing determinations of the assessed value. Such notice shall be provided in a way that alerts the record owner of the potential impact on tax liability and the available appellate processes. This requirement shall apply for all calendar years prior to the first day of January of the year following receipt of the necessary software from the state tax commission. Effective January 1st of the year following receipt of the software, assessors in all counties without a charter form of government and Jefferson County must provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value.

Effective January 1, 2011, in St. Louis County, the assessor shall also provide notice that information regarding the assessment method and computation of value for such real property is available on the assessor's website and provide the website address. Such notification shall provide the assessor's contract information so taxpayers without internet access can request and received such information.

## 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 section 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 similar to SB 168 (2009) and the perfected version of SB 822 (2008). It is identical to SB 743 (2010).

## SECTION 138.431

This section allows one change of hearing officer for each party to an appeal heard by the State Tax

Commission. A party to an appeal need not show cause to receive a change of hearing officer, but must file a written application to disqualify the assigned hearing officer within thirty days of such assignment. Assignment of a hearing officer will be deemed to have occurred when the first scheduling order is issued by the commission and signed by the hearing officer assigned, unless otherwise stated in the order.

This section is identical to SB 686 (2010).

#### SECTION 139.100

No interest shall be charged against a person who fails to pay taxes due to the collector because an illness prevents him or her from being present at home, provided that within 60 days following the due date, the person pays the full amount and gives the collector a written request for a waiver of interest containing a notarized letter from the person's doctor stating the person's medical reason for not being able to pay in a timely manner.

SECTIONS 140.150, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, and 140.420

These sections change the laws regarding the sale of real property for the collection of delinquent taxes.

The collector is required to send up to three notices to the publicly recorded owner of record of the real property prior to the publishing of a tax sale. The first notice is to be by first class mail. If the assessed valuation of the property is greater than \$1,000, a second notice must be sent by certified mail. A third notice is required to the owner of record and the occupant of the real property if the second notice is returned unsigned.

If the county collector determines that an adequate legal description of tax sale property cannot be obtained from documents available through the recorder of deeds, the collector may commission a professional land surveyor to prepare an adequate legal description of the property. Costs of the survey will be taxed as part of the sale costs. The assessed valuation of property that can be listed without a legal description or the name of the record owner is increased from \$500 to \$1,000.

The certificate of purchase will be conveyed to an agent if the purchaser is a nonresident, and the agent must convey the property to the nonresident. These sections require that the highest bid at a sale on the third successive year must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs as it is required when it was initially offered and at the second successive year it was offered. 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. The purchaser is required to pay a fee to the collector to record the certificate of purchase in the office of the county recorder.

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. 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 and the required certified mail notifications, interest at the rate specified on the certificate, and any taxes paid by the purchaser plus 8% interest.

Within 120 days prior to receiving a collector's deed, a tax sale purchaser must obtain a title search report from a licensed attorney or title company detailing the ownership and encumbrances on the property. Requirements for service of the 90 days' notice of the right of redemption that a tax sale purchaser must send to the owner of record and other persons who hold publicly recorded claims on the property are revised. The contents of the affidavit that a tax sale purchaser must provide to the collector before receiving a collector's deed to the property are revised to include the required title search and the 90 days' notice service requirements.

These sections are identical to HB 1420 (2010).

#### SECTION 171.185

No school district in Chesterfield shall operate a recycling center within 500 feet of a residential property.

## SECTIONS 181.060 &amp; 182.802

These sections authorize public library districts at least partially within Franklin, Warren, Gasconade, or Butler County 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. These sections also provide that state appropriations to public library districts will not be affected by voluntary reductions in property tax levies, resulting from the enactment of a district sales tax, provided the proceeds from such sales tax equal or exceed the amount of the reduction in property tax revenue.

These sections are similar to SB 266 (2009) and identical SB 713 (2010).

## SECTION 184.362

This section allows institutions of metropolitan zoological park and museum districts to impose admission fees on nonresidents of the district. Each of the respective commissions of the subdistricts of the zoological park and museum district may, by a majority vote of the commission, provide for exemptions from the fee for admission to facilities of such commission.

This section is similar to the SCS/SB 508 (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), a provision of SS/SCS/HB 376 (2009), SB 122 (2009), and SB 741 (2010).

## SECTION 204.300

Under current law, the board of trustees for a common sewer district located in Jackson and Cass counties consists of 8 members. This section increases the membership to 10 by adding 2 additional city mayors on the board.

The 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.

This section is similar to HB 1612 (2010), HB 1705 (2010), and SB 242 (2009) and identical to SB 874 (2010).

#### SECTION 221.105

This section requires the state, if it would otherwise be liable for costs, to reimburse counties for housing prisoners on its behalf, regardless of the final disposition of the case.

Amounts chargeable to the state under this section are subject to appropriations.

#### SECTION 226.720

This section increases the penalties for unscreened junkyard violations. Under the current law, no person or corporation may maintain a junkyard within 200 feet of a state or county road unless the junkyard is screened by a fence. A failure to screen such a junkyard from the motoring public is a misdemeanor. This section increases the penalties for junkyard screening violation by making the first violation a Class C misdemeanor and a 2nd or subsequent violation a Class A misdemeanor. In addition to the penalties, the violators shall be ordered to remove the junk or build a fence to screen the junk from the public.

#### SECTION 260.210

It shall be unlawful to operate any solid waste processing facility constructed in an unincorporated portion of St. Louis County that is within 800 feet of a church, school, child care facility, or residentially zoned property, outside of the days and hours of Monday to Friday between 9:00 a.m. and 2:30 p.m. Such facilities shall be closed on state and federal holidays and noise levels shall not exceed 55 decibels at the perimeter. Any violation will result in revocation of a state operating permit.

#### SECTION 321.018

Persons contracting to provide professional services for a fire protection district shall not receive compensation after termination of the contract by the governing body of such political subdivision, except for services actually rendered.

This section is identical to a provision of HB 1739 (2010).

#### SECTION 321.130

This section states that any fire protection district director who is found guilty of or pleads guilty to a felony shall immediately forfeit such office.

This section is identical to a provision of HB 1739 (2010).

#### SECTION 321.711

Currently, the number of signatures required on a petition to have an election to recall a fire protection district board member is at least 25% of the number of voters who voted in the most recent gubernatorial election in that district. This act changes the number of signatures needed to 20%.

This section is identical to a provision of HB 1739 (2010).

#### SECTION 473.739 & 473.742

These sections specify that the required continuing instruction for certain public administrators in counties of the first classification does not have to be "classroom" instruction.

Public administrators from a second, third, or fourth classification county or St. Louis City, who choose to receive an annual salary shall receive \$2,000 of such salary only if he or she has completed at least 20 hours of instruction each year approved by a professional association of the county public administrators of Missouri. The professional association approving the program shall provide a certificate of completion for the

training and send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the public administrator in the same manner as other expenses.

These sections is identical to SCS/SB 808 (2010).

#### SECTION 1

This section authorizes the governor to convey state property in St. Francois County to the City of Farmington.

This section is identical to HB 1823 (2010).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 580-Griesheimer (S67)  
01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S112)  
01/20/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
01/27/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (3635S.03C)  
02/01/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S192)  
02/02/2010 Bill Placed on Informal Calendar (S197)  
02/09/2010 SS for SCS S offered (Griesheimer)--(3635S.04F) (S253-254)  
02/09/2010 SA 1 to SS for SCS S offered & adopted (Griesheimer)--(3635S04.15S) (S254)  
02/09/2010 SA 2 to SS for SCS S offered & adopted (Griesheimer)--(3635S04.12S) (S254-255)  
02/09/2010 SA 3 to SS for SCS S offered & adopted (Schaeffer)--(3635S04.16S) (S255)  
02/09/2010 SA 4 to SS for SCS S offered & adopted (Stouffer)--(3635S04.20S) (S255)  
02/09/2010 SA 5 to SS for SCS S offered & adopted (Barnitz)--(8043S10.01S) (S255-256)  
02/09/2010 SA 6 to SS for SCS S offered & adopted (Barnitz)--(3635S04.22S) (S256-257)  
02/09/2010 SA 7 to SS for SCS S offered & adopted (Lager)--(8020S10.01S) (S257)  
02/09/2010 SA 8 to SS for SCS S offered & adopted (Lager)--(8042S10.01S) (S257)  
02/09/2010 SA 9 to SS for SCS S offered & adopted (Rupp)--(3635S04.14S) (S257-258)  
02/09/2010 SA 10 to SS for SCS S offered & adopted (Engler)--(3635S04.23S) (S258)  
02/09/2010 SA 11 to SS for SCS S offered & adopted (Cunningham)--(3635S04.24S) (S258-259)  
02/09/2010 SA 12 to SS for SCS S offered & adopted (Schmitt)--(3635S04.10S) (S259)  
02/09/2010 SA 13 to SS for SCS S offered & adopted (Bartle)--(3635S04.25S) (S259)  
02/09/2010 SA 14 to SS for SCS S offered (Nodler)--(8047S10.01S) (S259-261)  
02/09/2010 Bill Placed on Informal Calendar (S261)  
02/10/2010 SA 14 to SS for SCS S withdrawn (S271)  
02/10/2010 SA 15 to SS for SCS S offered & adopted (Pearce)--(8038S10.01S) (S271-273)  
02/10/2010 Bill Placed on Informal Calendar (S273)  
02/10/2010 SA 16 to SS for SCS S offered (Dempsey)--(3635S04.19S) (S274-276)  
02/10/2010 SA 1 to SA 16 to SS for SCS S offered & adopted (Dempsey)--(3635S04.01F) (S276)  
02/10/2010 SA 16 to SS for SCS, as amended, S defeated (S276)  
02/10/2010 SA 17 to SS for SCS S offered & adopted (Callahan)--(8032S10.01S) (S276-278)  
02/10/2010 SA 18 to SS for SCS S offered & adopted (Callahan)--(3635S04.11S) (S278)  
02/10/2010 SA 19 to SS for SCS S offered & adopted (Nodler)--(3635S04.47S) (S278-281)  
02/10/2010 SA 20 to SS for SCS S offered & adopted (Bray)--(3635S04.31S) (S281-282)  
02/10/2010 SA 21 to SS for SCS S offered & adopted (Purgason)--(3635S04.45S) (S282-287)  
02/10/2010 SA 22 to SS for SCS S offered & adopted (Lager)--(3635S04.48S) (S287)  
02/10/2010 SA 23 to SS for SCS S offered & adopted (Barnitz)--(3635S04.40S) (S287)  
02/10/2010 SA 24 to SS for SCS S offered & adopted (Nodler)--(3635S04.49S) (S287-292)  
02/10/2010 SA 25 to SS for SCS S offered & Ruled out of order (Green)--(3635S04.07S) (S292-293)  
02/10/2010 SA 26 to SS for SCS S offered & adopted (Green)--(3635S04.46S) (S293-294)  
02/10/2010 SA 27 to SS for SCS S offered & adopted (Green)--(8027S10.01S) (S294-296)  
02/10/2010 SA 28 to SS for SCS S offered & defeated (Green)--(8028S10.01S) (S296-301)  
02/10/2010 SA 29 to SS for SCS S offered & adopted (Rupp)--(3635S04.51S) (S301)  
02/10/2010 SA 30 to SS for SCS S offered & adopted (Lembke)--(8048S10.01S) (S301-304)  
02/10/2010 SA 31 to SS for SCS S offered & adopted (Ridgeway)--(3635S04.32S) (S304)  
02/10/2010 SA 32 to SS for SCS S offered & adopted (Crowell)--(3635S04.06S) (S304)  
02/10/2010 SA 33 to SS for SCS S offered (Crowell)--(3635S04.02S) (S304)  
02/10/2010 SSA 1 for SA 33 to SS for SCS S offered & defeated (Schaefer)--(3635S04.52S) (S304-305)



02/10/2010 SA 33 to SS for SCS S adopted (S305)  
 02/10/2010 SS for SCS, as amended, S adopted (S305)  
 02/10/2010 Perfected (S305)  
 02/15/2010 Reported Truly Perfected S Rules Committee (S325)  
 02/15/2010 Referred S Governmental Accountability and Fiscal Oversight Committee (S325)  
 02/18/2010 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 02/18/2010 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S364)  
 02/18/2010 S Third Read and Passed - EC adopted (S366-367 / H349-350)  
 02/18/2010 H First Read (w/EC) (H349-350)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: Varies

\*\*\* SB 581 \*\*\*

3162S.011

SENATE SPONSOR: Griesheimer

SB 581 - This act allows the city council of a third class city to submit a question to a vote of the people as an advisory referendum. If a majority of the voters vote in favor of the question, it shall be used only to indicate the preference of the voters and shall not have the force and effect of law.

This act is identical to a provision of SS/SCS/HCS/HB 376 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 581-Griesheimer (S68)  
 01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S112)  
 01/20/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 01/27/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/04/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S225)  
 02/10/2010 Removed S Consent Calendar (S305)  
 02/11/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S313)  
 02/15/2010 Perfected (S326)  
 02/16/2010 Reported Truly Perfected S Rules Committee (S340)  
 02/18/2010 S Third Read and Passed (S368 / H350)  
 02/18/2010 H First Read (H350)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

\*\*\* SB 582 \*\*\*

3727S.011

SENATE SPONSOR: Griesheimer

SB 582 - This act increases certain user fees collected by county recorders by \$1 for one year. The fee shall be used by the secretary of state for preservation of local records. The \$1 increase shall sunset in one year. During such time, the appropriation authority provided by the local records preservation fund within the secretary of state's office shall not exceed the level established in the fiscal year ending June 30, 2011.

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

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 582-Griesheimer (S68)  
 01/13/2010 Bill Withdrawn

EFFECTIVE: August 28, 2010

\*\*\* SB 583 \*\*\*

SCS SB 583

3574S.04C

SENATE SPONSOR: Champion

SCS/SB 583 - This act enacts various provisions pertaining to refunding of unearned premiums for

Medicare supplement policies and long-term care insurance policies.

REFUNDING MEDICARE SUPPLEMENT PREMIUMS - Under this act, if a Medicare supplement policy issued, delivered, or renewed in Missouri on or after January 1, 2011, is cancelled for any reason, the insurer must refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policyholder within 20 days from the date the insurer receives notice of the cancellation. Under the act, a policyholder may cancel a Medicare supplement policy by sending verbal, written, or electronic notification (Section 376.882).

REFUNDING LONG-TERM INSURANCE POLICY PREMIUMS - Under this act, if a long-term care insurance policy issued, delivered, or renewed in Missouri on or after January 1, 2011, is cancelled for any reason, the insurer must refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policy holder within 20 days from the date the insurer receives notice of the cancellation.. The long-term care insurance policy must contain notices which inform applicants that they are entitled to a refund of unearned premiums if such policies are cancelled for any reason. Under the act, a policyholder may cancel a long-term care insurance policy by sending verbal, written, or electronic notification (Section 376.1109).

STEPHEN WITTE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 583-Champion (S68)  
 01/13/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S112)  
 01/26/2010 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/16/2010 SCS Voted Do Pass S Small Business, Insurance and Industry Committee (3574S.04C) - Consent  
 02/18/2010 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS - Consent (S365)  
 02/25/2010 S Consent Calendar--SB 583-Champion, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 584 \*\*\*

3567S.011

SENATE SPONSOR: Bartle

SB 584 - 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, 2014, 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 142 (2009) and Senate Bill 735 (2008).

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 584-Bartle (S68)  
 01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S112)  
 02/11/2010 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
 02/18/2010 Voted Do Not Pass S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 585 \*\*\*

3564S.011

SENATE SPONSOR: Bartle

SB 585 - 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 13 (2009), SB 793 (2008), SB SB 652 (2006), 855 (2004) and SB 193 (2003).

STEPHEN WITTE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 585-Bartle (S68)

01/13/2010 Second Read and Referred S Transportation Committee (S112)

EFFECTIVE: Contingent

\*\*\* SB 586 \*\*\* SS SCS SBs 586 &amp; 617

3570S.03P

SENATE SPONSOR: Bartle

SS/SCS/SBs 586 & 617 - This act regulates sexually oriented businesses.

After August 28, 2010, 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, 2010, 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.

The act does not prevent political subdivisions from enacting ordinances to regulate sexually oriented businesses which are stricter but not inconsistent with the act. It also provides that political subdivisions are authorized to enact ordinances to regulate sexually oriented businesses which are stricter but not inconsistent with the act.

This act is similar to HB 321 (2009) and SCS/SBs 223 & 226 (2009).  
SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 586-Bartle (S68)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S112)  
 01/19/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 01/25/2010 SCS Voted Do Pass (w/SCS/SBs 586 & 617) S Judiciary and Civil and Criminal Jurisprudence Committee (3570S.02C)  
 02/01/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S192)  
 02/02/2010 Bill Placed on Informal Calendar (S197)  
 02/04/2010 SS for SCS S offered (Bartle)--(3570S.03F) (S226-227)  
 02/04/2010 SA 1 to SS for SCS S offered & defeated (Justus)--(3570S03.13S) (S227)  
 02/04/2010 SS for SCS S adopted (S227)  
 02/04/2010 Perfected (S227)  
 02/08/2010 Reported Truly Perfected S Rules Committee (S248)  
 02/11/2010 S Third Read and Passed (S311 / H290)  
 02/11/2010 H First Read (H290)  
 02/15/2010 H Second Read

EFFECTIVE: August 28, 2010

\*\*\* SB 587 \*\*\*

3227S.03I

SENATE SPONSOR: Nodler

SCS/SB 587 - Upon approval of the voters at the August 2010 election, this act creates the "Tenth Amendment Commission." This commission will refer cases to the Attorney General when the federal government takes steps that require the state or a state officer to enact or enforce a provision of federal law that lies outside Congress's power and intrudes on the powers reserved to the states by the Tenth Amendment to the United States Constitution. The attorney general is authorized to seek appropriate relief to preserve the state's sovereignty.

The Governor, President pro tempore of the Senate, and Speaker of the House of Representatives appoint two members of the commission, and the Chief Justice of the Supreme Court appoints one member of the commission. The seven members of the commission will each serve two year terms. The commission shall meet annually to elect a chairperson and vice-chairperson.

EMILY KALMER

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 587-Nodler and Cunningham (S68)  
 01/13/2010 Second Read and Referred S General Laws Committee (S113)  
 01/21/2010 Re-referred S Judiciary and Civil and Criminal Jurisprudence Committee (S157)  
 02/08/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/22/2010 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (3227S.04C)

EFFECTIVE: Contingent

\*\*\* SB 588 \*\*\*

SS SCS SB 588

3308S.04P

SENATE SPONSOR: Nodler

SS/SCS/SB 588 - Under current law, assessors in counties without a charter form of government will be required to provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value effective January 1, 2011. This act extends the effective date for the projected tax liability notice requirements for assessors in counties without a charter form of government and Jefferson County to January first of the year following the year in which such assessors receive software from the state tax commission which is necessary to provide such notices. For all calendar years prior to January first of the year following receipt of such software, all assessors in counties without a charter form of government and Jefferson County will be required to provide property owners with additional information accompanying the notice of increased assessed value. The notice shall include the previous assessed value and any increase, provide a statement indicating that the change in assessed valued may impact the record owner's tax liability, and provide processes and deadlines for appealing determinations of the assessed value. Such notice shall be provided in a way that alerts the record owner of the potential impact on tax liability and the available appellate processes.

Effective January 1, 2011, the St. Louis County Assessor, must provide taxpayers with a notice that information regarding the assessment method and computation of value for such real property is available on the assessor's website and provide the website address whenever the assessor notifies such taxpayers of

changes in assessed value. Such notification shall provide the assessor's contract information so taxpayers without internet access can request and received such information.

This act is identical to Senate Amendment 19 to the Senate Substitute for Senate Committee Substitute for Senate Bill 580 (2010)

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 588-Nodler (S68)  
 01/13/2010 Second Read and Referred S Ways and Means Committee (S113)  
 02/03/2010 Hearing Conducted S Ways and Means Committee  
 02/08/2010 SCS Voted Do Pass S Ways and Means Committee (3308S.03C)  
 02/11/2010 Reported from S Ways and Means Committee to Floor w/SCS (S313)  
 02/15/2010 SS for SCS S offered & adopted (Nodler) (S323-324)  
 02/15/2010 Perfected (S324)  
 02/16/2010 Reported Truly Perfected S Rules Committee (S340)  
 02/18/2010 S Third Read and Passed (S368-369 / H350)  
 02/18/2010 H First Read (H350)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

\*\*\* SB 589 \*\*\*

3191S.011

SENATE SPONSOR: Nodler

SCS/SB 589 - 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. Those serving in the armed forces who commit a military offense and have served a period of incarceration for at least 30 days are also barred.

This act is similar to SB 1245 (2008), SB 165 (2009), SB 253 (2009), HB 613 (2009), SB 14 (2009), and HB 997 (2009).

CHRIS HOGERTY

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 589-Nodler (S68)  
 01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S113)  
 02/01/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/15/2010 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (3191S.02C)

EFFECTIVE: August 28, 2010

\*\*\* SB 590 \*\*\*

3505S.011

SENATE SPONSOR: Bray

SB 590 - 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, 2012. 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.

This act is identical to SB 328 (2009).  
SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 590-Bray (S68)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S113)

EFFECTIVE: August 28, 2010

\*\*\* SB 591 \*\*\*

3501S.011

SENATE SPONSOR: Bray

SB 591 - 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) and SB 17 (2009).  
SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 591-Bray (S68)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S113)

EFFECTIVE: August 28, 2010

\*\*\* SB 592 \*\*\*

3503S.011

SENATE SPONSOR: Bray

SB 592 - 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) and SB 52 (2009).  
SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 592-Bray (S69)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S113)

EFFECTIVE: August 28, 2010

\*\*\* SB 593 \*\*\*

3208S.011

SENATE SPONSOR: Days

SB 593 - 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 HB 1171 (2006), SB 975 (2006), SB 96 (2007), SB 744 (2008), and SB 20 (2009).  
CHRIS HOGERTY

12/01/2009 Prefiled

01/06/2010 S First Read--SB 593-Days and Bray (S69)

01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S113)

EFFECTIVE: August 28, 2010

\*\*\* SB 594 \*\*\*

SCS SB 594

3209S.02P

SENATE SPONSOR: Days

SCS/SB 594 - This act modifies provisions regarding birth certificates and adoption records.

The State Registrar shall develop and, upon a birth parent's request, provide 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 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, 2010, 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, 2010, 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 three months of application by the adopted person, make reasonable efforts to contact the birth mother via telephone or U.S. mail, personally and confidentially, to obtain the birth mother's written consent or denial to release the original birth certificate. If the birth mother could not be contacted, the adopted person may re-apply for a copy of the original birth certificate within one year from the end of the three-month period during which the attempted contact with the birth mother was previously made.



These provisions are similar to SCS/SB 53 (2009), and similar to SCS/SB 1132 (2008) and SB 322 (2003).

This act also corrects a technical error in an adoption statute that relates to the process for recognition of foreign adoption orders. The statute currently has a wrong reference to another statute. This provisions is identical to SB 684 (2010). ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 594-Days (S69)  
 01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S113)  
 01/26/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/02/2010 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (3209S.02C)  
 02/11/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S313)  
 02/16/2010 SA 1 to SCS S offered & adopted (Days)--(3209S02.02S) (S331-332)  
 02/16/2010 SA 2 to SCS S offered & adopted (Rupp)--(8058S10.01S) (S332)  
 02/16/2010 SCS, as amended, S adopted (S333)  
 02/16/2010 Perfected (S333)  
 02/16/2010 Reported Truly Perfected S Rules Committee (S342)  
 02/18/2010 S Third Read and Passed (S370-371 / H350)  
 02/18/2010 H First Read (H350)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

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\*\*\* SB 595 \*\*\*

3210S.011

SENATE SPONSOR: Days

SB 595 - This act requires, by January 1, 2011, 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 SB 320 (2009).

STEPHEN WITTE

12/01/2009 Prefiled  
 12/15/2009 Bill Withdrawn

EFFECTIVE: August 28, 2010

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\*\*\* SB 596 \*\*\*

SCS SB 596

3081S.03C

SENATE SPONSOR: Callahan

SCS/SB 596 - This act allows the governing bodies of any city in this state to designate Show-me Small Business Districts within such city for no longer than twenty-three years. During such designation period, eligible small businesses within such areas may receive tax-favored status for a term not to exceed fifteen 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 and taxes on earnings and profits imposed by certain cities. Show-me small business districts may only be established in blighted areas located within qualified census tracts. The act requires the governing body of a municipality to hold public hearings prior to the adoption of an ordinance designating an area of such municipality as a Show-me small business district. The act requires the governing body to provide notice of such hearings to affected taxing districts and the public. Upon receiving municipal approval, the designation must be approved, at the same rate of tax and term, by the county in which the city is located and by the general assembly through the adoption of a concurrent resolution.

Upon the issuance of a certificate of approval from the Department of Economic Development, small businesses located within a Show-me small business district may apply to the Department of Economic

Development to receive tax-favored status for a term not to exceed fifteen years. In order to receive tax-favored status, an eligible small 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 the creation of tax-free or reduced-tax geographic districts for the purpose of promoting small business development to further economic development.

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 596-Callahan (S69)  
 01/13/2010 Second Read and Referred S Progress and Development Committee (S113)  
 01/27/2010 Hearing Conducted S Progress and Development Committee  
 02/03/2010 SCS Voted Do Pass S Progress and Development Committee (3081S.03C)  
 02/04/2010 Reported from S Progress and Development Committee to Floor w/SCS (S226)  
 02/15/2010 Bill Placed on Informal Calendar (S323)  
 02/25/2010 S Informal Calendar S Bills for Perfection--SB 596-Callahan, with SCS (pending)

EFFECTIVE: Contingent

\*\*\* SB 597 \*\*\*

3234S.021

SENATE SPONSOR: Ridgeway

SB 597 - The Office of Administration shall award at least 10% of all state contracts throughout the year to small businesses employing less than 25 employees. There shall be at least two such businesses bidding for the contract and existing competitive bidding requirements shall apply with respect to those businesses.

CHRIS HOGERTY

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 597-Ridgeway (S69)  
 01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S113)  
 02/08/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 598 \*\*\*

3450S.011

SENATE SPONSOR: Ridgeway

SB 598 - Under current law, any county may allow for the payment of property taxes, except those taxes owed by financial institutions, in installments through the adoption of an order or ordinance permitting such payments. This act would require all first class counties to adopt an order or ordinance permitting the payment of property taxes, except those taxes owed by financial institutions, in installments.

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 598-Ridgeway (S69)  
 01/13/2010 Second Read and Referred S Ways and Means Committee (S113)

EFFECTIVE: August 28, 2010

\*\*\* SB 599 \*\*\*

3230S.011

SENATE SPONSOR: Ridgeway

SB 599 - This act removes the requirement that goods and services be purchased by the state and public institutions from the vocational enterprises program.

CHRIS HOGERTY

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 599-Ridgeway (S69)  
 01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S113)  
 02/08/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 600 \*\*\*

3221S.011

SENATE SPONSOR: Crowell

SB 600 – 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 similar to SB 304 (2009) and HCS/SB 306 (2007) and similar to a provision contained in SCS/SB 544 (2009).

JIM ERTLE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 600-Crowell (S69)  
01/13/2010 Second Read and Referred S General Laws Committee (S113)  
01/26/2010 Hearing Conducted S General Laws Committee  
02/09/2010 Voted Do Pass S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 601 \*\*\*

3220S.011

SENATE SPONSOR: Crowell

SB 601 - 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.

This act is identical to Senate Bill 113 (2009).

JASON ZAMKUS

12/01/2009 Prefiled  
12/22/2009 Bill Withdrawn

EFFECTIVE: August 28, 2010

\*\*\* SB 602 \*\*\*

3217S.011

SENATE SPONSOR: Crowell

This bill has been combined with SB 607

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 602-Crowell (S69)  
01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S113)  
01/26/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
02/02/2010 Bill Combined w/SCS SBs 607, 602, 615 & 725

EFFECTIVE: August 28, 2010

\*\*\* SB 603 \*\*\*

3186S.011

SENATE SPONSOR: Mayer

SB 603 – For the school year beginning July 1, 2011, students currently enrolled in a public school may enroll in a public school in another school district. This act does not apply to the Kansas City or St. Louis City school districts.

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 by 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 be 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 substantially similar to SB 373 (2009) and is similar to SB 537 (2009) and HB 2482 (2008).  
MICHAEL RUFF

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 603-Mayer (S69)  
01/13/2010 Second Read and Referred S Education Committee (S113)  
02/10/2010 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 604 \*\*\*      SCS SB 604

3188S.03P

SENATE SPONSOR: Mayer

SCS/SB 604 - This act prohibits large users of water resources from unduly disrupting the normal irrigation activities of certain large farms in the Southeast Missouri Regional Water District. If such a disruption occurs, the Attorney General may seek an injunction. No injunction may be issued if it would harm public health or safety.

The act is similar to SB 556 (2009).  
ERIKA JAQUES

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 604-Mayer (S69)  
01/13/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S113)  
01/20/2010 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
01/27/2010 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee (3188S.03C)  
02/01/2010 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS (S192)  
02/03/2010 Bill Placed on Informal Calendar (S203)  
02/03/2010 SCS S adopted (S209)  
02/03/2010 Perfected (S209)  
02/04/2010 Reported Truly Perfected S Rules Committee (S226)  
02/11/2010 S Third Read and Passed (S310-311 / H291)

02/11/2010 H First Read (H291)

02/15/2010 H Second Read

EFFECTIVE: August 28, 2010

\*\*\* SB 605 \*\*\*

3187S.011

SENATE SPONSOR: Mayer

SCS/SB 605 - 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 \$800 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 annually by an amount equal to any percentage change in the annual average of the consumer price index for all urban consumers or zero, whichever is greater. The state tax commission shall calculate and publish this amount so that it is available to all counties.

This act contains an emergency clause.

This act is similar to SB 455 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 605-Mayer (S69)

01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S113)

01/27/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/03/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (3187S.05C)

EFFECTIVE: Emergency Clause

\*\*\* SB 606 \*\*\*

3412S.011

SENATE SPONSOR: Stouffer

SB 606 - This act adds as a covered service under the MO HealthNet program comprehensive day rehabilitation services.

This act is identical to SB 77 (2009), substantially similar to HB 530 (2009) and identical to SB 972 (2008).

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 606-Stouffer (S70)

01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S113)

02/16/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 607 \*\*\*

SCS for SBs 607, 602, 615 &amp; 725

3411S.03C

SENATE SPONSOR: Stouffer

SCS/SBs 607, 602, 615, & 725 - 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 who are eligible for employment 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 SCS/SB 73 (2009) and similar to SB 1259 (2008).

ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 607-Stouffer (S70)  
 01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S113)  
 01/26/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/02/2010 SCS Voted Do Pass (w/SCS/SBs 607, 602, 615 & 725) S Health, Mental Health, Seniors and Families Committee (3411S.03C)  
 02/04/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S225)  
 02/11/2010 SA 1 to SCS S offered (Stouffer)--(3411S03.06S) (S315-316)  
 02/11/2010 Bill Placed on Informal Calendar (S316)  
 02/23/2010 Taken up for Perfection (S396)  
 02/23/2010 Bill Placed on Informal Calendar (S396)  
 02/25/2010 S Informal Calendar S Bills for Perfection--SBs 607, 602, 615 & 725-Stouffer, with SCS & SA 1 (pending)

EFFECTIVE: August 28, 2010

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\*\*\* SB 608 \*\*\*

3414S.021

SENATE SPONSOR: Stouffer

SB 608 - Under current law, residential treatment agencies are prohibited from applying for residential treatment agency tax credits in an amount greater than forty percent of the payments received by the agency from the Department of Social Services. This act would allow residential treatment agencies to apply for such tax credits in an amount which does not exceed the amount of payments received by the agency from the Department of Social Services.

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.

Provisions of this act are similar to those contained in Senate Bill 71 (2009) and Senate Bill 1274 (2008).

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 608-Stouffer (S70)  
 01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S113)

EFFECTIVE: August 28, 2010

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\*\*\* SB 609 \*\*\*

3540S.011

SENATE SPONSOR: Green

SB 609 - This act modifies provisions relating to election judges.

Election authorities may select election judges at random if they so choose.

Individuals selected as election judges shall be notified by mail at least 15 days before reporting.

Election authorities shall not provide lists of election judges or other workers until the completion of the election.

Election judges shall be registered voters within the jurisdiction of the election authority in which they serve.

Judges are compelled to serve for 2 year terms unless excused because of sickness or just cause as

determined by the election authority. Those who fail to serve without excuse are guilty of a Class C misdemeanor. Those who fail to serve for their appointed term are guilty of a Class B misdemeanor.

Employers may reduce an employees pay for the corresponding hours missed for serving as an election judge, except for those appointed on the day of an election.

Employers who threaten to terminate a judge's employment, or coerce or threaten to coerce a judge are guilty of a Class B misdemeanor. Those who terminate employment, or reduce regular pay, overtime pay, sick leave, vacation time, or otherwise penalize an employee for serving as an election judge are guilty of a Class D felony.

CHRIS HOGERTY

12/01/2009 Prefiled

01/06/2010 S First Read--SB 609-Green (S70)

01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S113)

EFFECTIVE: August 28, 2010

\*\*\* SB 610 \*\*\*

3765S.011

SENATE SPONSOR: Green

SB 610 - Employers shall not ask or require an employee or applicant to disclose any user name for or password to any Internet site or web-based account, except for those relating to the employers' computer systems.

CHRIS HOGERTY

12/01/2009 Prefiled

01/06/2010 S First Read--SB 610-Green (S70)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S113)

02/09/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

02/16/2010 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 611 \*\*\*

3470S.011

SENATE SPONSOR: Green

SB 611 - This act provides that in granting licenses to child care facilities and foster homes, the directors of the Department of Health and Senior Services and the Department of Social Services, respectively, shall require window coverings in compliance with the standards issued by the American National Standards Institute and the U.S. Consumer Product Safety Commission, known as the ANSI/WCMA 100.1-2009 standards. The act provides details for compliance as to window shades, blinds and cords.

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 611-Green (S70)

01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S113)

EFFECTIVE: August 28, 2010

\*\*\* SB 612 \*\*\*

3095S.021

SENATE SPONSOR: Wilson

SB 612 - 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. The individual must all meet all other factors for foods stamps eligibility.

This act is similar to SB 34 (2009).

ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 612-Wilson (S70)  
 01/13/2010 Second Read and Referred S Progress and Development Committee (S113)  
 02/10/2010 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 613 \*\*\*

3766S.011

SENATE SPONSOR: Wilson

SB 613 - 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.

This act is similar to SB 34 (2009).

ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 613-Wilson (S70)  
 01/13/2010 Second Read and Referred S Progress and Development Committee (S113)  
 02/10/2010 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 614 \*\*\*

3063S.011

SENATE SPONSOR: Wilson

SB 614 – 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 79 (2009) and SB 762 (2008) and is similar to SB 646 (2007).

MICHAEL RUFF

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 614-Wilson (S70)  
 01/13/2010 Second Read and Referred S Education Committee (S113)  
 01/27/2010 Hearing Conducted S Education Committee  
 02/17/2010 Voted Do Pass S Education Committee (Consent)  
 02/18/2010 Reported from S Education Committee to Floor - Consent (S365)  
 02/23/2010 Removed S Consent Calendar (S400)  
 02/25/2010 Reported from S Education Committee to Floor (S441)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 614-Wilson

EFFECTIVE: August 28, 2010

\*\*\* SB 615 \*\*\*

3745S.011

SENATE SPONSOR: Goodman

This bill has been combined with SB 607

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 615-Goodman (S70)  
 01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S113)  
 01/26/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/02/2010 Bill Combined w/SCS/SBs 607, 602, 615 & 725

EFFECTIVE: August 28, 2010

\*\*\* SB 616 \*\*\*

SCS SB 616

3748S.02P

SENATE SPONSOR: Goodman

SCS/SB 616 - 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 or osteopathic 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 or osteopathic 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, osteopath, dentist, optometrist, pharmacist, registered nurse, licensed practical nurse, advanced practice registered nurse, psychiatrist, psychologist, professional counselor or social worker who provides medical or mental health 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 in excess of the health care professional's available insurance for acts or omissions occurring during the provision of the health care services at the nonprofit faith-based community health center unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care professional.

This act is substantially similar to SB 418 (2009).

ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 616-Goodman (S70)  
 01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S113)  
 02/02/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/09/2010 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (3748S.02C)  
 02/11/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S314)  
 02/16/2010 SA 1 to SCS S offered & adopted (Goodman)--(3748S02.01S) (S333)  
 02/16/2010 SA 2 to SCS S offered & adopted (Bray)--(3748S02.02S) (S333)  
 02/16/2010 SA 3 to SCS S offered & adopted (Bray)--(3748S02.01F) (S333-334)  
 02/16/2010 SA 4 to SCS S offered & defeated (Lager)--(8023S10.01S) (S334)  
 02/16/2010 SCS, as amended, S adopted (S334)  
 02/16/2010 Perfected (S334)  
 02/16/2010 Reported Truly Perfected S Rules Committee (S342)  
 02/18/2010 S Third Read and Passed (S371-372 / H350)  
 02/18/2010 H First Read (H350)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

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\*\*\* SB 617 \*\*\*

3747S.011

SENATE SPONSOR: Goodman

This bill has been combined with SB 586

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 617-Goodman (S70)  
 01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S113)  
 01/19/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 01/25/2010 Bill Combined w/(SCS/SBs 586 & 617) (3570S.02C)

EFFECTIVE: August 28, 2010

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\*\*\* SB 618 \*\*\*

3534S.03P

SENATE SPONSOR: Rupp

SS/SB 618 - Under this act, health carriers that issue or renew health benefit plans on or after August 28, 2010, must provide 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 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. Service exclusions contained in the insurance policy or health maintenance organization contract that are inconsistent with the treatment plan shall be considered invalid as to autism spectrum disorder.

The treatment plan shall include all elements necessary for the health benefit plan or health carrier to review the treatment plan. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment and goals.

Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to review the treatment plan 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. Any agreement between a health carrier and a provider that provides for more frequent review of a treatment plan shall only apply to a particular individual being treated for an autism spectrum disorder and shall not apply to all individuals being treated for autism spectrum disorders by a physician or psychologist.

Coverage provided by the act for applied behavior analysis is subject to a maximum benefit of \$55,000 per calendar year for individuals under the age of 21 (no coverage for applied behavior analysis is afforded to those 21 years of age or older).

The act adjusts the maximum benefit limitation for applied behavior analysis to reflect any change from the previous year in the medical component of the Consumer Price Index. The current value of the maximum benefit limitation for applied behavior analysis coverage shall be calculated by the director of the Department of Insurance.

Coverage under the act shall not be subject to any limits on the number of visits an individual may make to an autism service provider.

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) The 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 provisions of act shall not automatically apply to health benefit plan individually underwritten, but shall be offered as an option to any such plan.

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 August 28, 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 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 August 28, 2010.

Under this act, health carriers are not be required to provide reimbursement to a school district for treatment for autism spectrum disorders provided by the school district. This act shall not be construed as affecting any obligation to provide service to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan.

Under the act, the director of the department of insurance must grant a small employer with a group health plan a waiver from the autism insurance mandate if the small employer demonstrates to the director by actual experience over any consecutive 12 month period that compliance with the autism mandate has increased the cost of the health insurance policy by an amount that results in a 2.5% over the period of a calendar year, in premium costs to the small employer.

The provisions of this act do not apply to the MO HealthNet program.

The autism insurance mandate provisions of the act are similar to provisions contained in SB 167 (2009), HB 2351 (2008), SB 1229 (2008), and SB 1122 (2008).

HEALTH INSURANCE ACROSS STATE LINES - The act also allows Missouri residents to purchase health insurance from foreign insurers that are licensed by the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa to sell health insurance in those states. A Missouri resident shall have the right to purchase health insurance from a foreign insurer, regardless of whether the foreign insurer is licensed or in compliance with the laws this state. Under the terms of the act, a foreign insurer domiciled in the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa is exempt from holding a license or certificate of authority, if it meets the following criteria:

- (1) It offers, sells, or renews a health benefit plan in Missouri that complies with all of the requirements of the domiciliary state applicable to the plan;
- (2) It is authorized to issue the plan in the state where it is domiciled and to transact business there; and
- (3) It maintains a process to resolve disputes between it and a Missouri resident pertaining to the health insurance policy or health benefit plan.

If a Missouri resident purchases or enrolls in a health insurance policy or health benefit plan that is lawfully sold, offered, or issued in the state of Illinois, Arkansas, Kansas, Nebraska, Kentucky, Oklahoma, Tennessee, or Iowa, the policy or plan shall not be subject to the requirements of Missouri's insurance laws. A foreign health insurer, however, shall be subject to regulation by the director with regard to enforcement of the contractual benefits under the policy or health benefit plan (Section 376.685).

STEPHEN WITTE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 618-Rupp, et al (S71)  
01/13/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S113)  
01/19/2010 Hearing Conducted S Small Business, Insurance and Industry Committee  
01/26/2010 Voted Do Pass S Small Business, Insurance and Industry Committee  
01/28/2010 Reported from S Small Business, Insurance and Industry Committee to Floor (S183)  
02/02/2010 SA 1 S offered & adopted (Rupp)--(3534S02.01S) (S197)  
02/02/2010 SA 2 S offered (Bray)--(3534S02.01F) (S197)  
02/02/2010 Bill Placed on Informal Calendar (S197)  
02/03/2010 SA 2 withdrawn (S209)  
02/03/2010 SS S offered (Rupp)--(3534S.03F) (S209)  
02/03/2010 SA 1 to SS S offered (Crowell)--(3534S03.08S) (S209)  
02/03/2010 SSA 1 for SA 1 to SS S offered (Schmitt)--(3534S03.11S) (S209-210)  
02/03/2010 SA 1 to SSA 1 for SA 1 to SS S offered & adopted (Rupp)--(3534S03.12S) (S210)  
02/03/2010 SSA 1 for SA 1 to SS, as amended, S adopted (S210)  
02/03/2010 SA 2 to SS S offered & adopted (Scott)--(3534S03.07S) (S210)  
02/03/2010 SA 3 to SS S offered & adopted (Purgason)--(3534S03.03S) (S210-212)  
02/03/2010 SA 4 to SS S offered & defeated (Purgason)--(3534S03.02S) (S212)  
02/03/2010 SA 5 to SS S offered & defeated (Ridgeway)--(3534S03.13S) (S212)  
02/03/2010 SS, as amended, S adopted (S212)  
02/03/2010 Perfected (S212)  
02/04/2010 Reported Truly Perfected S Rules Committee (S226)  
02/04/2010 Referred S Governmental Accountability and Fiscal Oversight Committee (S229)  
02/11/2010 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
02/25/2010 Hearing Cancelled S Small Business, Insurance and Industry Committee  
02/25/2010 S Formal Calendar S Bills for Third Reading--SS for SB 618-Rupp (In Fiscal Oversight)

EFFECTIVE: August 28, 2010

\*\*\* SB 619 \*\*\*

3446S.011

SENATE SPONSOR: Rupp

SB 619 - Under current law, the commercial zone for the City of St. Louis extends through St. Louis County and St. Charles County. Under this act, the extension of the commercial zone through St. Charles County is repealed.

STEPHEN WITTE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 619-Rupp (S71)

01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S113)

01/27/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 620 \*\*\*

3336S.011

SENATE SPONSOR: Rupp

SB 620 - This act adds a circuit court judge to the forty-fifth judicial circuit, which consists of Lincoln and Pike counties, effective January 1, 2011. 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 for division two will be elected in 2010.

This act has an emergency clause.

This act is similar to SB 39 (2009).

EMILY KALMER

12/01/2009 Prefiled

01/06/2010 S First Read--SB 620-Rupp (S71)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S113)

EFFECTIVE: Emergency Clause

\*\*\* SB 621 \*\*\*

3565S.01P

SENATE SPONSOR: Lager

SB 621 - This act requires the Office of the State Land Surveyor in the Department of Natural Resources to promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system must comply with such rules, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map already agreed to their contractual terms on the effective date of the rules promulgation.

The practice of land surveying shall include working with positions of the United States Public Land Survey System. It shall also include creating, preparing or modifying electronic or computerized data relative to the performance of certain other surveying activities; however, such acts shall not be exclusive to professional land surveyors unless they affect real property rights.

This act is similar to SCS/SB 384 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 621-Lager (S71)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S114)

01/26/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

02/02/2010 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

02/11/2010 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S315)

02/22/2010 Bill Placed on Informal Calendar (S384)  
 02/23/2010 Perfected (S396)  
 02/23/2010 Reported Truly Perfected S Rules Committee (S399)  
 02/25/2010 S Third Read and Passed (S434-435)  
 02/25/2010 H First Read

EFFECTIVE: August 28, 2010

\*\*\* SB 622 \*\*\*

3562S.011

SENATE SPONSOR: Shoemyer

SB 622 - Under current law, the fee for registering a pesticide in Missouri is \$15 per year. This act increases the fee to \$150 plus one-fifth of 1% of the product's annual gross sales in Missouri up to a maximum total fee of \$1,500 per product.

Under current law, there is a late charge of \$5 assessed for any pesticide not registered by January 1st. This act increases the late charge to \$50.

The act creates the Pesticide Fee Fund into which all but \$15 of the pesticide registration fee will be deposited, and all but \$5 of any late fees will be deposited. The \$15 and \$5 portions will continue to be deposited in the general revenue fund as under current law. Funds placed into the Pesticide Fee Fund shall be used for program administration by the Department of Agriculture.

ERIKA JAQUES

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 622-Shoemyer (S71)  
 01/13/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 623 \*\*\*

3294S.011

SENATE SPONSOR: Shoemyer

SB 623 - 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 the 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 of the previous year's 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. If the director limits deductions from a local sales tax remittance, the refund may 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 refunded amount.

This act is similar to Senate Bill 351 (2009).

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 623-Shoemyer (S71)  
 01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 624 \*\*\*

3293S.011

SENATE SPONSOR: Shoemyer

SB 624 - 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 economic activity taxes from the

development's fund.

This act is similar to Senate Bill 479 (2009) and House Bill 746 (2009).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 624-Shoemyer (S71)

01/13/2010 Second Read and Referred S Ways and Means Committee (S114)

02/08/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 625 \*\*\*

SCS SB 625

3090S.011

SENATE SPONSOR: Justus

SCS/SB 625 - 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.

Eligible child care recipients under state law and regulation may pay a fee based on adjusted gross income and family size unit based on a child care sliding scale fee established by the Children's Division, which is subject to appropriations. However, a person receiving state-funded child care assistance whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the Children's Division, at which time such person will have assumed the full cost of the maximum base child care subsidy benefits. "Annual appropriation level" is defined as the percentage of the federal poverty level for the applicable family size necessary to be eligible for the child care subsidy as determined by annual appropriation.

The sliding scale fee may be waived for children with special needs as established by the division. The maximum payment by the division shall be the applicable rate minus the applicable fee.

These provisions are similar to SS/SCS/SB 94 (2009), SCS/SB 776 (2008) and SCS/SB 260 and 71 (2007).

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 625-Justus and Keaveny (S71)

01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S114)

02/16/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/23/2010 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (3090S.02C) - Consent

02/25/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS - Consent (S440)

02/25/2010 S Consent Calendar--SB 625-Justus and Keaveny, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 626 \*\*\*

3083S.011

SENATE SPONSOR: Justus

SB 626 - 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), & SB 109 (2009).  
SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 626-Justus and Bray (S71)  
01/13/2010 Second Read and Referred S Progress and Development Committee (S114)  
02/03/2010 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 627 \*\*\*

3144S.01P

SENATE SPONSOR: Justus

SB 627 - This act provides that the Department of Health and Senior Services shall directly mail age and gender appropriate information to parents or guardians of students entering grade 6 regarding the connection between HPV and cervical cancer and the availability of the HPV immunization. Such information shall include the risk factors for developing cervical cancer, the connection between HPV and cervical cancer, how it is transmitted and how transmission can be prevented, the latest scientific information about the immunization's effectiveness, information about the importance of pap smears, and a statement explaining that questions from parents or guardians may be answered by a health care provider.

Each mailing shall request that the parents of 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.

Beginning July 1, 2011, the department shall submit to the general assembly a report detailing the number of sixth grade 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 104 (2009), SCS/SB 514(2007) and HCS/SS/SCS/SB 778(2008).

ADRIANE CROUSE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 627-Justus (S71)  
01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S114)  
02/02/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
02/09/2010 Voted Do Pass S Health, Mental Health, Seniors and Families Committee  
02/11/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor (S314)  
02/16/2010 Perfected (S333)  
02/16/2010 Reported Truly Perfected S Rules Committee (S342)  
02/16/2010 Referred S Governmental Accountability and Fiscal Oversight Committee (S344)  
02/25/2010 S Formal Calendar S Bills for Third Reading--SB 627-Justus (In Fiscal Oversight)

EFFECTIVE: August 28, 2010

\*\*\* SB 628 \*\*\*

3445S.01I

SENATE SPONSOR: Dempsey

SB 628 - 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.

This act is identical to HB 939 (2009), a provision of SS/SCS/HB 376 (2009) and HCS/SB 386 (2009), and SB 354 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 628-Dempsey (S71)  
 01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S114)  
 01/20/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 01/27/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/04/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S225)  
 02/09/2010 Removed S Consent Calendar (S262)

EFFECTIVE: August 28, 2010

\*\*\* SB 629 \*\*\*

3572S.01P

SENATE SPONSOR: Dempsey

SB 629 - This act requires the Governor's Council on Physical Fitness and Health to develop the Missouri Healthy Workplace Recognition Program for the purpose of granting official state recognition to employers with more than fifty employees for excellence in promoting health, wellness, and prevention. The criteria for awarding such recognition shall include at a minimum whether the employer offers workplace wellness programs, incentives for healthier lifestyles, opportunities for active community involvement and exercise, and encouragement of well visits with health care providers. This program has a six-year sunset clause.

This act is substantially similar to HCS/SB 147 (2009).

ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 629-Dempsey (S71)  
 01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S114)  
 02/01/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/08/2010 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 02/11/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S313)  
 02/15/2010 Removed S Consent Calendar (S326)  
 02/18/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S363)  
 02/22/2010 Perfected (S384-385)  
 02/22/2010 Reported Truly Perfected S Rules Committee (S387)  
 02/25/2010 S Third Read and Passed (S434)  
 02/25/2010 H First Read

EFFECTIVE: August 28, 2010

\*\*\* SB 630 \*\*\*

SCS SB 630

3142S.05C

SENATE SPONSOR: Cunningham

SCS/SB 630 - 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).

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

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

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

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

During the lifetime of the owners, the signature of the beneficiary shall not be required for transactions relating to the manufactured home. The owner may revoke the certificate of ownership or change beneficiaries before the death of the owner under certain conditions. For instance, the certificate of

ownership may be revoked by the sale of the home with proper assignment of certificate of ownership. The certificate of ownership in beneficiary form may also be revoked by filing an application to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.

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

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

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

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

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

- (1) The property owner reasonably believes the homeowner has vacated the premises and does not intend to return;
- (2) The rent is past due for 30 days; and
- (3) The homeowner has failed to respond to the landowner's notice or has failed to contest a petition regarding the issue of abandonment (Section 700.526). This provision can be found in SB 405 and HB 924 (2009).

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

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

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

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

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

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

The act sets forth how the proceeds of the sale are to be distributed. Any excess proceeds shall be paid to the homeowner. If the homeowner cannot be located within 30 days of the sale, the excess proceeds shall

be deposited with the county treasurer. The county treasurer shall credit the excess to the county's general revenue fund, subject to the right of the homeowner to reclaim the excess within three years of its deposit (Section 700.527.14). The act provides that a person who fails to deposit the excess proceeds with the county treasurer shall be liable for double the amount of the proceeds (Section 700.527.15).

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

**MANUFACTURED HOMEOWNER'S RIGHT TO CONTEST LIEN** - The manufactured homeowner may, within 10 days of the mailing of the notice, may contest the real property owner's lien in the home. If the owner contests the lien in circuit court, he or she will have to post a cash or surety bond for the unpaid rent in order to have the home released. Once the bond is posted, the court will direct the land owner to release the home to the home owner. The court will also determine whether unpaid rent is due. The court may direct that the rent be paid from the posted bond or grant the landowner a security interest in the home (Section 700.528).

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

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

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

The provisions in this act were also contained in the truly agreed to version of SB 235 (2009).

STEPHEN WITTE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 630-Cunningham (S72)  
 01/13/2010 Second Read and Referred S Ways and Means Committee (S114)  
 02/03/2010 Hearing Conducted S Ways and Means Committee  
 02/08/2010 SCS Voted Do Pass S Ways and Means Committee (3142S.05C) - Consent  
 02/18/2010 Reported from S Ways and Means Committee to Floor w/SCS - Consent (S363)  
 02/23/2010 Removed S Consent Calendar (S400)  
 02/25/2010 Reported from S Ways and Means Committee to Floor w/SCS (S439)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 630-Cunningham, with SCS

EFFECTIVE: August 28, 2010

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\*\*\* SB 631 \*\*\*

3358S.011

SENATE SPONSOR: Cunningham

SB 631 – 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 Central Registry 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 Central Registry 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 class A misdemeanor. 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. If a student attends a different school or school district by contract at such time, 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, 2011, 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 Central Registry 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, 2011, 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 on 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, 2011, 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 the child's legal custodian, physical custodian, or legal guardian. Teachers also cannot have a nonwork-related website that allows exclusive access with a current or former student.

By January 1, 2011, 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, 2011, 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. The Children's Division must reopen a case for review at the request at the Office of the Child Advocate. In addition, for any case previously investigated by the Children's Division for which there was a finding of unsubstantiated, the Children's Division must reconduct its investigation at the request of the Office of the Child Advocate.

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 SB 41 (2009), HCS/HB 1314 (2008), is similar to SB 1212 (2008) and contains provisions identical to HB 2334 (2008) and HB 2579 (2008).

MICHAEL RUFF

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 631-Cunningham (S72)  
01/13/2010 Second Read and Referred S Education Committee (S114)  
02/03/2010 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 632 \*\*\*

3637S.011

SENATE SPONSOR: Cunningham

SB 632 - 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.

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 these provisions 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 continues to allow highway patrol officers and other law enforcement officers making an arrest to take possession of a dog subject to a dog fighting violation; however, it repeals the provision requiring the court to order an officer to keep such dogs until the final decision of the court on the charges.

This act is similar to SB 819 (2008), HCS/HB 2416 (2008), SB 63 (2009), and SB 201 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 632-Cunningham (S72)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S114)

EFFECTIVE: August 28, 2010

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\*\*\* SB 633 \*\*\*

3575S.011

SENATE SPONSOR: Pearce

SB 633 - 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 identical to SCS/SBs 65 & 43 (2009) and is similar to SCS/SBs 840 & 857 (2008), SS/SCS/SBs 49, 65, 210, 251 (2007) and SCS/HB 801 (2007).

ERIKA JAQUES

12/01/2009 Prefiled

01/06/2010 S First Read--SB 633-Pearce (S72)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S114)

02/23/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 634 \*\*\*

3225S.011

SENATE SPONSOR: Pearce

SB 634 - 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.

This act is similar to Senate Bill 543 (2009).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 634-Pearce (S72)

01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 635 \*\*\*

3226S.011

SENATE SPONSOR: Pearce

SB 635 - 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 similar to Senate Bill 420 (2009) and House Bill 809 (2009).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 635-Pearce (S72)

01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 636 \*\*\*

SCS SB 636

3355S.03P

SENATE SPONSOR: Lembke

SCS/SB 636 - This act modifies Missouri's prompt pay law. The act provides a definition for the term "clean claim." The term clean claim is defined as a claim that has no defect, impropriety, lack of any required

substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment.

Under the proposed act, the definition of health carrier is modified to include self-insured health plans, to the extent allowed by federal law. Under the act, third-party contractors are also considered health carriers. The act also amends the definition of "request for additional information" to mean a health carrier's electronic or facsimile 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" and the use of such term in the prompt pay provision.

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 carrier or a third-party contractor within 48 hours. Within 30 processing days (current law allows 10 working days) after receipt of a filed claim by a health carrier, the carrier must send an electronic or facsimile notice of the status of the claim. The notice shall notify the claimant if the claim is a clean claim or whether the claim requires additional information from the claimant. If the claim is a clean claim, then the health carrier shall pay or deny the claim.

If the health carrier requests additional information, then the health carrier, within 10 processing days (current law is 15 days) must pay the claim, deny the claim, or make a final request for additional information. Within 5 processing days (current law is 15 days) after the day on which the health carrier receives the additional requested information in response to a final request for information, the health carrier shall pay the claim or deny 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% interest per month (current law) and a penalty in an amount equal to one percent of the claim per day. A health carrier may combine interest payments and make payment once the aggregate amount reaches \$100 (current law is \$5).

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 liability.

The act has an effective date of January 1, 2011. This act is similar to SB 236 (2009).  
STEPHEN WITTE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 636-Lembke (S72)  
01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S114)  
01/25/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
02/15/2010 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (3355S.03C)  
02/18/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S364)  
02/23/2010 SA 1 to SCS S offered & adopted (Callahan)--(3355S03.01F) (S395)  
02/23/2010 SCS, as amended, S adopted (S395)  
02/23/2010 Perfected (S395)  
02/23/2010 Reported Truly Perfected S Rules Committee (S399)  
02/25/2010 S Third Read and Passed (S435)  
02/25/2010 H First Read

EFFECTIVE: January 1, 2011

\*\*\* SB 637 \*\*\*

3357S.011

SENATE SPONSOR: Lembke

SB 637 - This act prohibits political subdivisions from using automated photo red light enforcement



systems to enforce red light violations.

STEPHEN WITTE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 637-Lembke (S72)

01/13/2010 Second Read and Referred S Transportation Committee (S114)

EFFECTIVE: August 28, 2010

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\*\*\* SB 638 \*\*\*

3563S.011

SENATE SPONSOR: Lembke

SB 638 - This act exempts retail sales of food items consummated within St. Louis County from the county's emergency services sales tax. The St. Louis County emergency services sales tax will automatically terminate five years from the effective date of the tax. Upon termination of the emergency services sales tax, St. Louis County will be permanently barred from imposing or re-authorizing such tax.

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 638-Lembke (S72)

01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S114)

01/20/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 639 \*\*\*

3471S.011

SENATE SPONSOR: Schmitt

SB 639 - This act provides that any person may bring an action for MO HealthNet fraud on behalf of the person and the state. The person bringing the action must give a copy of the petition to the attorney general, and must also disclose to the attorney general all material information in the person's possession. The petition shall be filed in camera, and shall remain under seal for at least 60 days, or until the state elects to intervene, whichever occurs first. Service of the petition shall not be made on the defendant until ordered by the court.

On behalf of the state, the attorney general may elect to intervene and proceed with the action, not later than 60 days after the date the attorney general received the petition and information. This deadline may be extended for good cause shown.

The court and the attorney general may consent to a dismissal of an action at any time during which the petition remains under seal. If the state elects not to intervene, the person bringing the action shall have the right to proceed with the action.

No person other than the state may intervene or bring a related action based on the same underlying facts as an action brought under this section. If the state intervenes, it shall have the primary responsibility for investigating and prosecuting the action, and is not bound by any act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to limitations.

The state may limit the participation of the person who initiated the action if it finds that the person's participation would cause harassment, or would unduly delay investigation or prosecution of the action, or would be repetitious or irrelevant. Limitations may include, but are not limited to, limiting the number of witnesses, limiting length of testimony, and limiting cross-examination of witnesses.

Even if an action has been brought under this act, the state is free to pursue the claim through any alternate proceeding. The person bringing the initial action will have the same rights in an alternate proceeding as are provided by this act, and any final finding or conclusion in the alternate proceeding shall be conclusive on all parties to the initial action.

If the state proceeds with an action, the person who initiated the action is entitled to at least fifteen percent of the proceeds of any action brought under this section and at least twenty-five percent of the proceeds if the state does not proceed, unless the court finds that the action is based primarily on information not provided by the person initiating the action, in which case the court shall award the person no more than fifteen percent of the proceeds. If the court finds that the person bringing the action planned and initiated the violation on which the action is based, it may reduce the share of the proceeds to the extent it deems

appropriate. However, any person convicted of a violation shall not be entitled to any share of the proceeds, and shall be dismissed from the action.

A person may not bring an action under this act that is based on allegations that are the subject of another civil suit or administrative penalty proceeding which has already commenced, and in which the state is a party.

A person may not bring an action under this act that is based on the public disclosure of allegations or transactions in a criminal or civil hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, unless the person bringing the action is the original source of such information.

An action brought under this section shall not be brought more than six years after the date on which the violation was committed, or three years after the date when facts material to the cause of action are known or reasonably known by the attorney general's office or the department of social services, whichever occurs last.

This act also modifies the definition of "knowingly" as it relates to MO HealthNet fraud to provide that no proof of specific intent to defraud is required.

This act is similar to SB 1210 (2006).

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 639-Schmitt (S72)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 640 \*\*\*

3146S.011

SENATE SPONSOR: Wright-Jones

SCS/SB 640 - This act amends the Missouri Transportation Development District Act to explicitly 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, the court shall add the adjacent property listed in the petition upon approval and consent of the district's board of directors (Section 238.208).

Under the act, the board of directors for a district formed by local transportation authorities to operate 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 (Section 238.220). The directors appointed by the chief executive officers may be removed by such officers at any time with or without cause (Section 238.220). Under the act, the state highways and transportation commission is prohibited from appointing advisers to the boards of directors of transportation development districts formed to operate public mass transportation systems (Section 238.220).

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 (Section 238.225).

The act provides that real property taxes for transportation development districts shall not be considered "payment in lieu of taxes" as that term is defined in the Real Property Tax Increment Allocation Redevelopment Act. In addition, the tax revenues derived from such property taxes are not subject to allocation under the Real Property Tax Increment Allocation Redevelopment Act (Section 238.232).

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 (Section 238.236).

STEPHEN WITTE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 640-Wright-Jones (S72)  
 01/13/2010 Second Read and Referred S Transportation Committee (S114)  
 01/27/2010 Hearing Conducted S Transportation Committee  
 02/10/2010 SCS Voted Do Pass S Transportation Committee (3146S.02C)

EFFECTIVE: August 28, 2010

\*\*\* SB 641 \*\*\*

3743S.011

SENATE SPONSOR: Wright-Jones

SB 641 – This act requires charter schools to comply with laws and regulations that require the reporting of information by schools, governing boards, and school districts to the State Board of Education or Department of Elementary and Secondary Education.

MICHAEL RUFF

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 641-Wright-Jones (S73)  
 01/13/2010 Second Read and Referred S Education Committee (S114)  
 01/27/2010 Hearing Cancelled S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 642 \*\*\*

3319S.011

SENATE SPONSOR: Wright-Jones

SB 642 - 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 such audit.

STEPHEN WITTE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 642-Wright-Jones (S73)  
 01/13/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 643 \*\*\*

3356S.021

SENATE SPONSOR: Keaveny

SB 643 - As of August 28, 2010, the City of St. Louis may establish a municipal police force by ordinance. Any such ordinance shall provide for the employment of all current officers and employees at their current salaries in the newly established police force. Such persons shall also be entitled to all accrued benefits, including vacation time, sick leave, and health insurance. All former employees shall also remain eligible for their accrued benefits. The ordinance shall be consistent with any regulation concerning police residency adopted by the Board of Police Commissioners prior to adoption of the ordinance.

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

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

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

This act is similar to SB 486 (2007) and SB 785 (2008) and identical to HB 552 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 643-Keaveny (S73)  
01/13/2010 Second Read and Referred S General Laws Committee (S114)  
03/02/2010 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 644 \*\*\* SCS SB 644

3322S.04P

SENATE SPONSOR: Shields

SCS/SB 644 - Under current law Jefferson City and various other cities and counties, are allowed 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 for only Jefferson City from five percent to seven percent. Such increase will become effective only upon voter approval.

Under current law, the City of St. Joseph and Buchanan County are authorized to seek voter approval to impose a tax of no less than two nor more than eight percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. The proceeds from the tax must be used for funding the promotion of tourism and convention facilities. This act would permit the city and county to use the proceeds from the tax for capital expenditures incurred in funding the promotion of tourism and convention facilities.

The act also allows the City of St. Joseph and Buchanan County to contract with one another to share transient guest tax revenues for the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities.

JASON ZAMKUS

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 644-Shields (S73)  
01/13/2010 Second Read and Referred S Ways and Means Committee (S114)  
02/03/2010 Hearing Conducted S Ways and Means Committee  
02/08/2010 SCS Voted Do Pass S Ways and Means Committee (3322S.04C)  
02/11/2010 Reported from S Ways and Means Committee to Floor w/SCS (S313)  
02/15/2010 SCS S adopted (S323)  
02/15/2010 Perfected (S323)  
02/16/2010 Reported Truly Perfected S Rules Committee (S340)  
02/18/2010 S Third Read and Passed (S369-370 / H350)  
02/18/2010 H First Read (H350)  
02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

\*\*\* SB 645 \*\*\*

3167S.011

SENATE SPONSOR: Shields

SB 645 – 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 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 provides that the following committees and commissions shall expire on December 31, 2013: the Video Instructional Development and Education Opportunity Commission, and the Coordinating Council on Special Transportation.

This act is similar to SB 519 (2009), SCS/SB 385 (2007), and SCS/SB 1187 (2006).

JIM ERTLE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 645-Shields (S73)

01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S114)

03/01/2010 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 646 \*\*\*

3504S.011

SENATE SPONSOR: Bray

SB 646 - 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) and SB 68 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 646-Bray (S73)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 647 \*\*\*

3528S.011

SENATE SPONSOR: Bray

SB 647 - 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), SB 742 (2008), and SB 50 (2009).

CHRIS HOGERTY

12/01/2009 Prefiled

01/06/2010 S First Read--SB 647-Bray (S73)

01/13/2010 Second Read and Referred S Progress and Development Committee (S114)

02/03/2010 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 648 \*\*\*

3527S.011

SENATE SPONSOR: Bray

SB 648 - 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.

This act is similar to HB 633 (2009), HB 687 (2009), SB 389 (2009), and SB 270 (2009).

CHRIS HOGERTY

12/01/2009 Prefiled

01/06/2010 S First Read--SB 648-Bray (S73)

01/13/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 649 \*\*\*

3207S.011

SENATE SPONSOR: Days

SB 649 – This act requires the Governor to issue an annual proclamation designating March 12th as "Girl Scout Day."

This act is identical to HB 200 (2009).

JIM ERTLE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 649-Days and Wright-Jones (S73)  
 01/13/2010 Second Read and Referred S Progress and Development Committee (S114)  
 01/27/2010 Hearing Conducted S Progress and Development Committee  
 02/03/2010 Voted Do Pass S Progress and Development Committee - Consent  
 02/04/2010 Reported from S Progress and Development Committee to Floor - Consent (S226)  
 02/25/2010 S Consent Calendar--SB 649-Days and Wright-Jones

EFFECTIVE: August 28, 2010

\*\*\* SB 650 \*\*\*

3746S.011

SENATE SPONSOR: Days

SB 650 – This act provides that beginning on October 1, 2010, all obstetrical brachial plexus injuries occurring in a hospital or ambulatory surgical center during child birth shall be reported to the department of health and senior services. If a newborn is delivered in a place other than the facilities listed above, the physician or person who professionally undertakes the pediatric care of the infant shall also report all cases of obstetrical brachial plexus injuries to the department of health and senior services .

In addition, all such facilities or persons providing pediatric care shall provide parents of newborns diagnosed with the injury with educational materials provided by the department that:

- Communicate the importance of early evaluation and treatment of the injury;
- Identify where to obtain support, information and further resources associated with the injury; and
- Provide other information as prescribed by the department.

ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 650-Days (S73)  
 01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S114)

EFFECTIVE: August 28, 2010

\*\*\* SB 651 \*\*\*

3768S.011

SENATE SPONSOR: Days

SB 651 - 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, 2011.

This act is similar to SB 859 (2006), SB 37 (2007), SB 1251 (2008), SB 523 (2009), and SB 21 (2009).  
 CHRIS HOGERTY

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 651-Days, et al (S73)  
 01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S114)

EFFECTIVE: January 1, 2011

\*\*\* SB 652 \*\*\*

3533S.011

SENATE SPONSOR: Ridgeway

SB 652 - This act provides that as of January 1, 2011, a parent may request by written demand to the juvenile court a jury trial for proceedings regarding involuntary termination of parental rights. A request for a jury trial shall be no later than 45 days following service of summons on the parent or guardian subject to the termination hearing. Failure to file the jury trial request within the 45-day period shall constitute a waiver of such right, unless a subsequent request is joined in by all parties.

By November 1, 2010, 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.

This act is identical to SCS/SB 218 (2009).

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 652-Ridgeway (S74)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S114)

02/22/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: January 1, 2011

\*\*\* SB 653 \*\*\*

3218S.011

SENATE SPONSOR: Crowell

SB 653 - 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.

This act is identical to SB 112 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 653-Crowell (S74)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S115)

01/19/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 654 \*\*\*

3216S.011

SENATE SPONSOR: Crowell

SB 654 - 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 2010, 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 85 (2009), Senate Bill 993 (2008) and House Bill 1886 (2008).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 654-Crowell (S74)

01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S115)

EFFECTIVE: August 28, 2010

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\*\*\* SB 655 \*\*\*

3223S.011

SENATE SPONSOR: Crowell

SB 655 - 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 of 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 from 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.

Persons registered with the Drug Enforcement Administration (DEA) to manufacture or distribute controlled substances shall maintain adequate security to guard against theft, but shall not otherwise be required to meet the physical security control requirements established by DEA regulation, for schedule III controlled substances containing pseudoephedrine.

This act is similar to SB 160 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 655-Crowell (S74)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 656 \*\*\*

3185S.011

SENATE SPONSOR: Mayer

SB 656 - 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.

This act is similar to the perfected version of Senate Bill 266 (2009).

JASON ZAMKUS

12/01/2009 Prefiled

12/17/2009 Bill Withdrawn

EFFECTIVE: August 28, 2010

\*\*\* SB 657 \*\*\*

3569S.011

SENATE SPONSOR: Mayer

This bill has been combined with SB 841

12/01/2009 Prefiled

01/06/2010 S First Read--SB 657-Mayer (S74)

01/13/2010 Second Read and Referred S Transportation Committee (S115)

02/10/2010 Hearing Conducted S Transportation Committee

02/17/2010 Bill Combined w/SCS/SBs 841, 657 & 751

EFFECTIVE: August 28, 2010

\*\*\* SB 658 \*\*\*

3413S.011

SENATE SPONSOR: Stouffer

SB 658 - This act creates a state and local sales tax exemption for sales of farm products made at farmers' markets.

This act is similar to Senate Bill 380 (2009).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 658-Stouffer and Keaveny (S74)

01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 659 \*\*\*

3728S.011

SENATE SPONSOR: Stouffer

SB 659 - This act exempts sales of nondomestic game birds for hunting and sales of feed for such birds

from state and local sales and use tax.

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 659-Stouffer (S74)

01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S115)

02/11/2010 Re-referred S Ways and Means Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 660 \*\*\*

3062S.021

SENATE SPONSOR: Wilson

SB 660 - This act expands the crime of unlawful use of weapons to include the discharge of a firearm in the air for celebratory purposes in Kansas City.

This crime is a Class D felony.

This act is similar to SB 812 (2008) and SB 82 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 660-Wilson (S74)

01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 661 \*\*\*

3096S.011

SENATE SPONSOR: Wilson

SB 661 - 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 identical to SCS/SB 61 (2009).

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 661-Wilson (S74)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 662 \*\*\*

3072S.011

SENATE SPONSOR: Wilson

SB 662 - 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 manufacturers 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, 2011, 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.

This act contains an emergency clause.

This act is similar to Senate Bill 490 (2009) and the Senate Committee Substitute for Senate Bill 242 (2007).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 662-Wilson (S74)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S115)

EFFECTIVE: Emergency Clause

\*\*\* SB 663 \*\*\*

3231S.011

SENATE SPONSOR: Rupp

SB 663 - 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 identical to SCS/SBs 65 & 43 (2009) and is similar to SCS/SBs 840 & 857 (2008), SS/SCS/SBs 49, 65, 210, 251 (2007) and SCS/HB 801 (2007).

ERIKA JAQUES

12/01/2009 Prefiled

01/06/2010 S First Read--SB 663-Rupp (S74)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S115)

02/23/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 664 \*\*\*

3291S.021

SENATE SPONSOR: Rupp

SB 664 - 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.

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 these sections 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 continues to allow Highway Patrol officers and other law enforcement officers making an arrest to take possession of a dog subject to a dog fighting violation; however, it repeals the provision requiring the court to order an officer to keep such dogs until the final decision of the court on the charges.

This act is similar to SB 63 (2009) and SB 201 (2009).  
SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 664-Rupp (S74)  
 01/13/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S115)  
 EFFECTIVE: August 28, 2010

\*\*\* SB 665 \*\*\*

3324S.021

SENATE SPONSOR: Rupp

SB 665 - This act gives public employees who serve in the National Guard or any reserve unit the option to use any combination of their accrued annual leave, compensatory time, paid military leave, or leave without pay during the period the employee is absent to perform military service.

EMILY KALMER

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 665-Rupp (S75)  
 01/13/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S115)  
 EFFECTIVE: August 28, 2010

\*\*\* SB 666 \*\*\*

3305S.011

SENATE SPONSOR: Shoemyer

SB 666 - 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, 2015.

This act is identical to SB 190 (2009) and similar to SB 848 (2008).

ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 666-Shoemyer (S75)  
 01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 667 \*\*\*

3281S.011

SENATE SPONSOR: Shoemyer

SB 667 - 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 195 (2009) and SB 847 (2008) and similar to SB 68 (2007) and HB 1300 (2006).

ERIKA JAQUES

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 667-Shoemyer (S75)  
 01/13/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 668 \*\*\*

3084S.011

SENATE SPONSOR: Justus

SB 668 - This act authorizes the City of Grandview to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promoting tourism. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

This act is identical to the introduced version of Senate Bill 165 (2009) and the Senate Committee Substitute for Senate Bill 1089 (2008).

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 668-Justus (S75)  
 01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S115)  
 01/20/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 01/27/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/04/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S225)  
 02/25/2010 S Consent Calendar--SB 668-Justus

EFFECTIVE: August 28, 2010

\*\*\* SB 669 \*\*\*

3085S.011

SENATE SPONSOR: Justus

SB 669 - This act authorizes the City of Grandview to seek voter approval to levy a sales tax of up to one-half percent to fund public safety improvements for the city. Such improvements may include expenditures on equipment, city employee salaries and benefits, and facilities for police, fire, and emergency medical providers.

This act is identical to the introduced version of Senate Bill 164 (2009).

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 669-Justus (S75)  
 01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S115)  
 01/20/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 01/27/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/04/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S225)  
 02/25/2010 S Consent Calendar--SB 669-Justus

EFFECTIVE: August 28, 2010

\*\*\* SB 670 \*\*\*

3599S.01P

SENATE SPONSOR: Justus

SB 670 - This act requires the Jackson County Court to stay the sale of any tax parcel 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 must 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 approval of the sheriff's deed for such property, the circuit court will direct payment to the county collector of all principal land taxes already paid to the court. When granting a sheriff's deed, the court must 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 will 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 will 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 will recover, from the owner, an amount equal to that paid by the party.

This act is similar to Senate Bill 399 (2009).

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 670-Justus (S75)  
 01/13/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S115)  
 01/20/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 01/27/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/04/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S225)  
 02/10/2010 Removed S Consent Calendar (S305)  
 02/11/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S313)  
 02/16/2010 Perfected (S331)  
 02/16/2010 Reported Truly Perfected S Rules Committee (S342)  
 02/18/2010 S Third Read and Passed (S370 / H351)  
 02/18/2010 H First Read (H351)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

\*\*\* SB 671 \*\*\*

3704S.011

SENATE SPONSOR: Cunningham

SB 671 - 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.

This act is identical to Senate Bill 501 (2009).

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 671-Cunningham (S75)  
 01/13/2010 Second Read and Referred S Ways and Means Committee (S115)

EFFECTIVE: Contingent

\*\*\* SB 672 \*\*\*

3636S.011

SENATE SPONSOR: Cunningham

SB 672 – 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 identical to SB 515 (2009) and is substantially similar to HB 1223 (2007).

MICHAEL RUFF

12/01/2009 Prefiled

01/06/2010 S First Read--SB 672-Cunningham (S75)

01/13/2010 Second Read and Referred S Education Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 673 \*\*\*

3229S.011

SENATE SPONSOR: Pearce

SB 673 - This act creates the Office 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 office 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.

This act is similar to SB 465 (2009).

CHRIS HOGERTY

12/01/2009 Prefiled

01/06/2010 S First Read--SB 673-Pearce (S75)

01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S115)

02/01/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 674 \*\*\*

3318S.011

SENATE SPONSOR: Wright-Jones

SB 674 - Gas, electric, water, heating, sewer and telephone companies are prohibited from requiring a deposit or other guarantee for continued service to any existing customer that has been late in paying the utility bill at least 5 times in a 12-month period when such customer has consistently made a monthly payment during the 12-month period of at least \$100 or 25% of the total amount due.

The act does not apply to customers who owe more than \$400 or to customers making payments as part of an established pay plan with the utility.

This act is similar to SCS/SB 474 (2009) and HB 2587 (2008).

ERIKA JAKUES

12/01/2009 Prefiled

01/06/2010 S First Read--SB 674-Wright-Jones (S75)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S115)

02/09/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 675 \*\*\*

3416S.011

SENATE SPONSOR: Wright-Jones

SB 675 - As of August 28, 2010, the City of St. Louis may establish a municipal police force by ordinance. Any such ordinance shall provide for the employment of all current officers and employees at their current salaries in the newly established police force. Such persons shall also be entitled to all accrued benefits, including vacation time, sick leave, and health insurance. The ordinance shall be consistent with any regulation concerning police residency adopted by the Board of Police Commissioners prior to adoption of the ordinance.

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

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

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

This act is identical to SB 486 (2007), HB 552 (2009), and SB 785 (2008).  
SUSAN HENDERSON MOORE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 675-Wright-Jones (S75)  
01/13/2010 Second Read and Referred S General Laws Committee (S115)  
03/02/2010 Hearing Cancelled S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 676 \*\*\*

3314S.011

SENATE SPONSOR: Wright-Jones

SB 676 - 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 identical to SCS/SB 144 (2009) and similar to HB 1065 (2009) and to HB 2441 (2008).  
ADRIANE CROUSE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 676-Wright-Jones (S75)  
01/13/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S115)  
03/02/2010 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 677 \*\*\*

3531S.011

SENATE SPONSOR: Bray

SB 677 - Currently, Section 386.266, RSMo, provides certain utilities the opportunity to apply for alternate rate schedules in several circumstances. This act removes two of these options. It removes the option for gas utilities to apply for alternate rate schedules due to a variation in weather and/or conservation and removes the option for electric, gas or water utilities to apply for alternate rate schedules due to costs related to environmental regulations.

This act is identical to SB 185 (2009) and similar to SB 1080 (2008), SB 94 (2007), and SB 880 (2006).  
ERIKA JAQUES

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 677-Bray (S76)  
01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 678 \*\*\*

3502S.011

SENATE SPONSOR: Bray

SB 678 - 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.

This act is identical to SB 124 (2009).  
STEPHEN WITTE

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 678-Bray (S76)  
01/13/2010 Second Read and Referred S Transportation Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 679 \*\*\*

3529S.011

SENATE SPONSOR: Bray

SB 679 - 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), SB 797 (2008), and SB 70 (2009).

CHRIS HOGERTY

12/01/2009 Prefiled  
01/06/2010 S First Read--SB 679-Bray (S76)  
01/13/2010 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 680 \*\*\*

3222S.011

SENATE SPONSOR: Crowell

SB 680 - 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.

The act is identical to SB 462 (2009).

ERIKA JAQUES

12/01/2009 Prefiled

01/06/2010 S First Read--SB 680-Crowell (S76)

01/13/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S115)

01/26/2010 Hearing Cancelled S Commerce, Consumer Protection, Energy and the Environment Committee

02/16/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 681 \*\*\*

3066S.011

SENATE SPONSOR: Wilson

SB 681 - 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 Identical to Senate Bill 32 (2009) and similar to the provisions of Senate Bill 1012 (2008).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 681-Wilson (S76)

01/13/2010 Second Read and Referred S Ways and Means Committee (S115)

EFFECTIVE: Contingent

\*\*\* SB 682 \*\*\*

3452S.011

SENATE SPONSOR: Wilson

SB 682 - 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 75 (2009) and Senate Bill 814 (2008).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 682-Wilson (S76)

01/13/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S115)

EFFECTIVE: August 28, 2010

\*\*\* SB 683 \*\*\*

3071S.011

SENATE SPONSOR: Wilson

SB 683 - 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 74 (2009), Senate Bill 989 (2008), and Senate Bill 1098 (2006).

JASON ZAMKUS

12/01/2009 Prefiled

01/06/2010 S First Read--SB 683-Wilson (S76)

01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S129)

EFFECTIVE: August 28, 2010

\*\*\* SB 684 \*\*\*

3335S.011

SENATE SPONSOR: Rupp

SB 684 - This act corrects a technical error in an adoption statute that relates to the process for recognition of foreign adoption orders. The statute currently has a wrong reference to another statute.

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 684-Rupp (S76)

01/19/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S129)

02/09/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/16/2010 Voted Do Pass S Health, Mental Health, Seniors and Families Committee - Consent

02/18/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor - Consent (S363)

02/25/2010 S Consent Calendar--SB 684-Rupp

EFFECTIVE: August 28, 2010

\*\*\* SB 685 \*\*\*

SCS SB 685

3295S.02C

SENATE SPONSOR: Rupp

SCS/SB 685 - This act authorizes the director of the Department of Insurance to determine whether an insurance company is in a hazardous financial condition. Under the act, the director may deem any property or casualty insurance company which has any policy in force with a net retained risk that exceeds 10% of the company's capital and surplus to be in a hazardous financial condition. The act also sets forth twenty factors for the director to consider when determining whether an insurance company may be in hazardous financial condition. For example, the director may consider "adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries" when determining whether the continued operation of the insurer may be hazardous to Missouri's policyholders, creditors, or the general public. If the director determines that the continued operation of an insurer may be hazardous to Missouri' policyholders, creditors or the general public, the director may issue an order requiring the insurer to take various actions. For instance, the director may require the insurer to reduce its total amount of present and potential liability for policy benefits by reinsurance, reduce its volume of business, increase its capital and surplus, or document the adequacy of premium rates in relation to the risks insured. Any insurer subject to an order from the director may request a hearing and the hearing shall be conducted in private unless the insurer requests a public hearing.

This act modifies Missouri's current law regarding risk-based capital (amount of required capital that the insurance company must maintain based on the inherent risks in the insurer's operations) reporting requirements for property and casualty insurance companies. Under this act, the Department of Insurance may require a property and casualty insurance company to take action if its risk based capital fails the National Association of Insurance Commissioners (NAIC) RBC trend test. The RBC trend test for property and casualty insurance companies is stated in the act as a company action level event where "the insurer has total adjusted capital which is greater than or equal to its Company Action Level RBC but less than the

product of its Authorized Control Level RBC and 3.0 triggers the trend test determined in accordance with the trend test calculation included in the Property & Casualty RBC report instructions." Risk-Based Capital tests the adequacy of an insurance company's capital to meet the risks posed by its investment portfolio and the types and volume of insurance it underwrites. Risk-based capital tests the adequacy of an insurance company's capital by comparing its actual capital to the minimum amount capital determined necessary to operate the insurance company based on the risk factors associated with the volume and type of insurance business it transacts and the types of investments it makes.

STEPHEN WITTE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 685-Rupp (S76)  
 01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S129)  
 01/26/2010 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/16/2010 SCS Voted Do Pass S Small Business, Insurance and Industry Committee (3295S.02C)  
 02/25/2010 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS (S441)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 685-Rupp, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 686 \*\*\*

3448S.01P

SENATE SPONSOR: Rupp

SB 686 - This act allows one change of hearing officer for each party to an appeal heard by the State Tax Commission. A party to an appeal need not show cause to receive a change of hearing officer, but must file a written application to disqualify the assigned hearing officer within thirty days of such assignment. Assignment of a hearing officer will be deemed to have occurred when the first scheduling order is issued by the commission and signed by the hearing officer assigned, unless otherwise stated in the order.

JASON ZAMKUS

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 686-Rupp (S76)  
 01/19/2010 Second Read and Referred S Ways and Means Committee (S129)  
 02/03/2010 Hearing Conducted S Ways and Means Committee  
 02/08/2010 Voted Do Pass S Ways and Means Committee - Consent  
 02/11/2010 Reported from S Ways and Means Committee to Floor - Consent (S313)  
 02/15/2010 Removed S Consent Calendar (S326)  
 02/18/2010 Reported from S Ways and Means Committee to Floor (S363)  
 02/22/2010 Perfected (S385)  
 02/22/2010 Reported Truly Perfected S Rules Committee (S387)  
 02/25/2010 S Third Read and Passed (S433)  
 02/25/2010 H First Read

EFFECTIVE: August 28, 2010

\*\*\* SB 687 \*\*\*

3767S.011

SENATE SPONSOR: Wright-Jones

SB 687 - This act requires official motor vehicle inspection and emission stations to have liability insurance to cover any possible damages to a vehicle during an inspection.

This act is virtually identical to HB 2588 (2008).

STEPHEN WITTE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 687-Wright-Jones (S76)  
 01/19/2010 Second Read and Referred S Transportation Committee (S129)  
 02/03/2010 Hearing Conducted S Transportation Committee  
 02/10/2010 Voted Do Pass S Transportation Committee - Consent  
 02/11/2010 Reported from S Transportation Committee to Floor - Consent (S314)  
 02/15/2010 Removed S Consent Calendar (S326)  
 02/25/2010 Reported from S Transportation Committee to Floor - Consent (S440)  
 02/25/2010 S Consent Calendar--SB 687-Wright-Jones

EFFECTIVE: August 28, 2010

\*\*\* SB 688 \*\*\*

3719S.011

SENATE SPONSOR: Wright-Jones

SB 688 – This act requires each public school district, charter school, private school and parochial school to provide to the Department of Elementary and Secondary Education information on the number of students enrolled, the age of each student enrolled, and the number of students in each grade level. Schools do not need to provide the name of an individual student or any other identifying information. This reporting must take place at the beginning and end of each school year. The parent, guardian, or other person responsible for a child enrolled in a home school must notify the chief school officer of the child's school district of residence that the child is enrolled in a home school. The name of the child or any other identifying information does not have to be provided.

MICHAEL RUFF

12/01/2009 Prefiled

01/06/2010 S First Read--SB 688-Wright-Jones (S76)

01/19/2010 Second Read and Referred S Education Committee (S129)

02/03/2010 Hearing Cancelled S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 689 \*\*\*

3309S.011

SENATE SPONSOR: Wright-Jones

SB 689 - The act creates the Missouri Clean Energy Technology Center. The primary purpose of the Center shall be to: promote the creation of jobs in the clean energy field; promote research and workforce training in clean energy at Missouri's colleges and vo-tech schools; and stimulate a conducive business climate for clean energy-related businesses in Missouri.

The Center's offices shall be physically housed within the offices of the Department of Natural Resources but the Center shall be independently run by a 13-member board of directors. Six of the 13 members shall be appointed by the Governor, with two presidents of a Missouri college or university, one president of a community college, one engineer or scientist with clean energy knowledge, one venture capitalist with clean energy knowledge, and one CEO of a Missouri-based clean energy company. The other seven members of the board shall be the directors of the Departments of Natural Resources, Economic Development, and Labor and Industrial Relations, the president of the University of Missouri system, and the directors of the Missouri Alternative and Renewable Energy Technology Center (MARET Center), the Missouri Energy Initiative, and the Missouri Association for Workforce Development.

The board may employ staff and consultants as it determines necessary to fulfill its duties and the board has rulemaking authority. The board may accept, invest, and distribute funds as it determines appropriate to its mission.

The Center shall hold an application process for the investment of funds in research, workforce training, and job development in the clean energy field. The Center shall promote clean energy programs that encourage economic self-sufficiency for low and moderate income individuals and communities. The act allows the Center to establish the Missouri Hydrogen and Fuel Cell Institute and an Entrepreneurial Fellowship Program for existing entrepreneurs wanting to cross over into the clean energy field.

The act creates the Clean Energy Seed Grant program, the Green Jobs Initiative, and the Pathways out of Poverty Initiative. The act also requires the Center to conduct a study by February 1, 2012, of the clean energy sector in Missouri to investigate the current state of the sector and determine workforce needs in the future.

The act creates the Missouri Alternative and Clean Energy Investment Trust Fund, which shall be administered by the Center. An advisory board made up of 15 people appointed by the Governor with interest and experience in clean energy shall advise the Board of Directors on use of the fund. The act lists the approved uses of proceeds of the fund, which include making qualified investments in clean energy research and business development, making loans and grants available for such purposes, funding clean energy sector studies, and funding the administration of the Center. The General Assembly may annually appropriate up to \$2 million to the Trust Fund.

ERIKA JAQUES

12/01/2009 Prefiled

01/06/2010 S First Read--SB 689-Wright-Jones (S77)

01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S129)

EFFECTIVE: August 28, 2010

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\*\*\* SB 690 \*\*\*

3532S.011

SENATE SPONSOR: Bray

SB 690 - 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 186 (2009) and SB 914 (2008).

ERIKA JAQUES

12/01/2009 Prefiled

01/06/2010 S First Read--SB 690-Bray (S77)



01/19/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S129)

EFFECTIVE: August 28, 2010

\*\*\* SB 691 \*\*\*

3059S.011

SENATE SPONSOR: Wilson

SB 691 - 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) and SB 80 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 691-Wilson (S77)

01/19/2010 Second Read and Referred S Progress and Development Committee (S129)

EFFECTIVE: August 28, 2010

\*\*\* SB 692 \*\*\*

3055S.011

SENATE SPONSOR: Wilson

SB 692 - 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) and SB 81 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 692-Wilson (S77)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S129)

02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 693 \*\*\*

3098S.01P

SENATE SPONSOR: Wilson

**SB 693 - FOSTER CARE AND ADOPTION PARENTS RECRUITMENT FUND**

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 also creates a check-off on the Missouri individual and corporate income tax forms for contributions to the fund.

The provisions of this act will automatically sunset six years from the effective date of the act.

These provisions are identical to your SCS/SB 536 (2009).

**SIBLING PLACEMENT**

This act requires the Children's Division to make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless doing so would be contrary to the safety or well-being of any of the siblings. If such placement is not possible, reasonable efforts shall be made for frequent visitation in such settings.

**MISSOURI STATE FOSTER CARE AND ADOPTION BOARD**

This act establishes the Missouri State Foster Care and Adoption Board to provide consultation and

assistance to the Department of Social Services. The Board shall also draft and provide independent review of the Children's Division policies and procedures related to the provision of foster care and adoption in Missouri. Additionally, the board shall determine the nature and content of in-service training which shall be provided to foster and adoptive parents. The additional duties of the board are prescribed in the act.

The board shall be comprised of foster and adoptive parents from each of the seven children's division areas. Area members shall be appointed or elected by the Governor from recommendations by regional foster care and adoption boards, or other similar entities. Statewide foster care and adoption association representatives shall be voting members of the board as approved by the board.

#### OFFICE OF THE CHILD ADVOCATE

This act modifies the duties and authority of the Office of the Child Advocate. The court shall join the Office as a party to all proceedings in cases where a child is in protective custody of the state and the Office has made an appearance in court on the case. In such instances, the Office shall prepare independent recommendations to the court after consultation with the juvenile office, guardians ad litem and the court appointed special advocate if one has been appointed. In addition, the Office shall, at its discretion, seek to be joined as a party to the case of a child or children in the state's custody, when the Office feels that such action is necessary to ensure the health, safety, welfare, or civil or human rights of the child. Such requests shall be honored by the court.

The Office shall also have the authority to file pleadings necessary to intervene on behalf of a child at the appropriate judicial level utilizing the resources of the Attorney General's Office. The Office shall also have authority to convene meetings with the Departments of Social Services, Mental Health, the Juvenile Court and juvenile officers and to make recommendations to such state agencies for necessary action.

Current law provides that for information obtained directly by the Office, the Office shall be subject to the same disclosure and confidentiality requirements that apply to the Children's Division regarding information obtained during a child abuse and neglect investigation resulting in an unsubstantiated report. This act modifies current law to provide that any findings and recommendations resulting from such investigation may be released upon request with names and other such identifying information redacted.

#### ADRIANE CROUSE

12/01/2009 Prefiled  
 01/06/2010 S First Read--SB 693-Wilson (S77)  
 01/19/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S129)  
 02/02/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/09/2010 Voted Do Pass S Health, Mental Health, Seniors and Families Committee  
 02/11/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor (S313)  
 02/16/2010 Bill Placed on Informal Calendar (S333)  
 02/16/2010 SA 1 S offered (Stouffer)--(3098S01.03S) (S334-340)  
 02/16/2010 SA 1 to SA 1 S offered (Barnitz) (S340)  
 02/16/2010 SA 1 to SA 1 S offered & adopted (Barnitz)--(3098S01.01F) (S340)  
 02/16/2010 SA 1, as amended, S adopted (S340)  
 02/16/2010 Perfected (S340)  
 02/16/2010 Reported Truly Perfected S Rules Committee (S344)  
 02/18/2010 S Third Read and Passed (S372 / H351)  
 02/18/2010 H First Read (H351)  
 02/22/2010 H Second Read (H357)

EFFECTIVE: August 28, 2010

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\*\*\* SB 694 \*\*\*

3315S.011

SENATE SPONSOR: Wright-Jones

SB 694 - 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), SB 1083 (2008), and SB 145 (2009).

CHRIS HOGERTY

12/01/2009 Prefiled

01/06/2010 S First Read--SB 694-Wright-Jones (S77)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S129)

EFFECTIVE: August 28, 2010

\*\*\* SB 695 \*\*\*

3320S.011

SENATE SPONSOR: Wright-Jones

SB 695 - This act allows elected officials to be excused from jury duty during their term of office.

This act is similar to SB 476 (2009) and HB 1091 (2006).

EMILY KALMER

12/01/2009 Prefiled

01/06/2010 S First Read--SB 695-Wright-Jones (S77)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S129)

EFFECTIVE: August 28, 2010

\*\*\* SB 696 \*\*\*

3683S.011

SENATE SPONSOR: Wright-Jones

SB 696 - This act relates to pregnancy prevention and abortion.

#### SEXUAL EDUCATION

This act provides that any course materials relating to human sexuality shall not only be medically and factually accurate, but shall also be based on peer reviewed projects that have been demonstrated to influence healthy behavior. The course instruction shall also present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections. The students shall also be presented with information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and to reduce the risk of contracting sexually transmitted infections or other diseases and well as information regarding the vaccine for the human papilloma virus. The instruction shall also help the students gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent states of human maturation. In addition, the students shall be encouraged to communicate with their family regarding sexuality. This act also repeals the prohibition on abortion providers providing human sexuality instruction and instead provides that a school district shall make all curriculum materials and names and affiliations of presenters used in the school district available for public inspection. (SECTION 170.015).

#### COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

This act provides that hospitals and health care facilities are required to do the following:

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

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

The department shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. If a hospital or a health care facility is not in compliance, then the department shall impose an administrative penalty of \$5,000/per woman who is denied information or emergency contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every 30 days that a hospital or health care facility is not in compliance, an additional administrative penalty of \$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, 2011, 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 identical to SB 1215 (2008) and HB 2272 (2008) and similar to SB 329 (2009).

ADRIANE CROUSE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 696-Wright-Jones (S77)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S129)

EFFECTIVE: August 28, 2010

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\*\*\* SB 697 \*\*\*

3769S.011

SENATE SPONSOR: Wright-Jones

SB 697 - This act allows St. Louis City to charge a semiannual registration fee of not more than \$600 to owners of certain vacant property. Currently, the registration fee cannot exceed \$200.

This act is similar to SB 131 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SB 697-Wright-Jones and Keaveny (S77)

01/19/2010 Second Read and Referred S Ways and Means Committee (S129)

EFFECTIVE: August 28, 2010

\*\*\* SB 698 \*\*\*

3189S.011

SENATE SPONSOR: Griesheimer

SB 698 - This act modifies provisions relating to telecommunications.

## SECTION 190.308 - EMERGENCY TELEPHONE SERVICE

The act prohibits a political subdivision from imposing a fine or penalty on the owner of a pay telephone or an owner of property on which a pay telephone is located, for any improper calls made from the pay phone to an emergency telephone service.

## SECTION 392.460 - CARRIER OF LAST RESORT OBLIGATION

The act waives the carrier of last resort obligation for incumbent local exchange carriers (ILECs) in 3 situations involving an owner of newly developed property who gives certain preferential treatment to an alternative local phone service provider. Any such ILEC must notify the Public Service Commission (PSC) of the waiver within 120 days.

An ILEC that does not meet the criteria for the automatic waiver of its carrier of last resort obligation may request a waiver from the PSC. The PSC must render a decision within 90 days of any such request, but may delay a decision with cause.

Owners of newly developed property for which an ILEC's carrier of last resort obligation has been waived must inform subsequent owners and occupants of the waiver and provide certain information about the alternative phone service provider.

An ILEC's carrier of last resort obligation shall be re-instated if the criteria allowing the waiver no longer apply, no phone service is being provided to the newly developed property, and the property owner requests the ILEC to provide service to the property. In such a case, the ILEC must notify the PSC that it has assumed the obligation. The ILEC shall have a reasonable amount of time in which to install its infrastructure and may request reasonable fees from the property owner for any excess costs it incurs to provide service to the property at that time.

ILECs may request payment from property owners with multitenant structures when the ILEC provides service to such structures but it is not economically reasonable for the ILEC to do so.

The act allows an ILEC to meet its carrier of last resort obligation using any form of technology. A waiver of carrier of last resort obligation under the act does not apply to an ILEC's same obligation in other locations. The carrier of last resort obligation does not extend to any other company providing service to a newly developed property for which the ILEC's obligation has been waived.

## SECTION 392.600 - INTRASTATE EXCHANGE ACCESS RATES

The originating and terminating intrastate switched exchange access rates charged by any ILEC (except rate-of-return regulated ILECs) must be at least 50% less after 5 years than they were at the beginning of the 5-year period. Rate-of-return regulated ILECs may voluntarily reduce their intrastate switched exchange access rates and may file tariff revisions to increase basic service rates up to \$2 per month to compensate for the access rate reductions.

This act is similar to SS/SCS/HCS/HB 495 (2009) and includes provisions similar to HB 898 (2009), HB 878 (2009), and SS/SCS/SB 555 (2009).

ERIKA JAQUES

12/02/2009 Prefiled

01/06/2010 S First Read--SB 698-Griesheimer (S77)

01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S129)

01/26/2010 Hearing Cancelled S Commerce, Consumer Protection, Energy and the Environment Committee

02/02/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 699 \*\*\*

3449S.021

SENATE SPONSOR: Wilson

SB 699 - 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 up to six times. This act only allows for two renewals. Each renewal may not be made for a period exceeding the original loan period.

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.

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 each renewal, 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 similar to HB 1171 (2006), SB 975 (2006), SB 96 (2007), SB 744 (2008), HB 150 (2009), and SB 20 (2009).

CHRIS HOGERTY

12/03/2009 Prefiled

01/06/2010 S First Read--SB 699-Wilson (S77)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S129)

EFFECTIVE: August 28, 2010

\*\*\* SB 700 \*\*\*

3792S.011

SENATE SPONSOR: Lager

SB 700 - 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.

This act is identical to the introduced version of Senate Bill 386 (2009).

JASON ZAMKUS

12/03/2009 Prefiled

01/06/2010 S First Read--SB 700-Lager (S77)

01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S129)

01/27/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 701 \*\*\*

3228S.011

SENATE SPONSOR: McKenna

SCS/SB 701 - Under current law, drivers who are 21 years of age or younger are prohibited from text messaging while operating a motor vehicle. Under this act, the text messaging ban is applied universally so that all drivers, regardless of age, are prohibited from text messaging while operating a motor vehicle. The act allows any city or county to adopt ordinances or regulations which are equivalent to, but not more restrictive than, the state text message ban. Under the act, persons who use handheld mobile telephones in conjunction with voice-operated or hands-free devices to send text messages are exempt from the text message ban.

STEPHEN WITTE

12/03/2009 Prefiled  
 01/06/2010 S First Read--SB 701-McKenna and Keaveny (S78)  
 01/19/2010 Second Read and Referred S Transportation Committee (S129)  
 01/27/2010 Hearing Conducted S Transportation Committee  
 02/10/2010 SCS Voted Do Pass S Transportation Committee (3228S.03C)

EFFECTIVE: August 28, 2010

\*\*\* SB 702 \*\*\*

3857S.011

SENATE SPONSOR: Schaefer

SB 702 - This act provides that the daily allowance reimbursement rate for senators and representatives shall be frozen for a period of two years beginning on the effective date of this act.

This act contains an emergency clause.

JIM ERTLE

12/03/2009 Prefiled  
 01/04/2010 Bill Withdrawn

EFFECTIVE: Emergency Clause

\*\*\* SB 703 \*\*\*

3354S.011

SENATE SPONSOR: Vogel

SB 703 - 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 Identical to Senate Bill 187 (2009).

JASON ZAMKUS

12/08/2009 Prefiled  
 01/06/2010 S First Read--SB 703-Vogel (S78)  
 01/19/2010 Second Read and Referred S Ways and Means Committee (S129)  
 02/03/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 704 \*\*\*

3855S.011

SENATE SPONSOR: Griesheimer

SB 704 - Under this act, local regulations relating to billboard size, lighting, and spacing may be more restrictive than state law standards provided such local regulations are reasonable, allow for customary industry usage, and comply with the intent of state law. Local regulations may not have the intent or effect of prohibiting off-premise outdoor advertising structures on commercial or industrial property within 660 feet of federal aid primary or interstate highways. Local ordinances with such an intent or effect shall be invalid and unenforceable. If a court finds that a local regulation is prohibitive, unreasonable, or fails to allow for customary industry usage, then state standards regarding size, lighting, and spacing shall automatically apply in such areas until a valid local ordinance is adopted by the local zoning authority (Section 226.540).

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

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

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

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

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

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

STEPHEN WITTE

12/08/2009 Prefiled

01/06/2010 S First Read--SB 704-Griesheimer (S78)

01/12/2010 Bill Withdrawn

EFFECTIVE: August 28, 2010

\*\*\* SB 705 \*\*\*

3860S.011

SENATE SPONSOR: Griesheimer

SB 705 - 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.

Any attempt to pay, or actual payment of, an electric or gas utility bill shall not adversely affect the assistance that an otherwise eligible household may receive through Utilicare. The act removes the current requirement that households have had their service disconnected before being eligible for assistance.

Electric or gas companies shall allow customers who develop an arrearage during the Cold Weather Rule to pay one-third of the arrearage in each of the 3 months following the Cold Weather Rule period in order to retain service.

This act is similar to SCS/SB 299 (2009) and HB 2279 (2008).

ERIKA JAQUES

12/09/2009 Prefiled

01/06/2010 S First Read--SB 705-Griesheimer (S78)

01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S129)

01/26/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

02/02/2010 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 706 \*\*\*

3646S.021

SENATE SPONSOR: Rupp

SB 706 - This act requires the director of the Department of Insurance or a vendor under contract with the Department of Insurance, to review life insurance producer license examinations if, during a 12-month period beginning on September 1, the examinations show an overall pass rate of less than 70 percent for first-time examinees. The act requires the department to collect demographic information, including, race, gender, and national origin, from an individual taking a producer license examination. The act further requires the department to compile an annual report based on the examination review. The report must indicate whether there was any disparity in the pass rate based on demographic information. The act authorizes the director



by rule to establish procedures as necessary to collect demographic information necessary to implement the act and ensure that a review is conducted and the resulting report is prepared. The act also requires the director to deliver the report to the Governor, the Lieutenant Governor, the President Pro tem and the Speaker of the House of Representatives not later than December 1 of each year.

STEPHEN WITTE

12/14/2009 Prefiled

01/06/2010 S First Read--SB 706-Rupp (S78)

01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S129)

01/26/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 707 \*\*\*

3827S.011

SENATE SPONSOR: McKenna

SB 707 – 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, 2011, will be made special consultants as described in the act. From January 1, 2011 through January 1, 2016, 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, 2011, will be made special consultants as described in the act. From January 1, 2011, through January 1, 2016, 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 substantially similar to SB 198 (2009), SB 1042 (2008) and HCS/HB 661 (2007).

MICHAEL RUFF

12/14/2009 Prefiled

01/06/2010 S First Read--SB 707-McKenna (S78)

01/19/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 708 \*\*\*

3856S.011

SENATE SPONSOR: McKenna

SB 708 - 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), SB 940 (2008), HB 333 (2009), HB 776 (2009), and SB 199 (2009).

CHRIS HOGERTY

12/14/2009 Prefiled

01/06/2010 S First Read--SB 708-McKenna (S78)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 709 \*\*\*

3559S.021

SENATE SPONSOR: Shoemyer

SB 709 - This act creates the Board of Auto Body Repair and sets out the requirements for membership on the board. This board licenses auto body repair facilities, excluding those that specialize in certain services, and licenses 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 an auto body repair facility will be considered to have the owner's permission to determine the amount of repairs and start work on the vehicle. The facility will be entitled to recover the cost and expenses from the vehicle owner incurred in that process. 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 he or she prepares or alters 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.

Physical damage appraisers, insurers, and other individuals are prohibited from adjusting or paying claims for repairs of vehicles at unlicensed auto body repair facilities and are required to report these unlicensed facilities to the board.

This act is similar to SB 397 (2009).

EMILY KALMER

12/15/2009 Prefiled

01/06/2010 S First Read--SB 709-Shoemyer (S78)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S130)

EFFECTIVE: August 28, 2010

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\*\*\* SB 710 \*\*\*

3953S.011

SENATE SPONSOR: Bray

SB 710 - This act modifies the law regarding medical malpractice, to wit, 383 malpractice associations.

PLAN OF OPERATION/FEASIBILITY STUDY - Under the act, any group desiring to provide malpractice insurance for its members shall file a plan of operation or feasibility study with the director (Section 383.015). The plan of operation or feasibility study shall detail the coverages, deductibles, coverage limits, rates and rating classification systems for the insurance the association intends to offer. The plan shall also include historical and expected loss experience, pro forma financial statements and projections, actuarial opinions regarding the association's solvency, and underwriting claim procedures (Section 383.015).

ASSOCIATION SURPLUS AND SOLVENCY REQUIREMENTS - This act requires 383 associations to maintain a policyholders' surplus of at least \$100,000 and requires associations to deposit with the director of the department of insurance cash, bonds or treasury notes in the amount of \$100,000 (Section 383.020).

The act removes the prohibition on the Department of Insurance which precluded it from placing limitations on the amount of premium an association can write or on the amount of insurance or liability limit an association can provide. The act authorizes the director to require an association to submit a plan to restore its surplus to at least \$100,000 (Section 383.035).

The act requires 383 associations to maintain a specified ratio of premiums written to surplus held. If an association fails to maintain the specified ratio, the director shall order the association to bring its ratio into compliance with the specified standards. If the association fails to comply with the ratio standards for two or more consecutive years, the director may take charge of the association in the same manner as a mutual casualty company (Section 383.036).

The act provides that medical malpractice insurers shall not issue policies in which the director finds, after notice and opportunity for a hearing and based upon competent and substantial evidence on the record as a whole that the base rates of the insurer are excessive, inadequate or unfairly discriminatory.

This act is substantially similar to SB 1098 (2008) and SB 512 (2007).

STEPHEN WITTE

12/17/2009 Prefiled

01/06/2010 S First Read--SB 710-Bray (S78)

01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 711 \*\*\*

3950S.011

SENATE SPONSOR: Bray

SB 711 - 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.

The act contains a referendum clause.

The act is similar to Senate Bill 300 (2009).

JASON ZAMKUS

12/17/2009 Prefiled

01/06/2010 S First Read--SB 711-Bray (S78)

01/19/2010 Second Read and Referred S Ways and Means Committee (S130)

EFFECTIVE: Upon Voter Approval

\*\*\* SB 712 \*\*\*

4079S.011

SENATE SPONSOR: Bray

SB 712 - This act establishes a Commission on the Reorganization of State Health Care which shall have as its 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, 2010, 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, 2011.

This act has an emergency clause.

This act is identical to SB 352 (2009).

ADRIANE CROUSE

12/17/2009 Prefiled

01/06/2010 S First Read--SB 712-Bray (S78)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S130)

02/22/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 713 \*\*\*

3074S.011

SENATE SPONSOR: Mayer

SB 713 - 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. The act also provides that state appropriations to public library districts will not be affected by voluntary reductions in property tax levies, resulting from the enactment of a district sales tax, provided the proceeds from such sales tax equal or exceed the amount of the reduction in property tax revenue.

This act contains provisions which are similar to Senate Bill 266 (2009).

JASON ZAMKUS

12/21/2009 Prefiled

01/06/2010 S First Read--SB 713-Mayer (S78)

01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S130)

01/27/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 714 \*\*\*

3598S.021

SENATE SPONSOR: Crowell

SB 714 - This act allows the State Auditor to audit any state or local public employee retirement system every three years, unless the auditor is otherwise required by law to audit the system more frequently.

EMILY KALMER

12/22/2009 Prefiled  
 01/06/2010 S First Read--SB 714-Crowell (S79)  
 01/19/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S130)  
 02/18/2010 Hearing Conducted S Veterans' Affairs, Pensions and Urban Affairs Committee  
 02/24/2010 Voted Do Pass S Veterans' Affairs, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 715 \*\*\*

3862S.011

SENATE SPONSOR: Crowell

SB 715 – This act provides that on January 1, 2011, 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, 2011, the Board of Trustees of MCHCP shall investigate coordinating and purchasing health care benefit plans for employees and dependents of 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, 2012, the Board shall be the lead agency in coordinating and purchasing health care benefit plans for the employees and dependents of 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. This act also creates "MCHIE trust fund" to be used solely for the purposes related to the MCHIE.

The act contains an emergency clause.

This act is substantially similar to SB 553 (2009).

ADRIANE CROUSE

12/22/2009 Prefiled  
 01/06/2010 S First Read--SB 715-Crowell (S79)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S130)  
 02/22/2010 Hearing Cancelled S Financial and Governmental Organizations and Elections Committee  
 03/01/2010 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 716 \*\*\*

4074S.01P

SENATE SPONSOR: Goodman

SB 716 - This act allows the Department of Revenue to issue a special event motor vehicle auction license to an applicant for the purpose of auctioning motor vehicles if 90% or more of the vehicles are at least 10 years old or older. Auctions can be held for no more than three consecutive days, but no more than two times in a calendar year by the same licensee.

A report must be sent to the director within 10 days of the conclusion of the special event motor vehicle auction on a department-approved form specifying the make, model, year, and vehicle identification number

of every vehicle included in the auction. Anyone violating this provision will be guilty of a Class A misdemeanor and will be charged a \$500 administrative fee payable to the department for each vehicle auctioned in violation of this provision.

A special event motor vehicle auction will be considered a public motor vehicle auction for purposes of licensing and inspection of certain documents and odometer readings; however, the licensee will not be required to have a bona fide established place of business.

Applications to hold a special event motor vehicle auction must be received by the department at least 90 days prior to the event. Applicants must be registered to conduct business in this state, pay a licensing fee of \$1,000, and be bonded or have an irrevocable letter of credit in the amount of \$100,000. Applicants will be responsible for ensuring that a sales tax license or special event sales tax license is obtained if required.

The provisions of this act were contained in HB 979 (2009).

STEPHEN WITTE

12/22/2009 Prefiled  
 01/06/2010 S First Read--SB 716-Goodman (S79)  
 01/19/2010 Second Read and Referred S Transportation Committee (S130)  
 01/27/2010 Hearing Conducted S Transportation Committee  
 02/10/2010 Voted Do Pass S Transportation Committee - Consent  
 02/11/2010 Reported from S Transportation Committee to Floor - Consent (S314)  
 02/15/2010 Removed S Consent Calendar (S326)  
 02/18/2010 Reported from S Transportation Committee to Floor (S364)  
 02/24/2010 Perfected (S406)  
 02/24/2010 Reported Truly Perfected S Rules Committee (S422)  
 02/25/2010 S Third Read and Passed (S436-437)  
 02/25/2010 H First Read

EFFECTIVE: August 28, 2010

\*\*\* SB 717 \*\*\*

4088S.011

SENATE SPONSOR: Vogel

SB 717 - This act requires a no tax due statement as a prerequisite for issuance of any state or local business license. A no tax due statement will also be required in order to receive payments from the state legal defense fund. The director of the Department of Revenue may enter into agreements, with state agencies responsible for issuing business and occupation licenses, in which such agencies may submit the names of applicants for business and occupation licenses to be verified by the department of revenue as having no tax due. Tax delinquencies may result in suspension of business licenses.

JASON ZAMKUS

12/23/2009 Prefiled  
 01/06/2010 S First Read--SB 717-Vogel (S79)  
 01/19/2010 Second Read and Referred S General Laws Committee (S130)  
 02/09/2010 Hearing Cancelled S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 718 \*\*\*

4092S.011

SENATE SPONSOR: Crowell

SB 718 - 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. Beginning FY 2012, no MDFB infrastructure development fund tax credits can be issued unless a fiscal year allocation is made.

The act creates a procedure for the allocation of tax credit authorizations after June 30, 2011. Unless specifically allocated, no tax credits may be authorized after June 30, 2011. No later than October 1, 2010, the administering agency of each tax credit program, now or hereafter authorized by state law, must provide the House Budget Committee and the Senate Appropriations Committee with a request for tax credit allocation. Where Missouri law allows the issuance of tax credits to a recipient over the course of several years, such tax credit authorization must be allocated in the aggregate, and subsequent issuance of such tax

credits will not be used in calculating any statutory limitation on the fiscal year authorization allocation of tax credits. Fiscal year allocations of tax credits must be made in the annual appropriations bill for public debt and specifically provide: the name of the tax credit program; the actual amount allocated for authorization; the administering agency for the program; and whether the amount is authorized for streaming tax credit issuance and the amount of streamed credits. Allocations for tax credits which remain unauthorized at the end of the fiscal year will expire on the last day of such fiscal year.

JASON ZAMKUS

12/23/2009 Prefiled

01/06/2010 S First Read--SB 718-Crowell (S79)

01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 719 \*\*\*

4072S.011

SENATE SPONSOR: Bray

SB 719 - 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) and SB 341 (2009).

CHRIS HOGERTY

12/28/2009 Prefiled

01/06/2010 S First Read--SB 719-Bray (S79)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 720 \*\*\*

4114S.011

SENATE SPONSOR: Bray

SB 720 - This act requires the Department of Transportation's plans, programs, and projects to provide full consideration for the safety and contiguous routes for bicyclists, pedestrians, disabled persons, and transit users of all ages and abilities. Bicycle and pedestrian ways must be given full consideration in the planning and development of transportation facilities by the department, including their incorporation into state plans and programs.

This act is identical to HB 642 (2009).

STEPHEN WITTE

12/28/2009 Prefiled

01/06/2010 S First Read--SB 720-Bray (S79)

01/19/2010 Second Read and Referred S Transportation Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 721 \*\*\*

3192S.011

SENATE SPONSOR: Nodler

SB 721 - This act requires travel clubs to demonstrate that they have at least \$50,000 in liquid assets, rather than \$250,000, on their registration statements with the Attorney General.

SUSAN HENDERSON MOORE

12/29/2009 Prefiled

01/06/2010 S First Read--SB 721-Nodler and Goodman (S79)

01/19/2010 Second Read and Referred S General Laws Committee (S130)

01/21/2010 Re-referred S Small Business, Insurance and Industry Committee (S157)

02/23/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 722 \*\*\*

4172S.011

SENATE SPONSOR: Bray

Sb 722 - This act establishes the Missouri Universal Health Assurance Program. The program is a publicly financed, statewide program that will provide comprehensive necessary health, mental health, and dental care services for Missouri residents. The Director of the Department of Health and Senior Services is required to divide the population of the state into six regional health planning and policy development districts. An advisory council of 9 members will be established for each district. The advisory councils will assist the board of governors of the program in creating an annual comprehensive state health care plan as well as developing a transportation plan for indigent, elderly, and disabled clients.

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

Every person who is a resident of Missouri, regardless of pre-existing conditions, will be eligible to receive benefits for covered services. Individuals who are not residents but are employed in Missouri will be eligible to receive benefits. The board is required to request that the program be made available to federal employees and retirees while they are residents of Missouri. Certain health care services are excluded from coverage.

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

To finance the program, every Missouri resident is required to pay a health premium surcharge prorated based on the person's Missouri's adjusted gross income which will be collected by the Department of Revenue and deposited into the trust fund.

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

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

This act is identical to your HB 1164 (2009).

ADRIANE CROUSE

12/29/2009 Prefiled

01/06/2010 S First Read--SB 722-Bray (S79)

01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S130)

EFFECTIVE: Contingent

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\*\*\* SB 723 \*\*\*

3951S.011

SENATE SPONSOR: Bray

SB 723 - This act imposes an assessment fee of \$1.50 per square foot on certain outdoor advertising structures. The fee is not imposed on certain organizations (religious organizations, service organizations, veterans' organizations, and fraternal organizations)(such organizations are currently exempt from permit and inspection fees). The assessment fees shall be deposited in the state road fund and the commission shall



keep a separate accounting of such fees. The fees shall be used to pay just compensation for the removal of lawfully existing billboards.

STEPHEN WITTE

12/29/2009 Prefiled

01/06/2010 S First Read--SB 723-Bray (S79)

01/19/2010 Second Read and Referred S Transportation Committee (S130)

EFFECTIVE: August 28, 2010

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\*\*\* SB 724 \*\*\*

4163S.011

SENATE SPONSOR: Griesheimer

SB 724 - This act modifies the Motor Vehicle Franchise Practices (MVFP) Act.

#### SECTION 407.812 - APPLICABILITY OF ACT

All motor vehicle franchise licenses and license renewals shall be issued under the modified MVFP act and all franchise agreements involving such licensed franchisors shall be subject to the modified provisions, or future provisions, regardless of the franchise's date of inception.

#### SECTION 407.813 - TRUST FUNDS

The act designates various types of funds or compensation sources received by either the franchisee (car dealer) or franchisor (carmaker) as trust funds to be held for the purposes described.

#### SECTION 407.815 - DEFINITIONS

The act modifies several existing definitions and adds multiple new definitions.

#### SECTION 407.817 - ISSUING NEW FRANCHISES

The act modifies what is considered to be the relevant market area for a proposed new dealership or relocation of a dealership by including the areas identified in any existing franchise agreements for dealers of the same line-make.

Before a carmaker can issue a new franchise, existing law requires the carmaker to provide written notification to existing dealers of the same line-make in the affected market area. The act specifies what information must be contained in the notification.

Existing law exempts from the notification requirement a car dealership that has been closed within the previous year, if the dealership reopens within two miles of its former location. The act adds the criteria that the dealer franchise must be offered to the previous franchise owner.

Existing law requires the Administrative Hearing Commission (AHC) to take into account various factors into any decision it makes regarding determinations of whether it is prudent for a new dealer franchise to be located in a certain area. The act adds as factors the size of investments and financial obligations of existing similar car dealerships in the area and potential damage they may suffer as a result of the new or relocated dealership. The AHC must also compare the public benefit of increased competition to such potential damage.

#### SECTION 407.818 - DESIGNATION OF AREA OF RESPONSIBILITY

Any business entity seeking to issue a franchise to sell or lease vehicles in the state must be licensed under Chapter 301, RSMo. Within 30 days of this act's passage, any such licensed entity must designate in writing the "area of responsibility" for each of its franchises and must provide a copy of such to each car dealer franchise as well as the Department of Revenue. The business entity must also provide a copy of each of its franchise agreements to the Department of Revenue.

#### SECTION 407.819 - SUCCESSOR CARMAKERS

For a period of 5 years after a successor carmaker takes over the business operations of another carmaker, the successor carmaker shall not offer a franchise in the relevant market area, unless it first offers the franchise to a car dealer that had its franchise ended in the market area by the predecessor carmaker.

#### SECTION 407.822 - FRANCHISOR-FRANCHISEE PROVISIONS

Existing law allows any party seeking relief under the MVFP act to file an application for a hearing through the AHC. Instead of applying for a hearing, the act allows any party to file a complaint. The AHC must send a copy of the complaint to the party against whom the relief is sought. The act shortens the timeframe from 30

to 20 days, in which the respondent must file a response to the complaint.

Under existing law, carmakers must give at least 15 days notice for the termination of a franchise under certain circumstances. The act modifies the criteria for some of these circumstances: adding that an unauthorized transfer of ownership "must comprise more than 50% ownership"; any material misrepresentation by a car dealer must "substantially and adversely affect" the carmaker; certain bankruptcy proceedings "not vacated within 20 days"; and when a car dealer has not ceased an unlawful practice after having received a written 30-day warning from the carmaker.

The act shortens from 60 to 30 days, the time period in which a carmaker must provide notice to disapprove a sale or transfer of ownership by a car dealer or disapprove a designated family successor in ownership of a car dealer.

The act modifies and adds requirements to the required notice to be sent to car dealers from a carmaker under certain circumstances: modifying the window of time that it informs the car dealer that it has in which to file a complaint with the AHC (increases from 20 to 30 days) and informing the car dealer of its right to demand nonbinding mediation.

The act allows a car dealer to seek damages and legal costs from a carmaker in any legal proceeding against the carmaker in which the car dealer prevails.

The act allows a car dealer to make a written demand for mediation to its franchisor for any violation of the MVFP act. The act specifies procedures for the mediation process.

#### SECTION 407.825 - UNLAWFUL PRACTICES

Current law contains 18 practices considered to be unlawful for a carmaker to perform with regard to a franchisee. The act specifies that these practices are also considered unlawful if they are performed indirectly by a carmaker through any agent, affiliate, common entity or representative of the carmaker. The act makes numerous modifications to the existing unlawful practices and adds 27 additional unlawful practices. The 27 additional unlawful practices include provisions pertaining to: conditioning the awarding of a franchise to a car dealer's willingness to enter into a site control or exclusive use agreement; coercing or requiring a franchisee to take actions that would cause it financial harm; discriminating between franchisees of the same line-make; withholding or delaying services or payments to a franchisee that the franchisor has agreed to provide; or establishing performance standards or plans that are unreasonable or unfair.

#### SECTION 407.828 - FRANCHISOR COMPENSATION TO FRANCHISEE PROCEDURES

The act modifies provisions pertaining to preparation, delivery and warranty service provided by a car dealer. The act requires the schedule of compensation developed by the franchisor to be submitted to the Department of Revenue. Franchisees must not be required to submit claims for payment any earlier than 90 days after the work was performed. Claims for payment must be paid by the franchisor within 15 days of their receipt. The act lists requirements for how the franchisee calculates its retail rate for parts, service, and labor. The act lists audit and documentation requirements.

#### SECTION 407.831 - INDEMNIFICATION

Franchisors must indemnify and hold harmless their franchisees from liability in the event a consumer files a lawsuit for the purchase of a damaged vehicle, when such vehicle was damaged prior to delivery of the vehicle to the car dealer and such damage was not disclosed in writing to the car dealer.

#### SECTION 407.833 - MODIFICATIONS TO FRANCHISES

Franchisors must give at least 90 days written notice of any proposed franchise modification that substantially and adversely affects the franchisee's right, obligations, or finances unless the modification is required by law. The act lists procedures in case of a dispute.

#### SECTION 407.835 - COURT ACTIONS

Franchisees may recover litigation expenses and are entitled to recover up to 3 times the amount of actual damages that a court finds they have sustained due to a violation of the MVFP act by a franchisor. Franchisors shall have the burden of proof that they acted in compliance with the MVFP act.

ERIKA JAQUES

12/31/2009 Prefiled

01/06/2010 S First Read--SB 724-Griesheimer (S79)

01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S130)

02/02/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

02/16/2010 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 725 \*\*\*

4143S.011

SENATE SPONSOR: Rupp

This bill has been combined with SB 607

12/31/2009 Prefiled

01/06/2010 S First Read--SB 725-Rupp (S79)

01/19/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S130)

01/26/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/02/2010 Bill Combined w/SCS/SBs 607, 602, 615 & 725

EFFECTIVE: August 28, 2010

\*\*\* SB 726 \*\*\*

3733S.011

SENATE SPONSOR: Bray

SB 726 - This act creates a state and local sales and use tax exemption for admission fees and other charges paid for instruction, lessons, and classes in physical exercise or personal training such as Yoga, Tai Chi, and Qiyong, provided such instruction, lessons, or classes are not provided by health clubs, fitness centers, or spas.

JASON ZAMKUS

01/04/2010 Prefiled

01/06/2010 S First Read--SB 726-Bray (S80)

01/19/2010 Second Read and Referred S Ways and Means Committee (S130)

02/08/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 727 \*\*\*

4189S.011

SENATE SPONSOR: Bray

SB 727 - 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 282 (2009) and SB 913 (2008) and similar to SB 123 (2007) and SB 1170 (2006).

ERIKA JAQUES

01/04/2010 Prefiled

01/06/2010 S First Read--SB 727-Bray (S80)

01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 728 \*\*\*

3933S.011

SENATE SPONSOR: Crowell

SB 728 - This act modifies every state tax credit program in existence, except for the senior citizen property tax credit, the homestead preservation tax credit, financial and insurance tax credits, the residential treatment agency tax credit, and the community college new job training and retention credits, by limiting the amount of tax credits available for authorization in each fiscal year beginning FY 2011 based upon an allocation made by enactment of the appropriation bill for public debt.

The act creates a procedure for the allocation of tax credit authorizations after June 30, 2011. Unless specifically allocated, no tax credits may be authorized after June 30, 2011. No later than October 1, 2010, the administering agency of each tax credit program, now or hereafter authorized by state law, must provide the House Budget Committee and the Senate Appropriations Committee with a request for tax credit allocation. Where Missouri law allows the issuance of tax credits to a recipient over the course of several years, such tax credit authorization must be allocated in the aggregate, and subsequent issuance of such tax credits will not be used in calculating any statutory limitation on the fiscal year authorization allocation of tax credits. Fiscal year allocations of tax credits must be made in the annual appropriations bill for public debt and specifically provide: the name of the tax credit program; the actual amount allocated for authorization; the administering agency for the program; and whether the amount is authorized for streaming tax credit issuance and the amount of streamed credits. Allocations for tax credits which remain unauthorized at the end of the fiscal year will expire on the last day of such fiscal year.

The act repeals the transportation development tax credit, loan guarantee fee tax credit, dry fire hydrant tax credit, and the qualified research expense tax credit.

JASON ZAMKUS

01/04/2010 Prefiled

01/06/2010 S First Read--SB 728-Crowell (S80)

01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S130)

02/04/2010 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

02/11/2010 Motion to vote bill do pass failed S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 729 \*\*\*

4025S.011

SENATE SPONSOR: McKenna

SCS/SB 729 - This act modifies provisions relating to political subdivision contract bidding.

#### POLITICAL SUBDIVISION CONSTRUCTION BIDDING STANDARDS

This act creates the "Political Subdivision Construction Bidding Standards Act". Except for certain violations, this act does not apply to political subdivisions that have specific state or local competitive bidding requirements that are equivalent or stricter than the ones contained in this act. If a political subdivision is not covered by a specific federal, state, or local law that is equivalent or stricter in its requirements, it shall comply with the advertising and bidding requirements outlined in this act when soliciting bids and awarding contracts of \$6,000 or more.

Contract for construction shall be advertised in advance of the acceptance of bids. Bids shall be advertised through publication in a central repository developed by the office of administration or for a minimum of two days in an area newspaper, with the first ad appearing at least 30 days in advance of the stated deadline for acceptance of bids. The office of administration shall develop the repository and procedures for bids to be placed in the repository by January 1, 2011. Ads and solicitations must include the project name, submission deadline, and the time, date, and location of where the bids shall be received and opened. Political subdivisions shall not be required to comply with these advertising requirements until the office of administration develops such central repository at no cost to the state.

Unless otherwise specified by law, a contract shall be awarded to the lowest and best bidder. 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.

Under no circumstances shall construction contracts for any political subdivision 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 violations, may seek equitable relief and monetary damages for monetary losses.

Electronic bidding shall be allowed if it meets the standards of confidentiality. Nothing in this section shall require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract. Also, political subdivisions may award contracts without competitive bidding when there is an immediate public danger, to prevent loss to property, or to prevent or restore essential public services. Under such circumstances, the political subdivision must produce a written public record documenting the need to contract without competitive bidding.

#### METROPOLITAN SEWER DISTRICT DESIGN-BUILD CONTRACTS

This act authorizes the metropolitan sewer district (MSD) to enter into design-build contracts for projects that exceed \$1,000,000. MSD shall establish a written procedure for prequalifying contractors before they will be allowed to make a proposal on a project. MSD shall adopt procedures for the design-build contracting process and is authorized to issue a request for proposals to a maximum of five contractors who are prequalified. MSD may require approval of any person performing subcontract work on the project.

Before the prequalification process, MSD must advertise in a manner outlined by the act. If it fails to receive at least two submissions from prequalified contractors, MSD shall readvertise. MSD shall have the ability to reject all submissions and proposals.

This act outlines the process by which MSD will accept proposals and award contracts. The contract shall be awarded to the contractor representing the best overall value to the district in terms of quality, technical skill, and cost. MSD shall pay a reasonable stipend to prequalified contractors who submit a proposal but are not awarded the contract.

The payment bond requirements of Section 107.170 shall apply to design-build projects. All persons furnishing services are deemed to be covered by the payment bond. However, the performance bond for the contractor does not need to cover the design services as long as the contractor, or its subcontractors providing design services, carry professional liability insurance in an amount established by MSD in the request for proposals.

Any person providing architectural, engineering, or land surveying services for the contractor on the project shall be licensed or authorized by the state to provide such services. MSD shall retain an architect or engineer to assist and perform certain contract administration functions for the project. Such architect or engineer cannot act as the contractor on such project.

Any contractor that enters into a design-build contract with MSD is exempt from the requirement that such person hold a certificate of registration or authority if the architectural, engineering, or land surveying services are performed through subcontracts with properly licensed or authorized persons and are not performed by the contractor or its employees.

SUSAN HENDERSON MOORE

01/04/2010 Prefiled

01/06/2010 S First Read--SB 729-McKenna (S80)

01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S130)  
 01/27/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/03/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (4025S.03C)

EFFECTIVE: August 28, 2010

\*\*\* SB 730 \*\*\*

4140S.011

SENATE SPONSOR: Schaefer

SB 730 - This act provides that the daily allowance reimbursement rate for senators and representatives shall be frozen at the rate in effect on September 30, 2009 for a period of two years beginning on the effective date of this act.

This act contains an emergency clause.

JIM ERTLE

01/04/2010 Prefiled  
 01/06/2010 S First Read--SB 730-Schaefer, et al (S80)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S130)

EFFECTIVE: Emergency Clause

\*\*\* SB 731 \*\*\*

4075S.021

SENATE SPONSOR: Crowell

SB 731 - This act allows circuit courts to use private probation services to supervise individuals who have committed a Class C or Class D felony at the discretion of the sentencing court. Currently, private entities can only be used to supervise individuals who are on probation for misdemeanor offenses. This act also increases the maximum amount per day that an offender can be required to pay for private probation services. The amount is increased from \$50 to \$65.

SUSAN HENDERSON MOORE

01/05/2010 Prefiled  
 01/06/2010 S First Read--SB 731-Crowell (S80)  
 01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 732 \*\*\*

3334S.011

SENATE SPONSOR: Cunningham

SB 732 – This act creates the Emily Brooker Higher Education Sunshine Act, which defines intellectual diversity for reporting purposes at public institutions of higher education. The Coordinating Board for Higher Education will require each public institution of higher education to annually report to the General Assembly on steps taken to ensure intellectual diversity and the free exchange of ideas beginning in 2011. 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 SB 499 (2009), HB 1315 (2008), SB 983 (2008) and is similar to HB 213 (2007).

MICHAEL RUFF

01/05/2010 Prefiled  
 01/06/2010 S First Read--SB 732-Cunningham (S80)  
 01/19/2010 Second Read and Referred S Education Committee (S130)

EFFECTIVE: August 28, 2010

\*\*\* SB 733 \*\*\*

3902S.011

SENATE SPONSOR: Pearce

SB 733 – This act modifies the requirements for renewal awards through the Bright Flight Scholarship Program. 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 completing 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 40 (2009) and SS/SCS/SB 558 (2009).

MICHAEL RUFF

01/06/2010 S First Read--SB 733-Pearce (S81)

01/19/2010 Second Read and Referred S Education Committee (S130)

02/24/2010 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 734 \*\*\*

3791S.011

SENATE SPONSOR: Pearce

SB 734 – This act requires the Division of School Improvement within the Department of Elementary and Secondary Education to develop and coordinate a program to provide a fine arts education consultant at each Regional Professional Development Center.

Each fine arts consultant will have the following duties: act as a resource for school districts, as described in the act; work with school districts in staff development and curriculum issues related to fine arts education; collaborate with the regional office and regional personnel; coordinate services available from other entities involved in fine arts education and fine arts integration; assist and support local school districts in providing fine arts education; and contribute to the development and implementation of in-service training that responds to the needs of arts specialists and other educators for the needs of Missouri students in the fine arts.

This act is identical to HB 870 (2009).

MICHAEL RUFF

01/06/2010 S First Read--SB 734-Pearce (S81)

01/19/2010 Second Read and Referred S Education Committee (S130)

01/27/2010 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 735 \*\*\*

3323S.011

SENATE SPONSOR: Cunningham

SB 735 – This act requires public libraries, by January 1, 2011, 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 library board member, officer, or employee who violates this section is subject to a misdemeanor.

This act is substantially similar to SB 450 (2009).

MICHAEL RUFF

01/06/2010 S First Read--SB 735-Cunningham (S81)

01/19/2010 Second Read and Referred S General Laws Committee (S130)

03/02/2010 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 736 \*\*\*

3560S.02I

SENATE SPONSOR: McKenna

SB 736 - This act allows certain counties of the first and second classification to collect property taxes using electronic records and disbursements. County collectors of these counties are required by the fifteenth day of each month to file, with the county clerk and auditor, a detailed statement of all taxes and license fees collected during the preceding month. Taxing authorities will be required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1.

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

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

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

This act is similar to provisions contained in the Senate Committee Substitute #2 for House Committee Substitute for House Bill 148 (2009).

JASON ZAMKUS

01/06/2010 S First Read--SB 736-McKenna (S82)  
 01/19/2010 Second Read and Referred S Ways and Means Committee (S130)  
 01/21/2010 Re-referred S Jobs, Economic Development and Local Government Committee (S157)  
 02/03/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/10/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/11/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S313)  
 02/15/2010 Removed S Consent Calendar (S326)

EFFECTIVE: August 28, 2010

\*\*\* SB 737 \*\*\*

4180S.02I

SENATE SPONSOR: Days

SB 737 - The abandonment period of payroll checks is reduced from five years to one year beginning January 1, 2011.

Abandoned property turned over to the state listed in the name of a government entity or political subdivision may be made available as public information.

CHRIS HOGERTY

01/11/2010 S First Read--SB 737-Days (S91)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S130)  
 01/25/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: 8/28/2010 &amp; 1/1/2011

\*\*\* SB 738 \*\*\*

SCS SB 738

4232S.03C



SENATE SPONSOR: Crowell

SCS/SB 738 - This act modifies provisions relating to infractions.

This act makes various motor vehicle violations misdemeanor offenses of varying degrees, rather than infractions.

An infraction shall not constitute a crime and shall not give rise to any disability or legal disadvantage based upon conviction. The judicial procedure followed for infractions shall be the same as that followed for misdemeanors.

Under this act, if a defendant fails to appear in court for an infraction or fails to respond to notice of an infraction from the Central Violations Bureau, the court may issue a default judgment for court costs and fines unless the court finds good cause or excusable neglect for the failure to appear. The default judgment, along with the amount of fines and costs imposed, shall be sent to the defendant by first class mail. The default judgment may be set aside for good cause if the defendant files a motion to have the judgement set aside within 30 days of the mailing. The judgement against the defendant shall include a fine and court costs authorized by law. Under any circumstance, a court may issue a warrant for failure to appear for any infraction violation.

Sections 556.021 and 556.022 shall become effective on January 1, 2012 and contain an emergency clause for certain provisions.

SUSAN HENDERSON MOORE

01/11/2010 S First Read--SB 738-Crowell (S91)  
 01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S130)  
 01/19/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/01/2010 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (4232S.03C)  
 02/04/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S225)  
 02/15/2010 Bill Placed on Informal Calendar (S323)  
 02/25/2010 S Informal Calendar S Bills for Perfection--SB 738-Crowell, with SCS

EFFECTIVE: Varies

\*\*\* SB 739 \*\*\*

4274S.011

SENATE SPONSOR: Lembke

SB 739 - 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 a provision of HCS/SB 386 (2009) & HB 416 (2009) and SB 284 (2009).

SUSAN HENDERSON MOORE

01/11/2010 S First Read--SB 739-Lembke (S91)  
 01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S131)  
 02/10/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/22/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 740 \*\*\*

4235S.011

SENATE SPONSOR: Lembke

SB 740 - This act exempts prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required to obtain a

conceal carry endorsement, from certain otherwise unlawful uses of a weapon. Such acts include the general prohibition against carrying a concealed firearm without an endorsement, shooting into a dwelling, exhibiting a weapon in a threatening manner, discharging a firearm within 100 yards of a school, courthouse, or church, discharging a firearm along a highway, carrying a firearm into a church or election precinct, discharging a firearm at or from a vehicle at a person, and carrying a firearm into a school.

This exemption is identical to the exception for peace officers, jailers, members of the military, members of the judiciary, persons executing process, probation and parole officers, corporate security advisors, and coroners.

This act is identical to HB 1308 (2010).

SUSAN HENDERSON MOORE

01/11/2010 S First Read--SB 740-Lembke (S91)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S131)

02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 741 \*\*\*

4346S.011

SENATE SPONSOR: Griesheimer

SB 741 - 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), a provision of SS/SCS/HB 376 (2009) and SB 122 (2009).

SUSAN HENDERSON MOORE

01/11/2010 S First Read--SB 741-Griesheimer (S91)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S131)

02/22/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 742 \*\*\*

3306S.011

SENATE SPONSOR: Shoemyer

SB 742 - 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 identical to SB 170 (2009).

ADRIANE CROUSE

01/12/2010 S First Read--SB 742-Shoemyer (S101)

01/19/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S131)

02/09/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 743 \*\*\*

3292S.011

SENATE SPONSOR: Shoemyer

SB 743 - This act allows the governing body of a city, town, village or county to submit a proposal to the voters of such city, town village or county allowing the municipality to impose a property tax to fund cemetery maintenance. The tax authorized under this act shall not exceed one fourth of one cent per one hundred dollars assessed valuation and shall not become effective until approved by the voters of the city, town village or county.

This act is similar to Senate Bill 168 (2009) and the perfected version of Senate Bill 822 (2008).

JASON ZAMKUS

01/12/2010 S First Read--SB 743-Shoemyer (S101-102)

01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S131)

01/27/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/03/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 744 \*\*\*

3474S.011

SENATE SPONSOR: Pearce

SB 744 - Under this act, each health carrier must provide coverage for the diagnosis and treatment of eating disorders beginning January 1, 2011. Under the terms of the act, health carriers shall not deny eligibility or continued eligibility to an individual to enroll or renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of the act or deny coverage for treatment of eating disorders, including coverage for residential treatment of eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders.

Under the act, health carriers shall not provide monetary payments, rebates, or other benefits to individuals to encourage such individuals to accept less than the minimum protections available under the act. In addition, a health carrier shall not penalize or otherwise reduce or limit the reimbursement of a health care provider because such provider provided care to a beneficiary in accordance with this act.

The eating disorder health insurance mandate requires the insurer to provide access to psychiatric and medical treatment under the plan and provide coverage for integrated care and treatments as prescribed by medical and psychiatric health care professionals, including but not limited to nutrition counseling, physical

therapy, dietician services, medical monitoring, and psychiatric monitoring.

Nothing in the act shall be construed as requiring a health carrier to provide coverage of mental illness.

The act also requires the Department of Mental Health, in collaboration with the departments of Health and Senior Services and Social Services, to provide diagnosis and treatment services for any resident of this state who does not have insurance coverage for the diagnosis and treatment of eating disorders or is in need of financial assistance to pay for the diagnosis and treatment of an eating disorder. Such eating disorder care shall be provided at eating disorder specialty units, private facilities, and state-operated facilities that have licensed eating disorder specialists on staff.

The act establishes within the Department of Mental Health the "Missouri Eating Disorder Council" which shall consist of the following persons to be selected by and the number of members to be determined by the director of the department of mental health:

- (1) Director's designees from the department of mental health;
- (2) Eating disorder researchers, clinicians, and patient advocacy groups; and
- (3) The general public.

The number of members on the council is determined by director of the department of mental health. The act sets forth the members' terms and how the council must conduct their meetings.

Under the act, the council has the power to oversee the eating disorder education and awareness programs established by the act. The council is also empowered to identify whether adequate treatment and diagnostic services are available in the state.

Under the act, the Department of Mental Health, in collaboration with the departments of Health and Senior Services, Elementary and Secondary Education, and Higher Education and in consultation with the Missouri eating disorder council, must develop and implement certain education and awareness programs which are delineated in the act.

The provisions contained in this act are similar to ones contained in SB 463 and HB 519 (2009).

STEPHEN WITTE

01/12/2010 S First Read--SB 744-Pearce (S102)

01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S131)

EFFECTIVE: August 28, 2010

\*\*\* SB 745 \*\*\*

4337S.011

SENATE SPONSOR: Bray

SB 745 - By August 28, 2011, the Department of Natural Resources must establish the Missouri Uniform Building Energy Code, which are statewide energy standards for building construction and renovation. The standards must conform with the American Society of Heating, Refrigerating and Air-Conditioning Engineers' (ASHRAE) Standard 90.1 and the International Energy Conservation Code (IECC).

All buildings constructed or renovated in Missouri must comply with the Missouri Uniform Building Energy Code. Local governments must adopt the code within 120 days of its development or within 120 days of any update to the code. Local governments may enact energy requirements that are more stringent than the statewide requirements. Municipalities that issue building permits, or that have building inspectors, are responsible for ensuring compliance with the act. In areas of the state where no building permits are issued, designers and builders must submit a certification to the Department of Natural Resources ensuring compliance with the act and the Department may inspect buildings in those areas. Work may be stopped and occupancy permits may be revoked for buildings not found by the Department to be in compliance with the act.

The Department of Natural Resources must review the Missouri Uniform Building Energy Code within 9 months of any updates to the ASHRAE 90.1 or IECC standards, or at least once every 3 years, and must keep the Missouri Energy Code updated. The Department must also coordinate training on the code requirements for local governments, building inspectors, designers and builders and must conduct public information efforts for residential and commercial users. The Department may charge a fee for its costs to administer the act's provisions.

ERIKA JAQUES

01/12/2010 S First Read--SB 745-Bray (S102)  
01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S131)

EFFECTIVE: August 28, 2010

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\*\*\* SB 746 \*\*\*

4394S.011

SENATE SPONSOR: Griesheimer

SB 746 - Under this act, on the date the commission approves funding for any phase or portion of construction or reconstruction of Interstate 70 or Interstate 44, the rules in effect for outdoor advertising on August 27, 1999, shall be reinstated for that section of highway scheduled for construction and there shall immediately be a moratorium imposed on the issuance of state sign permits for new sign structures.

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

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

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

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

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

STEPHEN WITTE

01/12/2010 S First Read--SB 746-Griesheimer (S102)  
01/19/2010 Second Read and Referred S Transportation Committee (S131)

EFFECTIVE: August 28, 2010

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\*\*\* SB 747 \*\*\*

4141S.031

SENATE SPONSOR: Rupp

SB 747 - Under current law, health insurance policies are barred from providing coverage for elective abortions except through optional riders. This act extends this prohibition to health insurance policies offered through any health insurance exchange established in this state or any federal health insurance exchange administered within this state. In addition, no health insurance exchange operating within this state may offer coverage for elective abortions through the purchase of an optional rider.

STEPHEN WITTE

01/12/2010 S First Read--SB 747-Rupp, et al (S102)  
01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S131)

EFFECTIVE: August 28, 2010

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\*\*\* SB 748 \*\*\*

4353S.011

SENATE SPONSOR: Rupp

SB 748 - Under this act, an uninsured motorist waives his or her ability to have a cause of action or otherwise collect for noneconomic damages against a driver who is in compliance with Chapter 303 due to a motor vehicle accident in which the insured driver is alleged to be at fault.

For purposes of the act, an uninsured motorists includes an uninsured driver who is the owner of the vehicle, an uninsured permissive driver of a vehicle, and any uninsured non-permissive driver.

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 6 months 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 set forth in the act (section 303.390).

This provision is similar to the one contained in SCS/SB 335 & 16 (2009).

STEPHEN WITTE

01/12/2010 S First Read--SB 748-Rupp (S102)

01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S131)

02/02/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 749 \*\*\*

3989S.011

SENATE SPONSOR: Rupp

SB 749 - This act requires that by October 1, 2010, 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.

This act is similar to SB 533 (2009).

EMILY KALMER

01/12/2010 S First Read--SB 749-Rupp (S102)

01/19/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S131)

EFFECTIVE: August 28, 2010

\*\*\* SB 750 \*\*\*

3447S.011

SENATE SPONSOR: Rupp

SB 750 - This act prohibits motor vehicle dealers from selling or leasing motor vehicles that do not comply with Missouri's tinted window law. The motor vehicle dealer shall certify, on a form prescribed by the director, that every motor vehicle sold by the motor vehicle dealer complies with this section at the time of the sale. The motor vehicle dealer shall issue the purchaser of the motor vehicle a copy of the certification at the time of the sale and shall keep one copy for the motor vehicle dealer's records.

STEPHEN WITTE

01/12/2010 S First Read--SB 750-Rupp (S102)

01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S131)

02/09/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 751 \*\*\*

4395S.011

SENATE SPONSOR: Lembke

This bill has been combined with SB 841

01/12/2010 S First Read--SB 751-Lembke (S102)  
01/19/2010 Second Read and Referred S Transportation Committee (S131)  
02/10/2010 Hearing Conducted S Transportation Committee  
02/17/2010 Bill Combined w/SCS/SBs 841, 657 & 751

EFFECTIVE: August 28, 2010

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\*\*\* SB 752 \*\*\*

4352S.011

SENATE SPONSOR: Lembke

This bill has been combined with SB 812

01/12/2010 S First Read--SB 752-Lembke (S102)  
01/19/2010 Second Read and Referred S Transportation Committee (S131)  
02/10/2010 Hearing Conducted S Transportation Committee  
02/17/2010 Bill Combined w/SCS/SBs 812, 752 & 909

EFFECTIVE: August 28, 2010

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\*\*\* SB 753 \*\*\*

4340S.011

SENATE SPONSOR: Dempsey

SB 753 - This act allows county commissions that serve as trustees of funds for cemeteries to invest these funds in certificates of deposit.

EMILY KALMER

01/12/2010 S First Read--SB 753-Dempsey (S102)  
01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S131)  
01/27/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
02/03/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
02/04/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S225)  
02/25/2010 S Consent Calendar--SB 753-Dempsey

EFFECTIVE: August 28, 2010

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\*\*\* SB 754 \*\*\*

SCS SB 754

3900S.05C

SENATE SPONSOR: Dempsey

SCS/SB 754 - This act modifies certain laws regarding cemeteries.

It allows county commissions that serve as trustees of funds for cemeteries to invest these funds in certificates of deposit.

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 eliminates this specific venue provision.

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.

Currently, cemetery operators are required to correct deficiencies in the funding of endowed care trust

funds. This act 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 that serves as the trustee of an endowed care trust be located in Missouri is removed. Cemetery operators must maintain the name and address of the trustee and records custodian and supply the office with this information upon request. 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 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 dollars, 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 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.

Sellers of 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, 2010, 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 80% of 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, and after the cemetery operator is notified, and given sixty days to correct the violations. The cemetery operator may appeal this suspension.

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.

This act is similar to SB 753 (2010) and SB 416 (2009).

EMILY KALMER

01/12/2010 S First Read--SB 754-Dempsey (S102-103)  
 01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S131)  
 02/03/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/10/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (3900S.05C)  
 02/18/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S363)  
 02/22/2010 Bill Placed on Informal Calendar (S385)  
 02/25/2010 S Informal Calendar S Bills for Perfection--SB 754-Dempsey, with SCS

EFFECTIVE: August 28, 2010

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\*\*\* SB 755 \*\*\*

4406S.011

SENATE SPONSOR: Griesheimer

SB 755 - This act modifies the recently passed transportation development sales tax language contained in Section 238.235.

In 2009 (HB 191), the General Assembly modified Section 238.235 so that the Department of Revenue would collect the sales taxes imposed by transportation development districts rather than allowing the districts to collect the taxes themselves. The sales tax collection provisions were patterned after the provisions contained in Section 238.236 which already require the Department of Revenue to collect sales taxes in transportation development districts formed in whole counties or cities. This act will make the recently enacted Section 238.235 more consistent with Section 238.236 (effective date of sales tax, notice



requirements, applicability of sales tax laws, investment of sale tax revenues, creation of fund, refunding of erroneous payments and repeal of sales tax) and will also give the Department of Revenue a one percent cost of collection fee for collecting and distributing the transportation development district sales tax. Under current law, the Department of Revenue already receives a one percent collection fee for collecting and distributing the sales tax in other types of transportation development districts.

STEPHEN WITTE

01/13/2010 S First Read--SB 755-Griesheimer (S110)

01/19/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S131)

EFFECTIVE: August 28, 2010

\*\*\* SB 756 \*\*\*

3952S.011

SENATE SPONSOR: Bray

SB 756 - This act allows third and fourth class cities and villages to publish their annual financial statements on their website rather than printing them in the paper. The statements must be posted for at least six months. The city or village shall also display a printed notice at city hall where other notices are displayed. If no website is available, the city may notify residents in writing or by email.

This act also allows political subdivisions and special districts to notify the public about election information on their website rather than printing it in the paper. They may also provide the information in a newsletter if one exists.

This act is similar to a provision of the perfected version of SS/SCS/HB 376 (2009).

SUSAN HENDERSON MOORE

01/13/2010 S First Read--SB 756-Bray (S110)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S131)

02/08/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 757 \*\*\*

4331S.011

SENATE SPONSOR: Rupp

SB 757 - This act establishes the Joint Committee on Recovery Accountability and Transparency to prevent fraud, waste, and abuse of the funds received by the state or any political subdivision from the federal American Recovery and Reinvestment Act of 2009. The committee will consist of four members of the senate and four members of the house. This committee will have the power to oversee the reporting of contracts and grants using covered funds, review whether competition requirements applicable to contracts and grants have been satisfied, review covered funds, refer matters for investigation to the Attorney General or the agency dispersing the funds, receive regular reports from the commissioner of the office of administration, receive regular testimony from the State Auditor, review audits from the State Auditor, and review the number of jobs created in the state using these funds. The committee is required to report annually to the Governor and General Assembly. The committee also has the power to subpoena witnesses. The committee will end March 1, 2013.

This act requires the Governor to submit a daily report of all amounts withheld from the state's operating budget. This report will be posted on the Missouri Accountability Portal.

This act is similar to SCS/HB 544 (2009) and SB 568 (2009).

EMILY KALMER

01/13/2010 S First Read--SB 757-Rupp and Schmitt (S110)

01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S131)

02/18/2010 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 758 \*\*\*

4397S.01P

SENATE SPONSOR: Rupp

SB 758 - This act requires notes, bonds, and other instruments in writing issued by the bi-state development agency to mature not more than forty years from the date of issuance, rather than thirty years.  
SUSAN HENDERSON MOORE

01/13/2010 S First Read--SB 758-Rupp and Keaveny (S110)  
01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S131)  
02/01/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
02/08/2010 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
02/11/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S312)  
02/15/2010 Removed S Consent Calendar (S326)  
02/18/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S363)  
02/22/2010 Perfected (S385)  
02/22/2010 Reported Truly Perfected S Rules Committee (S387)  
02/25/2010 S Third Read and Passed (S433-434)  
02/25/2010 H First Read

EFFECTIVE: August 28, 2010

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\*\*\* SB 759 \*\*\*

4112S.011

SENATE SPONSOR: Green

SB 759 - 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), SB 1137 (2008), and SB 92 (2009).

CHRIS HOGERTY

01/13/2010 S First Read--SB 759-Green and Keaveny (S110-111)  
01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S131)

EFFECTIVE: August 28, 2010

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\*\*\* SB 760 \*\*\*

4111S.021

SENATE SPONSOR: Green

SB 760 - This act allows the Secretary of State to regulate variable annuities as securities.

This act is similar to HB 846 (2005), and SB 907 (2006).

CHRIS HOGERTY

01/13/2010 S First Read--SB 760-Green and Keaveny (S111)  
01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S131)

EFFECTIVE: August 28, 2010

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\*\*\* SB 761 \*\*\*

4313S.011

SENATE SPONSOR: Green

SB 761 - This act removes a provision exempting police, deputy sheriffs, Missouri State Highway patrolmen, Missouri National Guard and teachers from collective bargaining under the public sector labor law.

This act amends the public sector labor law to require the public body and the exclusive bargaining representative to bargain in good faith to reach an amicable agreement.

Currently, the results of discussions are reduced to writing for adoption, modification, or rejection. This act removes the modification option. Tentative bargaining agreements shall be ratified pursuant to the ratification process established by the exclusive bargaining representative.

This act is similar to SB 486 (2009), HB 1001 (2009), SB 473 (2009), and HB 1159 (2009).

CHRIS HOGERTY

01/13/2010 S First Read--SB 761-Green (S111)

01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S131)

EFFECTIVE: August 28, 2010

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\*\*\* SB 762 \*\*\*

3196S.021

SENATE SPONSOR: Green

SB 762 - This act imposes various regulations (hours of operation, driver alcohol and drug testing, review and maintenance of driving records, maintenance and repair standards on transport vehicles, liability insurance standards, etc.) on contract carriers that transport railroad employees.

**DRIVER QUALIFICATION FILE** - Under the terms of this act, a contract carrier must maintain a driver qualification file for each driver it employs. The act sets forth what the driver qualification file must include. For example, the file must include a certificate of physical examination conducted by a physician every 2 years that certifies the physical ability of the driver to operate a commercial motor vehicle and any documentation related to the driver's violation of motor vehicle laws or ordinances

**DRIVER DISQUALIFICATIONS BASED UPON DRIVING RECORD** - Under the terms of the act, a driver shall be disqualified from driving for a contract carrier if the driver has committed two or more serious traffic violations within a three-year period. The act defines what constitutes a serious traffic violation.

**HOURS OF OPERATION** -Under this act, contract carriers shall not allow drivers to be on duty for more than 10 hours after eight consecutive hours off duty; 15 hours of combined on-duty time and drive time since last obtaining eight consecutive hours of off-duty time; or for more than 70 hours of on-duty time in a period of eight consecutive days. Contract carriers must keep accurate reports of drivers on-duty and off-duty time periods for at least six months.

**ALCOHOL AND DRUG TESTING** - Before any driver performs any duties for the contract carrier, the driver must undergo testing for alcohol and controlled substances as provided under federal regulations. A driver is disqualified to drive if the individual fails certain drug and alcohol testing requirements; refuses to provide a specimen for an alcohol test result or controlled substances test result or both; or submits an adulterated specimen, a dilute positive specimen, or a substituted specimen on an alcohol test result or the controlled substances test result that is performed. A common carrier or the employer must maintain records of the alcohol testing and controlled substances testing of drivers for a period of five years. Contract carrier must conduct drug and alcohol testing on drivers involved in certain types of accidents and submit the results to the Department of Transportation.

**MOTOR VEHICLE INSPECTIONS** - If a contract carrier uses a commercial motor vehicle for passenger transportation, the contract carrier shall perform an inspection on the commercial motor vehicle and its components at least one time in every twelve-month period in compliance with federal rules. Under the act, a drivers must complete a written motor vehicle report upon completion of each day's work on the motor vehicle that the driver operated.

**MAINTENANCE AND REPAIR** - Under the act, a contract carrier must establish a maintenance and repair program. A contract carrier's maintenance and repair program must include checking parts and accessories for safety and proper operation at all times and overall cleanliness of the motor vehicle. The act sets forth what the motor vehicle must have (spare tire, emergency road kit, first aid kit, etc.). A contract carrier must

maintain records for its maintenance and repair program for each motor vehicle. The records must be maintained by the contract carrier at its place of business for one year. If the motor vehicle leaves the contract carrier's control, the records shall be maintained by the contract carrier at its place of business for six months.

ACCESS TO FACILITIES AND RECORDS - Contract carriers must allow employees of the Missouri department of transportation access to their facilities and records to determine compliance with the act.

INSURANCE - The act requires each contract carrier to obtain and maintain an insurance policy of \$5,000,000 for each motor vehicle that transports railroad employees.

CIVIL PENALTIES - Under the act, any person, corporation, or entity who violates any provision of the act shall be subject to a civil penalty in an amount of not more than two thousand dollars for each offense or violation.

RULEMAKING AUTHORITY - The act authorizes the Missouri highways and transportation commission to promulgate rules and regulations to implement and administer the provisions of the act.

EMERGENCY CLAUSE - The act contains an emergency clause.  
STEPHEN WITTE

01/13/2010 S First Read--SB 762-Green (S111)

01/19/2010 Second Read and Referred S Transportation Committee (S131)

EFFECTIVE: Emergency Clause

\*\*\* SB 763 \*\*\*

4202S.011

SENATE SPONSOR: Green

SB 763 - Under existing law, a residential property owner must not be charged a stormwater fee from the Metropolitan St. Louis Sewer District if the property owner does not receive sanitary sewer service from the district and if stormwater from the property does not drain to a sewer maintained by the district. The act adds criteria for when stormwater is considered to drain to a sewer maintained by the district: if it drains to a pipe or improved waterway within 50 feet of the property line, or if the stormwater is carried to a pipe or improved waterway via a street, sidewalk, or concrete swale.

ERIKA JAQUES

01/13/2010 S First Read--SB 763-Green and Cunningham (S111)

01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S131)

EFFECTIVE: August 28, 2010

\*\*\* SB 764 \*\*\*

3233S.031

SENATE SPONSOR: Green

SB 764 - This act establishes crane safety standards and requires employers to register with the Department of Labor and Industrial Relations every two years and pay a fee. The Department of Labor and Industrial Relations has the authority to promulgate rules to carry out this act.

The director of the Department of Labor and Industrial Relations shall designate crane operators, signal persons, riggers (individuals who attach loads to cranes), and crane operator trainees as safety sensitive positions. Employers who employ these individuals are required to have a drug and alcohol free workplace and substance abuse policy. These policies must include certain mandatory drug testing, prohibition on employees working while under the influence of alcohol, drugs, or a controlled substance, and a prohibition on the use, possession, or manufacture of any unlawful drug or use of alcohol while at work.

Employers are required to ensure that individuals who operate cranes meet training requirements, pass a written test, demonstrate proficiency in operating the specific type of crane, pass a practical skills examination, and demonstrate specific knowledge of crane operations, or an employer may accept a crane operator certification from certain national certification programs. Crane operators must also provide medical documentation to their employer and pass a substance abuse test. Employers must ensure crane operators are tested every five years.

Crane operator trainees may be allowed to operate cranes if they: are under the direct supervision of a crane operator, demonstrate a basic understanding of crane operations or complete an approved operating engineer apprenticeship program, complete a medical examination, and successfully pass a drug test.

Individuals who provide hand or verbal signals to control crane operations are required to have certain knowledge or be certified by certain national programs.

Employers are required to ensure that all the hardware, equipment and means used to safely attach a load to a crane (i.e. rigging) are used in accordance with manufacturer limitations and requirements and individuals who rig loads with hardware and equipment used to attach a load to a crane (i.e. riggers) have received training appropriate to the level of work they perform. Riggers are categorized as "level I riggers", "level II riggers", and "master/lead riggers" depending on their years of experience. The different levels of riggers are required to meet different training requirements, or an employer may accept certifications from certain national certification programs. Riggers must receive refresher training under certain circumstances and successfully pass a drug test.

Employers are required to ensure that an initial inspection is done of all new and altered cranes and that daily and annual inspections are also conducted. Employers are required to maintain inspection and maintenance records and make all records available to the director or the director's representative for review.

Before a tower crane or supporting structure is built or modified, employers are required to ensure that a qualified person determines the appropriate and safe method to build the tower crane for that site. Written instructions and a list of the weights of each subassembly are required to be maintained at the site. Building, dismantling, jumping, or reconfiguring a tower crane must be supervised by a master/lead rigger.

Daily job safety briefings for all people working on or around the crane are required in certain situations. The master/lead rigger is required to discuss certain topics at the daily job safety briefings.

Written training records for each crane operator, signal person, rigger, and crane operator trainee must be maintained in the employer's principal office in Missouri for five years.

Master/lead riggers must directly supervise any special lifts and inspect the rigging used in special lifts. Employers must notify the director of the department of labor and industrial relations of certain information forty-eight hours prior to any special lift, or if not, within twenty-four hours after the special lift they must provide a written explanation of why they did not notify the director.

The director of the department is authorized to issue civil damages up to \$200 for each violation of this act and seek injunctions to stop certain violations. Damages for violations of this act go to the Crane Safety Enforcement Fund.

EMILY KALMER

01/13/2010 S First Read--SB 764-Green (S111)

01/19/2010 Second Read and Referred S General Laws Committee (S131)

EFFECTIVE: August 28, 2010

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\*\*\* SB 765 \*\*\*

3558S.011

SENATE SPONSOR: Shoemyer

SB 765 - 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 twenty 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 make equity investments in 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.

No more than one million five hundred thousand dollars in tax credits can be issued annually for investments made to any one qualified Missouri business. If in any year, the number of claims for tax credits exceed the amount available the department will issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year. Any amount of tax credits which applicants are entitled to receive on an annual basis and are not issued due to the limitations will be carried forward for the benefit of the

applicants to subsequent years. 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.

This act is similar to Senate Bill 193 (2009).

JASON ZAMKUS

01/13/2010 S First Read--SB 765-Shoemyer (S111)

01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S131)

EFFECTIVE: August 28, 2010

\*\*\* SB 766 \*\*\*

3530S.011

SENATE SPONSOR: Shoemyer

SB 766 - 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.

The act is identical to SB 194 (2009).

ERIKA JAQUES

01/13/2010 S First Read--SB 766-Shoemyer (S111)

01/19/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S131)

EFFECTIVE: August 28, 2010

\*\*\* SB 767 \*\*\*

3056S.011

SENATE SPONSOR: Bartle

SB 767 - This act would allow all counties to use a certain court fee for courtroom renovation and technology enhancement. Currently, judges in Clay County, Jackson County, Greene County, St. Louis City, St. Louis County, and Platte County are restricted from using this fee for such purposes.

EMILY KALMER

01/13/2010 S First Read--SB 767-Bartle (S111)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S131)

02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/08/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee-Consent

02/11/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor - Consent (S314)  
 02/15/2010 Removed S Consent Calendar (S326)  
 02/25/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S440)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 767-Bartle

EFFECTIVE: August 28, 2010

\*\*\* SB 768 \*\*\*

3134S.03I

SENATE SPONSOR: Bartle

SB 768 – This act repeals the requirement that certain school districts charge tuition to non-resident pupils who attend the school district and who are the children of teachers or employees of that school district. School boards may admit non-resident children of district teachers and employees and set a tuition fee, if any. In addition, this act repeals the prohibition on school boards charging tuition to teachers.

MICHAEL RUFF

01/13/2010 S First Read--SB 768-Bartle (S111)  
 01/19/2010 Second Read and Referred S Education Committee (S131)  
 02/03/2010 Hearing Conducted S Education Committee  
 02/17/2010 Voted Do Pass S Education Committee (Consent)  
 02/18/2010 Reported from S Education Committee to Floor - Consent (S365)  
 02/23/2010 Removed S Consent Calendar (S400)  
 02/25/2010 Reported from S Education Committee to Floor (S441)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 768-Bartle

EFFECTIVE: August 28, 2010

\*\*\* SB 769 \*\*\*

3985S.01I

SENATE SPONSOR: Scott

SB 769 - 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 49 (2009) and Senate Bill 725 (2008).

JASON ZAMKUS

01/13/2010 S First Read--SB 769-Scott (S111)  
 01/19/2010 Second Read and Referred S Ways and Means Committee (S131)

EFFECTIVE: August 28, 2010

\*\*\* SB 770 \*\*\*

4349S.01I

SENATE SPONSOR: Scott

SB 770 - This act modifies the definition of "health benefit plan" and "health carrier", as those terms are used in the Health Insurance Code, to exclude coverage provided by supplemental insurance policies such as accident-only policies and specified disease policies.

STEPHEN WITTE

01/13/2010 S First Read--SB 770-Scott (S111)  
 01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S131)  
 01/26/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 771 \*\*\*

4347S.01I

SENATE SPONSOR: Scott

SB 771 - This act specifies that each bid from a bank to be the depository for the county must be accompanied by a certified check for an amount equal to a certain percentage of the county general revenue, rather than all county revenue. Such check serves as guaranty of good faith that the required security will be provided.

This act also changes outdated references to "ex officio treasurer" to reflect the current term, "collector treasurer".

SUSAN HENDERSON MOORE

01/13/2010 S First Read--SB 771-Scott (S111-112)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S132)  
 01/25/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/08/2010 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 02/11/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S312)  
 02/25/2010 S Consent Calendar--SB 771-Scott

EFFECTIVE: August 28, 2010

\*\*\* SB 772 \*\*\*

3986S.02C

SENATE SPONSOR: Scott

SCS/SB 772 - Currently, the minimum time for holding investments in the Missouri Higher Education Savings Program is 12 months. The act removes that requirement.

The sunset provision governing the Missouri Higher Education Deposit Program, which is a nonexclusive alternative to the Missouri Higher Education Savings Program and administered by the Missouri Higher Education Savings Program Board, is also removed.

This act is similar to SB 213 (2009).

CHRIS HOGERTY

01/13/2010 S First Read--SB 772-Scott (S112)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S132)  
 01/25/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/08/2010 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (3986S.02C) - Consent  
 02/11/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S312)  
 02/25/2010 S Consent Calendar--SB 772-Scott, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 773 \*\*\*

4190S.02I

SENATE SPONSOR: Dempsey

SB 773 - Agreements to operate or share automated teller machines shall not prohibit owners from charging access fees or surcharges to users with bank accounts in foreign countries.

CHRIS HOGERTY

01/13/2010 S First Read--SB 773-Dempsey (S112)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S132)  
 01/25/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/08/2010 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 02/11/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S312)  
 02/15/2010 Removed S Consent Calendar (S326)  
 02/25/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S439)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 773-Dempsey



EFFECTIVE: August 28, 2010

\*\*\* SB 774 \*\*\* SCS SB 774

4370S.02C

SENATE SPONSOR: Lembke

SCS/SB 774 - This act creates the crime of endangering a Department of Mental Health employee, visitor or other person at a secured facility, or another person ordered to the department. A person ordered to the department as a sexually violent predator commits such act if he or she attempts to cause or knowingly causes any such individual to come into contact with blood, seminal fluid, urine, feces, or saliva. This crime is equivalent to the crime of endangerment by a criminal offender against a Department of Corrections employee, visitor, and other offender.

Such offense is a class D felony unless the substance is unidentified, in which case it is a class A misdemeanor. If the person is knowingly infected with HIV, Hepatitis B or C and exposes another person to such disease, by committing this crime, it is a class C felony.

SUSAN HENDERSON MOORE

01/13/2010 S First Read--SB 774-Lembke (S112)  
 01/19/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S132)  
 02/16/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/23/2010 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee (4370s.02C)  
 02/25/2010 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S440)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 774-Lembke, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 775 \*\*\*

3948S.02I

SENATE SPONSOR: Days

SB 775 – This act modifies the elementary and secondary education funding formula by adding an additional weight for gifted education. "Gifted Education Pupil Count" is defined 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. The definition of "weighted average daily attendance" is modified by including in the calculation the product of .25 multiplied by the number of the district's gifted education pupil count beginning on July 1, 2012.

This act is identical to provisions contained in SCS/SBs 453 & 24 (2009) and similar to provisions contained in SB 831 (2008).

MICHAEL RUFF

01/14/2010 S First Read--SB 775-Days (S120)  
 01/19/2010 Second Read and Referred S Education Committee (S132)  
 03/03/2010 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 776 \*\*\*

4078S.01I

SENATE SPONSOR: Days

SB 776 - This act requires that at least two of the three commissioners appointed by the court in condemnation proceedings be either a licensed real estate broker, or a licensed or certified real estate appraiser.

EMILY KALMER

01/14/2010 S First Read--SB 776-Days (S120)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S132)  
 02/08/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 777 \*\*\* SCS SB 777

3576S.05C

SENATE SPONSOR: Pearce

SCS/SB 777 - This act specifically authorizes the sale of deficiency waiver addendums and guaranteed asset protection products with respect to certain consumer loans, second mortgage loans, and retail credit sales provided such products are purchased as part of a loan transaction with collateral, at the borrower's consent, and the cost of the product is disclosed in the loan contract. The borrower's consent to the purchase of the product shall be in writing and acknowledge receipt of the required disclosures by the borrower (Sections 408.140, 408.233, and 408.300). Each deficiency waiver addendum, guaranteed asset protection, or other similar product must provide that in the event of termination of the product prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for such product shall be paid or credited promptly to the debtor. No refund of less than \$1 need be made. The formula to be used in computing the refund shall be the pro rata method. The act also provides consumers a free look period with respect to deficiency waiver addendums and guaranteed asset protection products. A debtor may cancel the product within 15 days of its purchase and shall receive a complete refund or credit of premium. This right shall be set forth in the loan contract, or by separate written disclosure. This right shall be disclosed at the time the debt is incurred in ten-point type and in a manner reasonably calculated to inform the debtor of this right (Section 408.380).

Some of the provisions of this act are contained in the truly agreed to version of SB 243 (2009).

The act also allows lending institutions to offer, sell, and finance automobile club memberships, home and auto security plans, and other plans and services providing a benefit to the borrower if the cost is disclosed separate from the loan contract. In addition, lenders may not require the purchase of the plan as a condition for approval of loan. Purchasers of the plans must be entitled to cancel the transaction and receive a refund within 30 days of purchase. Purchasers of the plans must provide a separate and apart from the loan document a written acknowledgment of their intent to purchase the plan. No plan may include reimbursement for a deductible on a property insurance claim. A lender may not sell automobile club memberships, home and auto security plans, and other similar products unless all the optional products are clearly identified as optional and not required purchase. These provisions are also contained in HB 1446 (2010).

STEPHEN WITTE

01/14/2010 S First Read--SB 777-Pearce (S120)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S132)  
 01/25/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/22/2010 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (3576S.05C) - Consent  
 02/25/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S439)  
 02/25/2010 S Consent Calendar--SB 777-Pearce, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 778 \*\*\* SCS SB 778

4404S.02C

SENATE SPONSOR: Pearce

SB 778 – Current law provides that the boards of governors of certain state institutions of higher education may convey or transfer the title to certain real property without authorization from the General Assembly until August 28, 2011. This act removes this expiration date. This act also updates the name of the University of Central Missouri to reflect the name change authorized by its board of governors.

This act is substantially similar to HB 1494 (2010).  
 MICHAEL RUFF

01/14/2010 S First Read--SB 778-Pearce (S121)  
 01/19/2010 Second Read and Referred S General Laws Committee (S132)  
 01/26/2010 Hearing Conducted S General Laws Committee  
 02/23/2010 SCS Voted Do Pass S General Laws Committee (4404S.02C) - Consent  
 02/25/2010 Reported from S General Laws Committee to Floor w/SCS - Consent (S441)  
 02/25/2010 S Consent Calendar--SB 778-Pearce, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 779 \*\*\*

3561S.02P

SENATE SPONSOR: Bartle

SB 779 - This act modifies provisions relating to the DNA Profiling System.

## SECTION 488.5050

Currently, funds collected from a certain court surcharge are deposited into the DNA Profiling Analysis Fund; however, if during the previous fiscal year, the state's general revenue did not increase by 2% or more, the state treasurer shall deposit such money into the state general revenue fund. Under this section, the money from the court surcharge would be deposited into the DNA Profiling Analysis Fund regardless of the state's general revenue from the previous year. The section also specifies that money from the fund shall only be used by the Highway Patrol.

## SECTION 556.036

This section tolls the statute of limitations during any period of time after a DNA profile is developed and reported from evidence collected in relation to the commission of an offense until the time when the accused is identified by name based upon a match between that DNA evidence profile and the known DNA profile of the accused.

## SECTION 650.055

This section requires adults arrested for any sexual offense under Chapter 566, rather than only those arrested of a felony offense under such chapter, to be DNA tested. Persons arrested for robbery shall also be DNA tested. It also specifies that sexual offenders, who are currently required to be DNA tested, must do so at the time of registration.

This section states that a person, received from any agency of another state, must submit to DNA testing if he or she committed a felony in any other jurisdiction, rather than an "equivalent" offense for which one must submit to testing in this state.

Currently, the Highway Patrol is required to expunge DNA records upon receiving a court order. This section specifies that the patrol is responsible for all records in the state DNA database. Prior to expunging a record the highway patrol must determine if the person has other qualifying arrests or offenses that would require a DNA sample to be taken. Under this section, the highway patrol shall have 30 days to determine whether the sample should be expunged.

This act contains an emergency clause for certain provisions.

SUSAN HENDERSON MOORE

01/14/2010 S First Read--SB 779-Bartle (S121)  
 01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S132)  
 02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/08/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/11/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S314)  
 02/16/2010 SA 1 S offered (Bartle)--(3561S02.01S) (S340-342)  
 02/16/2010 Bill Placed on Informal Calendar (S342)  
 02/22/2010 SA 1 S withdrawn (S385)  
 02/22/2010 SA 2 S offered & adopted (Bartle)--(3561S02.03S) (S385-387)  
 02/22/2010 SA 3 S offered & adopted (Justus)--(3561S02.04S) (S387)  
 02/22/2010 Perfected, as amended (S387)  
 02/23/2010 Reported Truly Perfected S Rules Committee (S393)  
 02/23/2010 Referred S Governmental Accountability and Fiscal Oversight Committee (S396)  
 02/25/2010 S Formal Calendar S Bills for Third Reading--SB 779-Bartle (In Fiscal Oversight)

EFFECTIVE: Emergency Clause

\*\*\* SB 780 \*\*\*

3175S.03I

SENATE SPONSOR: Bartle

SB 780 - This act makes refusing to submit to chemical testing a separate criminal offense equivalent to a first-time DWI, with the penalty being a Class B misdemeanor.

This act removes the provision requiring a DWI arrest without a warrant to occur within 90 minutes after the alleged violation occurred.

SUSAN HENDERSON MOORE

01/14/2010 S First Read--SB 780-Bartle (S121)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S132)

02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 781 \*\*\* SCS SB 781

4466S.04C

SENATE SPONSOR: McKenna

SCS/SB 781 - This act modifies various provisions relating to the regulation of motor vehicles.

The act makes technical modifications to the terms "scrap processor" and "vanpool" as used in Chapter 301 (Section 301.010 and 301.218).

Under this act, a fleet owner of at least 50 fleet vehicles may apply for fleet license plates bearing a company name or logo. Under current law, any fleet owner could apply these types of plates regardless of how many fleet vehicles he or she owned (Section 301.032).

This act places additional restrictions on the use of driveaway license plates. Under this act, driveaway license plates shall only be used by owners, corporate officers, or employees of the business to which the plates were issued. Under the act, an applicant for a driveaway plate must provide certain information such as the business name, address, and driver license number. The applicant must provide proof of financial responsibility. In addition, the applicant must provide a picture of his or her place of business. The applicant must maintain a landline telephone at his or her place of business during the registration period. The act makes the use of a revoked driveaway license plate a misdemeanor (Section 301.069).

This act removes the salvage title exclusion from the requirement of a seller to notify the Department of Revenue within 30 days of a sale. Thus, a seller of a motor vehicle with a salvage title must notify the department (Section 301.196).

This act prohibits entities financing motor vehicle dealers from holding titles to the motor vehicles financed as security. Any entity that finances or establishes a line of credit that enables a motor vehicle dealer to purchase vehicles, and who holds or prohibits a motor vehicle dealer from holding, any title as part of that financing shall be guilty of a class A misdemeanor. A second or subsequent offense shall be a class D felony (Section 301.200).

Under this act, motor vehicle dealers and public garage operators must maintain a record of a vehicle's VIN number, odometer settings and other information for a period of 5 years (current law is 3 years). Under this act, any person who makes a false statement in a monthly sales report to the Department of Revenue is guilty of a class A misdemeanor (Section 301.280).

This act requires every application for a motor vehicle franchise dealer shall include an annual certification that the applicant has a bona fide established place of business. The current law only requires this certification for the first 3 years and only for every other year thereafter (Section 301.560).

The act also makes technical changes to various sections contained in Chapter 301 (Section 301.562 and Section 301.567).

Under this act, a second or subsequent violation of operating as a motor vehicle dealer without a license is a class D felony (Section 301.570).

This act allows the Department of Revenue to revoke a dealer license when the director determines that the dealer's place of business is uninhabited or abandoned (Section 301.571).

This act allows the Department of Revenue to issue a special event motor vehicle auction license to an applicant for the purpose of auctioning motor vehicles if 90% or more of the vehicles are at least 10 years old or older. Auctions can be held for no more than three consecutive days, but no more than two times in a calendar year by the same licensee.

A report must be sent to the director within 10 days of the conclusion of the special event motor vehicle auction on a department-approved form specifying the make, model, year, and vehicle identification number of every vehicle included in the auction. Anyone violating this provision will be guilty of a Class A

misdemeanor and will be charged a \$500 administrative fee payable to the department for each vehicle auctioned in violation of this provision. A special event motor vehicle auction will be considered a public motor vehicle auction for purposes of licensing and inspection of certain documents and odometer readings; however, the licensee will not be required to have a bona fide established place of business.

Applications to hold a special event motor vehicle auction must be received by the department at least 90 days prior to the event. Applicants must be registered to conduct business in this state, pay a licensing fee of \$1,000, and be bonded or have an irrevocable letter of credit in the amount of \$100,000. Applicants will be responsible for ensuring that a sales tax license or special event sales tax license is obtained if required. The special event motor vehicle auction license provision is contained in SB 716 (2010) and HB 979 (2009) (Section 301.580).

Under this act, an applicant may receive two license plates for any property-carrying commercial vehicle, rather than the standard issuance of one plate, by paying an additional \$15 fee. This provision is contained in SB 794 (2010)(Section 301.130).

STEPHEN WITTE

01/14/2010 S First Read--SB 781-McKenna (S121)  
 01/19/2010 Second Read and Referred S Transportation Committee (S132)  
 01/27/2010 Hearing Conducted S Transportation Committee  
 02/17/2010 SCS Voted Do Pass S Transportation Committee - (4466S.04C)  
 02/25/2010 Reported from S Transportation Committee to Floor w/SCS (S440)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 781-McKenna, with SCS

EFFECTIVE: August 28, 2010

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\*\*\* SB 782 \*\*\* SCS SB 782

4468S.03C

SENATE SPONSOR: McKenna

SCS/SB 782 - This act allows the Department of Revenue to send certain statutory notices by electronic mail if the recipient has provided his or her electronic mail address to the Department and has consented to the receipt of notifications through the electronic mail address provided. The act allows any person who has elected to receive electronic notifications to later request notifications to be received by regular mail This act has an effective date of January 1, 2011.

STEPHEN WITTE

01/14/2010 S First Read--SB 782-McKenna (S121)  
 01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S132)  
 01/25/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/15/2010 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent (4468S.03C)  
 02/18/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S363)  
 02/25/2010 S Consent Calendar--SB 782-McKenna, with SCS

EFFECTIVE: January 1, 2011

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\*\*\* SB 783 \*\*\*

3086S.011

SENATE SPONSOR: Justus

SB 783 – 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 in Missouri for at least two years as of the date the individual graduated from high school or received 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, 2010, or upon the Governor's signature, whichever occurs later.

This act is substantially similar to SB 331 (2009) and similar to SB 1109 (2004).

MICHAEL RUFF

01/14/2010 S First Read--SB 783-Justus (S121)

01/19/2010 Second Read and Referred S Education Committee (S132)

02/24/2010 Hearing Conducted S Education Committee

EFFECTIVE: July 1 2010

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\*\*\* SB 784 \*\*\*

3987S.021

SENATE SPONSOR: Schaefer

SB 784 – 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 for academic year 2010-2011 through academic year 2013-2014. In addition, this act adds new financial assistance amounts for the 2014-2015 academic year and beyond. A student attending an institution classified as part of the public two-year sector will be eligible for \$1,250 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.

This act is similar to SB 390 (2009) and HB 792 (2009).

MICHAEL RUFF

01/14/2010 S First Read--SB 784-Schaefer and Pearce (S121)

01/19/2010 Second Read and Referred S Education Committee (S132)

02/17/2010 Hearing Conducted S Education Committee

02/24/2010 Voted Do Pass S Education Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 785 \*\*\*

4188S.021

SENATE SPONSOR: Schaefer

SB 785 - The act requires the Public Service Commission (PSC) to create within the Universal Service Fund (USF) a dedicated funding mechanism for high-cost service provision to be called the Missouri High-Cost Support Mechanism. Funds in the mechanism shall be used to offset the loss of revenue that will result from the act's required reduction of intrastate exchange access charges for certain incumbent local exchange providers. The PSC must determine the amount of funding necessary to be directed into the mechanism.

The act requires voice over Internet protocol (VOIP) and commercial mobile radio service providers to pay assessments into the USF. Existing law specifies the method and amount by which a PSC rate-regulated phone company can recover the cost of the USF assessments from its customers. The act removes the language specifying the method and amount and simply allows such companies to recover the full amount of the assessment from their retail customers. The act adds 2 criteria for a company to be eligible for high-cost support through the USF: the company is not charging a rate for essential services that is higher than the "benchmark" rate to be set by the PSC; and the company is in compliance with the act's high-cost support mechanism provisions.

The PSC must hold a formal proceeding to begin no later than October 1, 2010, in which it must determine which telecommunications companies are eligible to receive high-cost support payments from the mechanism.

The act requires incumbent local exchange providers with more than 25,000 access lines in Missouri on January 1, 2010, to eliminate the carrier common line portion of their intrastate exchange access rates by the time the PSC gets the mechanism established, or 30 days after the PSC's proceeding closes, whichever is later. These companies are authorized to increase their residential basic local rates in amounts specified in the act. Payments through the high-cost support mechanism to these companies must be calculated as specified.

The PSC shall review the need for the high-cost support mechanism not more than once every 5 years.  
ERIKA JAQUES

01/14/2010 S First Read--SB 785-Schaefer (S121)  
 01/19/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
 Committee (S132)  
 01/26/2010 Hearing Cancelled S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/02/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 786 \*\*\*

4398S.011

SENATE SPONSOR: Rupp

SB 786 - Under this act, every health benefit plan that is issued in this state that provides coverage for cancer chemotherapy treatment must provide coverage for a prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered under the health benefit plan.

STEPHEN WITTE

01/14/2010 S First Read--SB 786-Rupp (S121)  
 01/19/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S132)  
 02/02/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 787 \*\*\*

4148S.021

SENATE SPONSOR: Rupp

SB 787 - This act modifies the process for appealing a decision of the Department of Public Safety regarding a crime victims' compensation fund claim.

Currently, an aggrieved person files a petition with the division of workers' compensation to have a decision heard de novo by an administrative law judge. Any party aggrieved by the decision of the administrative law judge may file a petition with the labor and industrial relations commission to appeal such decision. Finally, any party aggrieved by the commission's decision may appeal to the court of appeals.

Under this act, an aggrieved person may file a petition with the director of the Department of Public Safety to have the original decision of the department staff heard de novo. Any party aggrieved by the decision of the director may file a petition with the Administrative Hearing Commission. The decision of the Administrative Hearing Commission can then be appealed to circuit court.

SUSAN HENDERSON MOORE

01/14/2010 S First Read--SB 787-Rupp (S121)  
 01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S132)  
 03/01/2010 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 788 \*\*\*

4401S.011

SENATE SPONSOR: Lembke

SB 788 – This act establishes the "Students First Interscholastic Athletics Act." It is the intent of the General Assembly that every student of high school age has the opportunity to participate in interscholastic athletics, including students enrolled in public school, private school, the Missouri Virtual Instruction Program, or a home school, regardless of background and education program. Any student of high school age will have the right to seek to participate in interscholastic athletics through his or her school. If the school does not offer athletics, the student will be able to participate through his or her school district of residence.

Each school that offers interscholastic athletics must identify by July 1 the athletic programs it will provide and the approximate number of athletes who may participate at any time.

This act contains eligibility requirements for student athletes.

Nothing in this act may be construed as requiring a school to allow all students to participate in athletics. Schools will have discretion as to which students may participate on a team, based on ability. In addition, no

school may discriminate against a student seeking to participate in interscholastic athletics based on the student's choice of education program.

MICHAEL RUFF

01/19/2010 S First Read--SB 788-Lembke (S126)

01/25/2010 Second Read and Referred S Education Committee (S166)

EFFECTIVE: August 28, 2010

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\*\*\* SB 789 \*\*\*

3701S.021

SENATE SPONSOR: Shoemyer

SB 789 - This act modifies provisions of the new generation cooperative tax credit program to allow ten percent of the tax credits available under the program to be offered for early-stage market feasibility projects. Any eligible new generation processing entity which fails to incur capital costs within five years of the first tax credit offering for its early-stage marketing feasibility project will be required to repay an amount equal to all tax credits issued to producer members for the project.

JASON ZAMKUS

01/19/2010 S First Read--SB 789-Shoemyer and Barnitz (S126-127)

01/25/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S166)

EFFECTIVE: August 28, 2010

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\*\*\* SB 790 \*\*\*

3089S.031

SENATE SPONSOR: Shoemyer

SB 790 - This act provides that certain personally identifiable information that is contained in a voluntary registry of persons with health-related ailments created by a public governmental body to assist such individuals in the case of a disaster or emergency shall not be considered a public record under the state's Sunshine Law. Nothing in the act shall authorize the body to prevent the disclosure of such records to a law enforcement agency or other public body that provides emergency services pursuant to a lawful request by such agency or body.

JIM ERTLE

01/19/2010 S First Read--SB 790-Shoemyer (S127)

01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S166)

EFFECTIVE: August 28, 2010

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\*\*\* SB 791 \*\*\*

4351S.011

SENATE SPONSOR: Griesheimer

SB 791 - The act provides that if the county governing body does not appoint a trustee to fill a vacancy on the board of trustees for a common sewer district within 60 days, then the remaining trustees may fill the vacancy.

Under current law, the advisory board for a common sewer subdistrict must elect a chairman, vice-chairman, and a representative to the common sewer district's advisory board. The act allows the same person to serve in more than one of these roles if the subdistrict's advisory board is less than 3 people. The act allows the board of trustees for the common sewer district to appoint advisory board members to the subdistrict's advisory board, if a political subdivision does not fulfill its duty to appoint such advisory board members within 60 days.

Under current law, sewer districts may not issue bonds unless 4/7ths of the voters within the district approve. The act reduces the 4/7ths requirements to a simple majority.

Current law requires water companies and public water supply districts to make water service data available to cities that provide sewer services so that the cities can better calculate rates for service. The act requires the water providers to also make this information available to sewer districts.

ERIKA JAQUES

01/19/2010 S First Read--SB 791-Griesheimer (S127)



01/25/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S166)  
 02/10/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/22/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent  
 02/25/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S440)  
 02/25/2010 S Consent Calendar--SB 791-Griesheimer

EFFECTIVE: August 28, 2010

\*\*\* SB 792 \*\*\*

4271S.011

SENATE SPONSOR: Dempsey

SB 792 - This act modifies the laws on abortion reporting and recordkeeping requirements. Currently, an individual abortion report for each abortion performed or induced upon a woman shall be completed by her attending physician. This act provides that the individual report shall include information required by the United States Standard Report of Induced Termination of Pregnancy published by the National Center for Health Statistics. The report shall also include information on the type of abortion procedure used, including the specific surgical or nonsurgical method or the specific abortion-inducing drug or drugs employed. In addition, the report shall include the reason or reasons the woman sought the abortion, including specific medical, social, economic, or other factors and whether the woman used any method of family planning during the time she became pregnant, and if so, the specific method employed.

This act also adds information to be collected and evaluated for the annual abortion report published by the Department of Health and Senior Services. The report shall include data from abortions performed or induced and post-abortion care provided. The report shall also specify the gestational age, by weekly increments, at which abortions were performed or induced. The report shall not include any information that would allow the public to identify a specific patient, a physician who performed or induced an abortion or who provided post-abortion care, or a hospital or abortion facility where the abortion was performed or induced, or which provided post-abortion care.

ADRIANE CROUSE

01/19/2010 S First Read--SB 792-Dempsey and Rupp (S127)  
 01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S166)  
 02/15/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/22/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 793 \*\*\*

SCS SB 793

4230S.04C

SENATE SPONSOR: Mayer

SCS/SB 793 - 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, 2010, 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.

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 requires the physician or qualified professional to provide the woman with access to a telephone and information about rape crisis centers, domestic violence shelters and obtaining orders of protection

should the physician have reason to believe the woman is being coerced into having an abortion.

Notwithstanding any other provision in law allowing a person to provide services related to pregnancy, delivery and postpartum services, no person other than a licensed physician can perform or induce an abortion. Anyone violating the provision is guilty of a class B felony.

This act is similar to provisions in SB 264 (2009).

ADRIANE CROUSE

01/19/2010 S First Read--SB 793-Mayer, et al (S127)  
 01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S166)  
 02/15/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/22/2010 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (4230S.04C)  
 02/25/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S440)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 793-Mayer, et al, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 794 \*\*\*

4480S.011

SENATE SPONSOR: Mayer

SB 794 - Under this act, an applicant may receive two license plates for any property-carrying commercial vehicle, rather than the standard issuance of one plate, by paying an additional \$15 fee.

STEPHEN WITTE

01/19/2010 S First Read--SB 794-Mayer (S127)  
 01/25/2010 Second Read and Referred S Transportation Committee (S166)  
 02/03/2010 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 795 \*\*\*

4396S.01P

SENATE SPONSOR: Mayer

SB 795 - This act exempts individuals who use explosive materials to unblock clogged screens of agricultural irrigation wells within the Southeast Missouri Regional Water District from having to obtain a blaster's license. The act also exempts any person using explosives in this manner from having to calculate the scaled distance to the nearest uncontrolled structure, from having to use a seismograph to record ground vibration and acoustic levels, from having to retain seismograph recordings and accompanying records for three years, and from having to register with the Division of Fire Safety and file an annual report.

This act is similar to HB 1455 (2010).

EMILY KALMER

01/19/2010 S First Read--SB 795-Mayer and Nodler (S127)  
 01/25/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S166)  
 02/10/2010 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 02/17/2010 Voted Do Pass (w/SCA 1) S Agriculture, Food Production and Outdoor Resources Committee - (4396S01.01S)  
 02/18/2010 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCA 1 (S364)  
 02/23/2010 SCA 1 S adopted (S397)  
 02/23/2010 SA 1 S offered & adopted (Mayer)--(4396S01.02S) (S398)  
 02/23/2010 Perfected, as amended (S398)  
 02/23/2010 Reported Truly Perfected S Rules Committee (S399)  
 02/25/2010 S Third Read and Passed (S436)  
 02/25/2010 H First Read

EFFECTIVE: August 28, 2010

\*\*\* SB 796 \*\*\*

4521S.011

SENATE SPONSOR: Bray

SB 796 - Petition circulators shall not be paid based on the number of signatures they obtain. 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.

Currently, before a petition may be circulated for signatures, a sample sheet must be submitted to the Secretary of State who then sends a copy to the Attorney General and State Auditor. This act delays the delivery of the petition to the State Auditor until after the petitioner successfully collects between one and two thousand sponsoring signatures.

Currently, the Secretary of State has 30 days within which to send notice to the person submitting a petition sheet for approval after submission. This act shortens that time to 15 days.

If the form of petition is approved, the petitioner has 45 days from being notified of approval to submit between one and two thousand sponsoring signatures in support of the initiative or the petition shall be rejected. Within 5 days of receipt, the Secretary of State may send copies of the signature pages to election authorities for verification.

This act is similar to SB 598 (2007), SB 934 (2008), SB 1003 (2008), SB 954 (2008), SB 909 (2008), HB 1763 (2008), HB 837 (2009), HB 228 (2009), and SB 115 (2009).

CHRIS HOGERTY

01/19/2010 S First Read--SB 796-Bray (S127)

01/25/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S166)

02/15/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 797 \*\*\*

3195S.031

SENATE SPONSOR: Green

SB 797 - District attorneys shall be elected during the 2014 general election in each judicial circuit for counties that elect to be part of the system. They shall serve four year terms. The district attorney must be a resident of the judicial circuit for one year before being elected and shall receive the same annual salary as the circuit judge. District attorneys shall be included in the "Prosecuting Attorneys' and Circuit Attorneys' Retirement Fund" and shall be treated as prosecuting attorneys for such purposes.

District attorneys shall prosecute all criminal actions for the counties that have chosen to be part of the system. If a change of venue is granted, the district attorney shall continue to prosecute the case. If a district attorney is unable to prosecute because of a conflict of interest, the presiding judge shall appoint another district attorney from an adjoining circuit to serve on that particular matter.

The district attorneys may appoint assistants, investigators, and clerical staff, and may set their salaries within the limits set by the county commissions. Such salaries shall be paid by the county and the salary of the district attorney shall be paid by the state, except if a charter county chooses to provide the district attorney with additional compensation over the statutory amount, the county shall pay such amount.

The salaries, excluding that of the district attorney, and expenses of the district attorney offices shall be funded by the respective counties; however, the state shall provide increasing reimbursement of the costs over the course of several years. This act contains the schedule for reimbursement by the state to the counties, ranging from 5 percent in 2015 to 50 percent in 2024 and later years for circuits consisting of one county, and from 10 percent in 2015 to 50 percent in 2019 and later years for circuits consisting of more than one participating county. In circuits where more than one county contributes to the expenses, each county shall be reimbursed in the same proportion as the contribution.

This act requires the district attorney to be employed full-time and not practice law elsewhere. For counties without a charter form of government, the county commission must adopt, by majority vote, a resolution to join the system. Such resolution must be given to the secretary of state at least twelve months before the general election where such district attorney is to be elected. For counties with a charter form of government, the governing body must adopt by charter amendment to join the system and eliminate the office

of prosecuting attorney.

No office of the county prosecuting attorney shall cease to exist except upon the election and qualification of a district attorney for such county and circuit.

This act is similar to SB 1256 (2004).

SUSAN HENDERSON MOORE

01/19/2010 S First Read--SB 797-Green (S127)

01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S166)

02/15/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/22/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 798 \*\*\*

3027L.011

SENATE SPONSOR: Crowell

SB 798 - Currently, the Revisor of Statutes is required to print and bind copies of all laws and resolutions and deliver copies to certain listed public agencies, schools and libraries. This act gives the revisor the discretion to print and bind the laws and resolutions or to produce the laws and resolutions in a web-based electronic format. The act repeals the provisions that required the revisor to distribute copies to the listed agencies, schools and libraries. The revisor is given the authority to sell copies of the revised statutes at a price determined by the Committee on Legislative Research, taking into account, in part, the cost of producing the statutes and maintaining the website.

JIM ERTLE

01/20/2010 S First Read--SB 798-Crowell (S139)

01/25/2010 Second Read and Referred S General Laws Committee (S166)

EFFECTIVE: August 28, 2010

\*\*\* SB 799 \*\*\*

4144S.021

SENATE SPONSOR: Crowell

This bill has been combined with SB 842

01/20/2010 S First Read--SB 799-Crowell (S139)

01/25/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S166)

02/09/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

02/16/2010 Bill Combined w/(SCS/SBs 842, 799 & 809)

EFFECTIVE: August 28, 2010

\*\*\* SB 800 \*\*\*

4597S.011

SENATE SPONSOR: Bray

SB 800 - State Representatives and Senators who contract with or solicit any other Representative or Senator for political fund raising, campaigning, or consulting shall be guilty of a Class D misdemeanor.

Elected officials and elected official's staff are barred from lobbying for 2 years from leaving office or employment. An exception is made for those lobbying solely for a governmental entity within the state.

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.

Persons shall not act as treasurer or deputy treasurer for more than one committee at a time. Those found by the Ethics Commission to be doing so shall vacate all positions or be guilty of a Class A misdemeanor for failing to do so.

Committees are barred from transferring funds to another committee. Those that do so are subject to a surcharge of \$1,000 plus the amount of the transfer. Knowing and intentional transfers shall constitute a Class A misdemeanor and willful transfers undertaken with the intent to conceal their origin constitute a Class D felony. Continuing committees are allowed to transfer funds to a candidate committee.

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.

Contributions received over allowable amounts shall be returned within 5 business days of the declaration of candidacy or position on a candidate or particular ballot measure.

This act is similar to HB 633 (2009), HB 687 (2009), SB 389 (2009), SB 270 (2009), SB 648 (2010), HB 1322 (2010), HB 1326 (2010), and HB 1337 (2010).

CHRIS HOGERTY

01/20/2010 S First Read--SB 800-Bray (S139-140)

01/25/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S166)

EFFECTIVE: August 28, 2010

\*\*\* SB 801 \*\*\*

4330S.011

SENATE SPONSOR: Rupp

SB 801 - The act requires consumer reporting agencies to block certain information in a consumer's credit report, if the consumer has identified such information as the result of identity theft. Provided the consumer submits certain information to the consumer reporting agency, the consumer reporting agency must implement the information block within 4 days of receipt of the request.

After implementing a block, the consumer reporting agency must provide certain notification to the entity that furnished the information to the reporting agency.

The consumer reporting agency may decline or rescind a block in certain circumstances and must notify the consumer of such action.

The act does not apply to resellers of consumer reports that are not selling reports with the identified information at the time of the consumer's request. Resellers that receive a request to block information from a consumer must comply with the block and inform the consumer of each credit agency that sold the credit report to the reseller. The act does not apply to check services companies, but check services companies must not report certain information to a consumer reporting agency after a consumer has requested an information block due to identity theft.

ERIKA JAQUES

01/20/2010 S First Read--SB 801-Rupp (S140)

01/25/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S166)

02/09/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

02/16/2010 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

02/18/2010 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S365)

02/25/2010 S Formal Calendar S Bills for Perfection--SB 801-Rupp

EFFECTIVE: August 28, 2010

\*\*\* SB 802 \*\*\*

4138S.021

SENATE SPONSOR: Schmitt

This bill has been combined with SB 895

01/20/2010 S First Read--SB 802-Schmitt (S140)  
 01/25/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S166)  
 02/03/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/10/2010 Voted Do Pass S Jobs, Economic Development and Local Government Committee  
 02/22/2010 Bill Combined w/SCS SBs 895, 813, 911, 924, 922 & 802

EFFECTIVE: August 28, 2010

\*\*\* SB 803 \*\*\*

3468S.011

SENATE SPONSOR: Schmitt

SB 803 - Under current law, whenever any assessor in a charter county increases the assessed value of a property, he or she must provide the record owner of the property with a notice of increased valuation and a notice of such taxpayer's projected tax liability. This act would require all assessors in charter counties to provide a notice of assessment method and valuation in addition to the notices of increased valuation and projected tax liability. The notice of assessment method and valuation will provide taxpayers with the method of assessment, including any characteristics of the assessed property; comparable sales information; statistical models; calculations; and any other relevant information utilized in determining the value of the property.

JASON ZAMKUS

01/20/2010 S First Read--SB 803-Schmitt (S140)  
 01/25/2010 Second Read and Referred S Ways and Means Committee (S166)

EFFECTIVE: August 28, 2010

\*\*\* SB 804 \*\*\*

3730S.011

SENATE SPONSOR: Schmitt

SB 804 - This act requires the Governor to annually issue a proclamation setting apart February 14th as "Epilepsy Awareness Day" in Missouri.

This act is identical to SB 366 (2009).

JIM ERTLE

01/20/2010 S First Read--SB 804-Schmitt (S140)  
 01/25/2010 Second Read and Referred S Progress and Development Committee (S166)  
 02/03/2010 Hearing Conducted S Progress and Development Committee  
 02/03/2010 Voted Do Pass S Progress and Development Committee - Consent  
 02/04/2010 Reported from S Progress and Development Committee to Floor - Consent (S226)  
 02/25/2010 S Consent Calendar--SB 804-Schmitt

EFFECTIVE: August 28, 2010

\*\*\* SB 805 \*\*\*

4522S.011

SENATE SPONSOR: Shields

SB 805 - Under current law, a police officer, law enforcement official, or a physician may request a juvenile officer to take a child into protective custody if such person has reasonable cause to suspect that a child is suffering from illness or injury or is in danger of personal harm by reason of his or her surroundings and that a case of child abuse or neglect exists. This act allows a Children's Division investigator within the Department of Social Services to do the same.

ADRIANE CROUSE

01/20/2010 S First Read--SB 805-Shields (S140)  
 01/25/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S166)  
 02/09/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 806 \*\*\*

4520S.01P

SENATE SPONSOR: Bartle

SB 806 - This act requires law enforcement officers who recover images or movies of child pornography during a criminal investigation to:

1) Provide the material to the Child Victim Identification Program at the National Center for Missing and Exploited Children; 2) Request contact information from the program for the law enforcement agency that reported the initial identification of the child in order to verify the identity and age of the victim; and 3) Provide case information and contact information to the program in any case where the officer identifies a previously unidentified victim.

When a law enforcement officer submits a case for prosecution involving child pornography and the material depicts an identified victim, the officer must submit the contact information for the law enforcement agency that reported the initial identification of the child to the National Center for Missing and Exploited Children to the prosecuting attorney.

Any person less than fourteen years of age, who was a victim of certain pornography offenses and suffered physical or psychological injury as a result of the production, promotion, or possession of such material, shall be entitled to bring a civil action against the person convicted of the crime. A prevailing plaintiff, under this provision, shall recover actual damages and court costs. Actual damages shall be deemed to be at least \$150,000. Any such action must be commenced within 3 years after the later of: 1) the final order in the criminal case; 2) notification by law enforcement to the victim or parents of the pornographic material; or 3) the victim reaching eighteen years of age.

It is not a defense to this cause of action that the defendant did not know the victim or commit the abuse depicted.

SUSAN HENDERSON MOORE

01/20/2010 S First Read--SB 806-Bartle (S140)  
 01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S166)  
 02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/08/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/11/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S314)  
 02/18/2010 Perfected (S373)  
 02/22/2010 Reported Truly Perfected S Rules Committee (S381)  
 02/25/2010 S Third Read and Passed (S432)  
 02/25/2010 H First Read

EFFECTIVE: August 28, 2010

\*\*\* SB 807 \*\*\*

4579S.011

SENATE SPONSOR: Callahan

SB 807 - Currently, the court is required to have a hearing within fifteen days after a petition for an order of protection is filed. This act gives the court discretion to hold a hearing, if the petition alleges that a person who is not a family member of household member has engaged in stalking, and if the court finds that the action is brought in good faith and not for the purposes of intimidating the alleged stalker. The court may make such finding within forty-five days after the petition is filed.

EMILY KALMER

01/21/2010 S First Read--SB 807-Callahan (S156)  
 01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S166)

EFFECTIVE: August 28, 2010

\*\*\* SB 808 \*\*\*

SCS SB 808

4021S.02C

SENATE SPONSOR: Callahan

SCS/SB 808 - This act specifies that the required continuing instruction for certain public administrators in counties of the first classification does not have to be "classroom" instruction.

Public administrators from a second, third, or fourth classification county or St. Louis City, who choose to receive an annual salary shall receive \$2,000 of such salary only if he or she has completed at least 20 hours of instruction each year approved by a professional association of the county public administrators of Missouri. The professional association approving the program shall provide a certificate of completion for the training and send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the public administrator in the same manner as other expenses.

SUSAN HENDERSON MOORE

01/21/2010 S First Read--SB 808-Callahan (S156)  
 01/25/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S166)  
 02/10/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/24/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (4021S.02C) - Consent  
 02/25/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS - Consent (S439)  
 02/25/2010 S Consent Calendar--SB 808-Callahan, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 809 \*\*\*

4598S.011

SENATE SPONSOR: Goodman

This bill has been combined with SB 842

01/21/2010 S First Read--SB 809-Goodman (S156)  
 01/25/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S166)  
 02/09/2010 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/16/2010 Bill Combined w/(SCS/SBs 842, 799 & 809)

EFFECTIVE: August 28, 2010

\*\*\* SB 810 \*\*\*

4400S.011

SENATE SPONSOR: Lager

SCS/SB 810 - This act modifies the definitions of the following terms: consumer fireworks, display fireworks, fireworks, and proximate fireworks.

This act specifies that the state fire marshal has the authority to issue permits to manufacture and ship fireworks, as well as sell them. Currently, the state fire marshal cannot issue a permit to a person under eighteen years of age. Under this act, the state fire marshal shall also not issue a permit to a person who fails to provide proof of liability insurance as required by rule.

Under this act, the state fire marshal may examine records of fireworks sales to assure compliance with the regulations on manufacturers, distributors, and jobbers selling consumer fireworks to seasonal retailers.

This act also redefines what type of ground salutes, commonly known as "cherry bombs", are prohibited in Missouri for consumer use.

SUSAN HENDERSON MOORE

01/21/2010 S First Read--SB 810-Lager (S156)  
 01/25/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S166)  
 02/08/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/15/2010 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (4400S.03C)

EFFECTIVE: August 28, 2010

\*\*\* SB 811 \*\*\*

4242S.011

SENATE SPONSOR: Keaveny



SB 811 - 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. Lenders shall not make loans to consumers who have one outstanding or within 1 week of a borrower paying a previous loan.

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 current law, loans have a minimum term of 14 days and a maximum term of 31 days. Under the act, lenders shall give the borrower a minimum of 90 for repayment and a payment shall be required every 2 weeks.

A lender may only charge interest at a simple annual rate not to exceed 36% plus an initial fee equal to 5% of the loan amount up to \$25. No other charges or fees are permitted.

This act is similar to HB 1171 (2006), SB 975 (2006), SB 96 (2007), SB 744 (2008), HB 81 (2009), HB 150 (2009), SB 20 (2009), HB 1508 (2010), SB 593 (2010), and SB 699 (2010).  
CHRIS HOGERTY

01/21/2010 S First Read--SB 811-Keaveny and Shoemyer (S156)

01/25/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S166)

EFFECTIVE: August 28, 2010

\*\*\* SB 812 \*\*\* SCS SBs 812, 752 & 909

4027S.02C

SENATE SPONSOR: Schmitt

SCS/SBs 812, 752, & 909 - This act creates various specialized license plates.

This act allows persons who have been awarded combat action badges to apply for a special license plate bearing the words "COMBAT ACTION" and an image of a combat action badge (section 301.477). The language creating this specialized license plate may also be found in SB 909 (2010).

This act creates the "LEGION OF MERIT" special license plate and allows any person who has been awarded this military service award to apply for it. To obtain the special license plate, a person must make application, furnish proof as a recipient of the Legion of Merit Medal, and pay a \$15 fee to the Department of Revenue in addition to the registration fee and any other documents required by law (Section 301.3158).

This act allows motorists to obtain Multiple Sclerosis special license plates. In order to obtain the specialty plates, the motorist must pay an annual \$25 emblem-use contribution to the National Multiple Sclerosis Society, a \$25 specialty license plate fee, and regular registration fees. The specialty plates shall bear the words "JOIN THE MOVEMENT" in lieu of the words "SHOW-ME STATE".

Before these specialty plates may be issued, the director must receive in receipt of a list of at least 200 potential applicants who plan to purchase the plate and an application fee to defray the cost for developing the specialty plate (section 301.3160).

STEPHEN WITTE

01/21/2010 S First Read--SB 812-Schmitt (S156)

01/25/2010 Second Read and Referred S Transportation Committee (S166)

02/10/2010 Hearing Conducted S Transportation Committee

02/17/2010 SCS Voted Do Pass (wSCS/SBs 812, 752 & 909) S Transportation Committee - (4027S.02C) - Consent

02/18/2010 Reported from S Transportation Committee to Floor w/SCS - Consent (S365)

02/25/2010 S Consent Calendar--SBs 812, 752 & 909-Schmitt, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 813 \*\*\*

4463S.04I

SENATE SPONSOR: Griesheimer

This bill has been combined with SB 895

01/21/2010 S First Read--SB 813-Griesheimer (S156)

01/25/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S166)

02/03/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/22/2010 Bill Combined w/SCS SBs 895, 813, 911, 924, 922 & 802

EFFECTIVE: August 28, 2010

\*\*\* SB 814 \*\*\*

4630S.011

SENATE SPONSOR: Justus

SB 814 - This act creates the crimes of assault of an employee of a mass transit system while in the scope of his or her duties in the first, second, and third degree. Mass transit employees include those working for public bus and light rail companies. The penalties for such crimes are a Class B felony, Class C felony, or Class B misdemeanor, respectively.

This act is similar to SB 330 (2009) and identical to HB 487 (2009).

SUSAN HENDERSON MOORE

01/21/2010 S First Read--SB 814-Justus and Keaveny (S156)

01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S166)

02/22/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 815 \*\*\*

3644S.011

SENATE SPONSOR: Bartle

SB 815 – This act modifies provisions relating to elementary and secondary education.

TEACHER CHOICE COMPENSATION PACKAGE: Current law provides that only teachers in the St. Louis City School District are eligible to participate in the Teacher Choice Compensation Package to receive performance-based salary stipends. This act expands eligibility to participate in the package to all public school district teachers. (Sections 168.106, 168.745, 168.747)

YEAR-ROUND EDUCATIONAL PROGRAM: This act allows a school district to adopt a year-round educational program by a majority vote of the school board. A school district that adopts a year-round educational program must meet the minimum number of school days required and have no vacation, including summer, last more than four weeks. School districts with a year-round educational program must meet all other educational requirements. (Section 171.015)

START DATES FOR KINDERGARTEN: This act allows a school district to offer, by majority vote of the school board, two start dates for kindergarten. One start date must occur on the normal starting date for the district and the other must occur approximately halfway through the year. The school district may group children according to their date of birth. In addition, school districts must allow parents to have their child start kindergarten on the start date of their choice. (Section 171.017)

MICHAEL RUFF

01/21/2010 S First Read--SB 815-Bartle (S156)

01/25/2010 Second Read and Referred S Education Committee (S166)

02/17/2010 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 816 \*\*\*

4581S.011

SENATE SPONSOR: Lembke

SB 816 - This act decreases the period of time before which interest is allowed on an overpayment of income tax from four months to 45 days after the later of the last date to file a return, including an extension, or the date the return was actually filed.

This act is identical to House Bill 1514 (2010).

JASON ZAMKUS

01/25/2010 S First Read--SB 816-Lembke (S186)

01/28/2010 Second Read and Referred S Ways and Means Committee (S184)

02/08/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 817 \*\*\*

4681L.011

SENATE SPONSOR: Lembke

01/25/2010 S First Read--SB 817-Lembke (S186)

01/28/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S184)

EFFECTIVE: August 28, 2010

\*\*\* SB 818 \*\*\*

SCS SB 818

4633S.02C

SENATE SPONSOR: Lembke

SCS/SB 818 - This act modifies various provisions relating to initiative and referendum petitions.

Only mistakes, errors, or omission by those signing petitions shall invalidate those signatures.

Petitioners may reserve a portion on the petition for clerical purposes such as bar coding.

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 may contain characters running either horizontally or vertically and 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.

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 2 business days.

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.

This act is similar to SCS/SB 569 (2009).

CHRIS HOGERTY

01/25/2010 S First Read--SB 818-Lembke (S164)  
 01/28/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S184)  
 02/15/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/22/2010 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (4633.02C)  
 02/25/2010 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS (S439)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 818-Lembke, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 819 \*\*\*

4582S.021

SENATE SPONSOR: Lembke

SB 819 - This act allows employees of employers with fifty or more employees to take a leave of absence to perform civil air patrol emergency service duty or counter narcotics missions. The employee will not lose time, leave, or any other rights or benefits as a result of this leave of absence. However, the employer is not required to pay a salary to the employee during this period of leave and the employer has a right to request that the employee be exempted from responding to a specific mission and the Missouri wing commander is required to honor the employer's request.

EMILY KALMER

01/25/2010 S First Read--SB 819-Lembke (S164)  
 01/28/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S184)  
 02/24/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 820 \*\*\*

4648S.011

SENATE SPONSOR: McKenna

SB 820 - This act updates Missouri's traffic laws to reflect that the majority of pedestrian control signals now display the international symbols for pedestrian control (symbols of a person walking in lieu of the word "Walk" and an upraised hand in lieu of the words "Don't Walk").

STEPHEN WITTE

01/25/2010 S First Read--SB 820-McKenna (S164)  
 01/28/2010 Second Read and Referred S Transportation Committee (S184)  
 02/10/2010 Hearing Conducted S Transportation Committee  
 02/17/2010 Voted Do Pass S Transportation Committee - Consent  
 02/18/2010 Reported from S Transportation Committee to Floor - Consent (S364)  
 02/23/2010 Removed S Consent Calendar (S400)  
 02/25/2010 Reported from S Transportation Committee to Floor - Consent (S440)  
 02/25/2010 S Consent Calendar--SB 820-McKenna

EFFECTIVE: August 28, 2010

\*\*\* SB 821 \*\*\*

4649S.011

SENATE SPONSOR: Nodler

SB 821 - 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 who are eligible for employment 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 607 (2010).

ADRIANE CROUSE

01/25/2010 S First Read--SB 821-Nodler, et al (S164)

01/28/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S184)

02/02/2010 Hearing Scheduled But Not Heard S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 822 \*\*\*

4312S.011

SENATE SPONSOR: Keaveny

SB 822 - This act increases the fine for a seat belt violation from \$10 to \$50.

STEPHEN WITTE

01/25/2010 S First Read--SB 822-Keaveny (S164)

01/28/2010 Second Read and Referred S Transportation Committee (S184)

02/17/2010 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 823 \*\*\*

4216S.011

SENATE SPONSOR: Ridgeway

SB 823 - This act exempts all utilities, machinery, and equipment used or consumed directly in data storage from state and local sales and use tax. "Data storage" is defined to include data processing, hosting and related services, internet publishing and broadcasting and web search portals.

JASON ZAMKUS

01/25/2010 S First Read--SB 823-Ridgeway (S164)

01/28/2010 Second Read and Referred S Ways and Means Committee (S184)

02/08/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 824 \*\*\*

4020S.01P

SENATE SPONSOR: Clemens

SB 824 - 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.

This act is identical to SB 526 (2009).

ERIKA JAQUES

01/25/2010 S First Read--SB 824-Clemens (S165)

01/28/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S184)

02/03/2010 Hearing Cancelled S Agriculture, Food Production and Outdoor Resources Committee

02/10/2010 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

02/10/2010 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - Consent

02/11/2010 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor - Consent (S314)  
 02/15/2010 Removed S Consent Calendar (S326)  
 02/18/2010 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S364)  
 02/24/2010 Perfected (S405)  
 02/24/2010 Reported Truly Perfected S Rules Committee (S422)  
 02/25/2010 S Third Read and Passed (S437)  
 02/25/2010 H First Read

EFFECTIVE: August 28, 2010

\*\*\* SB 825 \*\*\*

4647S.011

SENATE SPONSOR: Clemens

SB 825 - This act requires a pharmacist, pharmacist technician, or pharmacy intern to provide notification to the patient, a family member, other relative, or any other person identified by the patient before interchanging one manufacturer of an anti-epileptic drug for another manufacturer of an anti-epileptic drug in instances where the patient's epilepsy or seizures is currently being controlled on a specific drug, strength, dosage form, and dosing regimen from a specific manufacturer. The prescriber of the medication must also be notified prior to the interchange. This requirement shall not apply to prescriptions dispensed for inpatients of a hospital, a long-term care facility or inpatients of a mental health or residential facility.

This act is similar to SB 1094 (2008).

ADRIANE CROUSE

01/25/2010 S First Read--SB 825-Clemens (S165)  
 01/28/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S184)  
 02/16/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 826 \*\*\*

4650S.011

SENATE SPONSOR: Griesheimer

SB 826 - Under current law, ambulance and fire protection districts located any in county in this state, except Greene, Platte, Clay, St. Louis and St. Charles counties, are authorized to seek voter approval for a sales tax of up to one-half of one percent to fund the operation of such districts, provided such sales tax is accompanied by a reduction in the district's property tax rate. This act would allow ambulance and fire protection districts located within St. Louis County to seek voter approval to impose the sales tax, provided such tax is accompanied by a reduction in the districts property tax rate.

JASON ZAMKUS

01/25/2010 S First Read--SB 826-Griesheimer (S165)  
 01/28/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S184)  
 03/03/2010 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 827 \*\*\*

4707S.011

SENATE SPONSOR: Schaefer

SB 827 - 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.

This act is identical to Senate Bill 257 (2009).

JASON ZAMKUS

01/26/2010 S First Read--SB 827-Schaefer (S169)  
 01/28/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S184)  
 02/10/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

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**\*\*\* SB 828 \*\*\***

4705S.011

SENATE SPONSOR: Schaefer

SB 828 - Under this act, the county counselor of Boone County shall receive \$15,000 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. The sums shall be paid out of the state treasury from funds appropriated for such purposes and received in the form of a reimbursement to county general revenue funds.

This act is similar to SCS/SB 258 (2009).

SUSAN HENDERSON MOORE

01/26/2010 S First Read--SB 828-Schaefer (S169)

01/28/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S184)

EFFECTIVE: August 28, 2010

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**\*\*\* SB 829 \*\*\***

4708S.011

SENATE SPONSOR: Schaefer

SB 829 - This act allows the counties of Boone and Cole to adopt nuisance abatement ordinances involving land with tires or storm water runoff conditions resulting in damage to buildings.

This act is identical to SB 286 (2009).

SUSAN HENDERSON MOORE

01/26/2010 S First Read--SB 829-Schaefer (S169)

01/28/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S184)

02/24/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

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**\*\*\* SB 830 \*\*\***

4709S.011

SENATE SPONSOR: Schaefer

SB 830 - This act allows Boone County 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.

This act is similar to SB 247 (2009).

SUSAN HENDERSON MOORE

01/26/2010 S First Read--SB 830-Schaefer (S169)

01/28/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S184)

EFFECTIVE: August 28, 2010

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**\*\*\* SB 831 \*\*\***

4711S.011

SENATE SPONSOR: Schaefer

SB 831 - This act allows counties of the first classification to establish curfews for persons under the age of seventeen. Any minor who violates such curfew is guilty of a Class C misdemeanor. If the minor's parent or guardian has knowledge of such violation, he or she is also guilty of a Class C misdemeanor.

This act is identical to a provision of HCS/SB 386 (2009).

SUSAN HENDERSON MOORE

01/26/2010 S First Read--SB 831-Schaefer (S169)

01/28/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S184)

EFFECTIVE: August 28, 2010

\*\*\* SB 832 \*\*\*

4716S.011

SENATE SPONSOR: Dempsey

SB 832 - This act creates the Large Carnivore Act. Except as permitted in the act, the act prohibits the owning, breeding, possession, transferring of ownership, or transporting of "large carnivores," defined as certain non-native cats of the Felidae family or any species of non-native bear held in captivity.

Persons possessing, breeding, or transporting large carnivores on or after January 1, 2012 must apply for a permit for each such large carnivore from the Department of Agriculture. The fee for the permit shall not exceed \$2,500 and the permit shall list certain information about the location, identification, and veterinary care of the large carnivore. The veterinarian identified in the permit must: insert an identification number in the animal via subcutaneous microchip, collect a DNA sample, provide a written summary of the animal's physical exam, and provide a signed health certificate as required for transport of the animal. The department may charge up to \$500 for annual renewal of the permit. Certain individuals are ineligible for a permit.

The act provides requirements for any person who owns, possesses, breeds or sells a large carnivore, which include making the animal's permit or federal license available for inspection, posting signage on the animal's property, criteria for the animal's humane confinement and care, and limitations on the animal's physical contact with other people. Certain veterinarians as approved by the Department of Agriculture must attest to the proper care of the large carnivore on a regular basis as determined by the department and must also be informed in the event of the animal's death.

A person may kill a large carnivore without civil liability if the person believes the carnivore is attacking or killing another person, livestock, or a mammalian pet, if the pet is being attacked outside the large carnivore's enclosure.

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. As a condition of being permitted to own a large carnivore, the owner is required to show proof of having liability insurance in an amount of not less than \$250,000.

Individuals who intentionally release a large carnivore shall be guilty of a Class D felony. Other violations of this act shall be a Class A misdemeanor. The penalty for violating the act may also include community service, loss of privilege to own or possess an animal, and civil forfeiture of any large carnivore.

The requirements of the act are in addition to any applicable state or federal laws and do not preclude any political subdivision from adopting more restrictive laws. Certain entities, law enforcement officials, animal control officers, and veterinarians are exempt from the permit and ID chip requirements of the act. The act does not apply to circuses or to the College of Veterinary Medicine at the University of Missouri-Columbia.

This act is almost identical to HCS/HB 426 (2009) and is similar to SB 206 (2007) and the perfected HB 1441 (2006).

ERIKA JAQUES

01/26/2010 S First Read--SB 832-Dempsey (S169)

01/28/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S184)

EFFECTIVE: August 28, 2010

\*\*\* SB 833 \*\*\*

4689S.011

SENATE SPONSOR: Goodman

SB 833 - This act allows actions required to be taken at corporate committee meetings to be taken without a meeting if all of the board or committee members consent by electronic transmission. Such transmissions shall be filed with the minutes of the corporate meetings.



This act is identical to HB 1741 (2009).

CHRIS HOGERTY

01/26/2010 S First Read--SB 833-Goodman (S169)

01/28/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S184)

02/22/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 834 \*\*\* SCS SB 834

4599S.03C

SENATE SPONSOR: Rupp

SCS/SB 834 - Under this act, a domestic insurer organized as a stock insurance company may voluntarily dissolve and liquidate provided that the director of the Department of Insurance approves the articles of dissolution prior to the insurer's filing of such articles with the Secretary of State and the insurer files with the secretary of state a copy of the director's approval, certified by the director, along with articles of dissolution.

In determining whether to approve the articles of dissolution, the director shall consider, among other factors, whether:

1) The insurer's annual financial statements filed with the director show no written insurance premiums for 5 years;

2) The insurer has demonstrated that all policyholder claims have been satisfied or have been transferred to another insurer in a transaction approved by the director; and

3) A market conduct examination of the insurer has been completed within the last 5 years.

STEPHEN WITTE

01/26/2010 S First Read--SB 834-Rupp (S169)

01/28/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S184)

02/02/2010 Hearing Conducted S Small Business, Insurance and Industry Committee-Consent

02/16/2010 SCS Voted Do Pass S Small Business, Insurance and Industry Committee (4599S.03C) - Consent

02/18/2010 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS - Consent (S365)

02/25/2010 S Consent Calendar--SB 834-Rupp, with SCS

EFFECTIVE: August 28, 2010

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\*\*\* SB 835 \*\*\*

4710S.011

SENATE SPONSOR: Rupp

SB 835 – This act allows proposed or existing high risk or alternative charter schools to include alternative arrangements for students to obtain credits for satisfying graduation requirements in the charter application and charter. Alternative arrangements may include credit for off-campus instruction, embedded credit, work experience, independent studies, and performance-based credit options. Upon approval of the charter by the State Board of Education, any alternative arrangements will be approved at the same time.

The Department of Elementary and Secondary Education must conduct a study of any such charter school granted alternative arrangements for students to obtain credit 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, whose last school of enrollment is in the school district where the charter school is established, 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 317 (2009), SB 1027 (2008) and similar to provisions also

contained in SB 64 (2009).  
MICHAEL RUFF

01/26/2010 S First Read--SB 835-Rupp and Keaveny (S170)  
01/28/2010 Second Read and Referred S Education Committee (S184)  
03/03/2010 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 836 \*\*\*

3645S.021

SENATE SPONSOR: Justus

SB 836 - This act specifies that any circuit court may establish a docket or court to dispose of cases where a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content. A person is eligible for this docket or court if he or she operated a motor vehicle with at least .15 blood alcohol content, or has had a previous conviction for an intoxication-related traffic offense.

The existing Drug Courts Coordinating Commission and the Drug Court Resources Fund are expanded to include DWI courts. DWI courts may operate in conjunction with drug courts and drug court commissioners may preside over DWI courts.

The DWI court has authority to grant a limited driving privilege to participants in the program. The DWI court may not grant the limited driving privilege to individuals who are otherwise prohibited by law from having a limited driving privilege, except certain participants who would have otherwise had their licenses revoked for a year or would not be eligible to apply for a limited driving privilege for two years may be granted a limited driving privilege.

For a first DWI offense, if the individual had a blood alcohol content (BAC) of at least .15, the minimum jail time shall be 48 hours, unless the person participates in a DWI court program. If the individual had a BAC of at least .20, the minimum jail time shall be 5 days, unless the person participates in a DWI court program. If a first-time DWI or driving with excessive BAC offender has a BAC higher than .15, they may not receive suspended imposition of sentence. The minimum jail time for a person who has a prior intoxication-related traffic offense is increased from five to ten days, unless the person participates in the existing community service option, or in the DWI court program. The minimum jail time for a person who is considered a persistent offender is increased from ten to thirty days, unless the person participates in the existing community service option, or in the DWI court program.

Currently, a state, county, or municipal court must determine if a defendant is a prior, persistent, chronic, or aggravated offender with multiple intoxication-related traffic offenses. In such instances, if the court is municipal, after making such a finding, the court shall transfer the case to an appropriate circuit court with jurisdiction for further proceedings. Also, under this act, a municipal court must make a preliminary finding as to whether the defendant was operating a vehicle with a BAC of at least .15 or refused to submit to chemical testing by law enforcement. If either is found by the municipal court, the case shall be transferred to a circuit court with jurisdiction for further proceedings.

Currently, a person who refuses to submit to chemical testing for an intoxication-related offense shall have his or her license revoked for a period of one year. Under this act, the period of revocation is extended to two years.

This act requires law enforcement agencies and prosecuting attorney offices to provide relevant information regarding intoxication-related offenses in their jurisdictions to the highway patrol's driving while intoxicated tracking system (DWITS). If such agencies or offices fail to enter the information into DWITS, the governor may withhold its appropriated state funding. The highway patrol shall collect and analyze information received through the DWITS website. At least once per year, the highway patrol shall issue accountability reports regarding agencies and offices compliance with this requirement.

EMILY KALMER

01/27/2010 S First Read--SB 836-Justus (S173)  
01/28/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S184)  
02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 837 \*\*\*

4704S.011

SENATE SPONSOR: Rupp

SB 837 - Under this act, if the Director of Revenue reasonably believes a person has obtained a title, license plate, or license plate tab in a fraudulent manner, the person must surrender such items. A failure to do so constitutes a Class A misdemeanor (Section 301.423).

Under this act, it is unlawful for any person to display, or to have in his or her possession, any nondriver identification card knowing that the card is fictitious or to have been canceled, suspended, revoked, disqualified or altered. Similarly, the act makes it unlawful for a person to lend or knowingly permit the use of nondriver identification card that is fictitious. The current law only applies to the fraudulent display, possession or use of a license (Section 302.220).

This act ties the statute of limitations for a prosecution for making a false statement on a driver's license application to the discovery of the statement's falsity, rather than the time when the statement was made. A prosecution for a person who makes a false statement on a driver's license application may commence one year after the director first discovers the falsity of the statement or affidavit, however no prosecution shall commence more than 6 years after the statement or affidavit was made (Section 302.230).

STEPHEN WITTE

01/27/2010 S First Read--SB 837-Rupp (S173)

01/28/2010 Second Read and Referred S Transportation Committee (S184)

02/17/2010 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 838 \*\*\*

4405S.041

SENATE SPONSOR: Rupp

SB 838 – This act modifies the charter school laws.

SECTION 160.400: Current law allows charter schools to be operated only in the St. Louis City School District or Kansas City School District. This act allows charter schools to be operated in a district that has been classified as unaccredited by the State Board of Education or in a district that has a Title I school in level 3, 4, or 5 of school improvement.

A community college whose service area encompasses any portion of a school district in which charter schools are allowed to operate may serve as a sponsor. This act removes the requirement that a private four-year college or university be located in St. Louis City to serve as a sponsor; instead, a private four-year college or university must have its primary campus in Missouri to be a sponsor. The mayor of St. Louis City may sponsor a charter school or workplace charter school in the St. Louis City School District. In addition, the mayor may request that a public or private four-year college or university or community college, as described in the act, serve as the sponsor of a workplace charter school.

This act allows a school district or the State Board of Education, when acting as a sponsor, to have expenses associated with sponsorship to be defrayed by having the Department of Elementary and Secondary Education withhold up to 1.5% of the charter school's state and local funding.

The sponsor of a charter school must develop policies and procedures for the review of a charter school proposal, the granting of a charter, and procedures if a charter school should close, including but not limited to the transfer or repository of student records and the disposition of a charter school's assets.

If the State Board of Education serves as the interim sponsor of a charter school and the school fails to meet academic performance or other goals, the State Board of Education may revoke the charter.

SECTION 160.405: This act replaces the requirement that a charter state educational goals and objectives to be achieved by the school with the requirement that the charter contain an accountability plan, as described in the act. A charter must also contain procedures to be implemented if the charter school should close, including the transfer or repository of student records and the disposition of the charter school's assets.

A charter must be submitted to the sponsor by August 15 of the year prior to the proposed opening date.

Charter schools must conduct a background check of education personnel, including through the Family Care Safety Registry.

Currently, charter schools must collect baseline data during at least the first three years to determine performance. This act requires charter schools to establish baseline student performance during the first year of operation and collect student performance data, as described in the act, throughout the duration of the charter based upon grade levels offered by the school.

This act allows proposed or existing high risk or alternative charter schools to include alternative arrangements for students to obtain credits for satisfying graduation requirements in the charter application and charter. Alternative arrangements may include credit for off-campus instruction, embedded credit, work experience, independent studies, and performance-based credit options. Upon approval of the charter by the State Board of Education, any alternative arrangements will be approved at the same time.

The Department of Elementary and Secondary Education must conduct a study of any such charter school granted alternative arrangements for students to obtain credit to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

The sponsor, governing board, and charter school staff must jointly review the school's performance, management, and operations during the first year of operation and then every other year, instead of the current requirement of at least once every two years.

This act removes the requirement that a charter school become a local educational agency for the sole purpose of seeking direct access to federal grants.

Beginning January 1, 2011, when a charter is up for renewal, the sponsor must demonstrate to the State Board of Education that the school complies with federal and state laws on accountability, transparency, maintenance of parent, student, and employee rights, performance of charter requirements, and academic performance standards, as described in the act. The State Board of Education must determine if a charter school is in compliance. If compliance has not been met, the sponsor may file a statement about why the school should remain open and the Board must hold a public hearing. The Board must vote on whether to continue operation of the school, may impose conditions on the school, or may close it at the end of the academic year.

#### SECTION 160.410:

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, whose last school of enrollment is in the school district where the charter school is established, 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.

If a charter school is operated by a management company, a copy of the contract must be made available for public inspection.

If a student attending a charter school moves so that he or she no longer lives in the school district where charter schools may operate, he or she may complete the current semester at the charter school. The parent or legal guardian will be responsible for the student's transportation.

If a change in school district boundary lines occurs so that a student no longer lives in a school district where charter schools may operate, the student may complete the current academic year at the charter school. The parent or legal guardian will be responsible for the student's transportation.

SECTION 160.415: The Department of Elementary and Secondary Education may withhold funding at an appropriate level during a charter school's last year of operation until the Department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

SECTION 160.420: This act repeals language that is identical to language also contained in section 160.415.

This act contains provisions similar to SB 317 (2009), SB 1027 (2008), and SB 64 (2009).  
MICHAEL RUFF

01/27/2010 S First Read--SB 838-Rupp (S173)

01/28/2010 Second Read and Referred S Education Committee (S184)

EFFECTIVE: August 28, 2010

\*\*\* SB 839 \*\*\* SCS SB 839

4720S.02C

SENATE SPONSOR: Wright-Jones

SCS/SB 839 - This act prohibits the imposition of penalties, or the suspension or revocation of a gaming license for inadequate declining income.

This act contains an emergency clause.

JASON ZAMKUS

01/27/2010 S First Read--SB 839-Wright-Jones (S173)  
 01/28/2010 Second Read and Referred S Ways and Means Committee (S184)  
 02/03/2010 Hearing Conducted S Ways and Means Committee  
 02/08/2010 SCS Voted Do Pass S Ways and Means Committee (4720S.02C)  
 02/08/2010 Reported from S Ways and Means Committee to Floor w/SCS (S248)  
 02/15/2010 Bill Placed on Informal Calendar (S323)  
 02/25/2010 S Informal Calendar S Bills for Perfection--SB 839-Wright-Jones, with SCS

EFFECTIVE: Emergency Clause

\*\*\* SB 840 \*\*\*

4717S.02I

SENATE SPONSOR: Schmitt

SB 840 - This act creates a refundable income and financial institutions tax credit which will be available for sports commissions, convention and visitors bureaus, certain nonprofit organizations, counties, and municipalities to offset expenses incurred in attracting sporting events to the state. Applicants for the tax credit must submit game support contracts to the department of economic development for approval. The tax credit will be equal to the lesser of fifty percent of the incremental increase in state sales and use tax revenues attributable to such event or one hundred percent of eligible expenses incurred. No more than ten million dollars in tax credits may be issued per fiscal year. The tax credits are fully transferrable, provided a notarized endorsement is filed with the department of economic development. The department of economic development is prohibited from certifying game support contracts after August 28, 2016, but may certify game support contracts prior to such date which pertain to games to be held after August 10, 2016.

This act is similar to House Bill 1786 (2010).

JASON ZAMKUS

01/27/2010 S First Read--SB 840-Schmitt (S173)  
 01/28/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S184)

EFFECTIVE: August 28, 2010

\*\*\* SB 841 \*\*\* SCS SBs 841, 657 &amp; 751

4311S.03C

SENATE SPONSOR: Schmitt

SCS/SBs 841, 657 & 751 - This act designates several portions of highways located within Missouri.

This act designates a portion of Interstate 44 in St. Louis County as the "Police Officer Ernest M. Brockman Sr. Memorial Highway" (Section 227.405).

This act designates a portion of State Highway 53 in Butler County from the city limits of Qulin to one mile south of the city limits as the "Johnny Lee Hays Memorial Highway". This portion of the act is identical to HB 1061 (2009) (Section 227.408).

This act designates a portion of Lindbergh Boulevard in St. Louis County as the "Dave Sinclair Memorial Highway". The costs for the highway designation shall be paid for by private donations (Section 227.365).

This act renames the portion of Interstate 70 located in St. Louis, currently designated as the Mark McGwire Highway, as the "Mark Twain Highway" (Section 227.303).

STEPHEN WITTE

01/27/2010 S First Read--SB 841-Schmitt (S173)  
 01/28/2010 Second Read and Referred S Transportation Committee (S184)  
 02/10/2010 Hearing Conducted S Transportation Committee  
 02/17/2010 SCS Voted Do Pass (w/SCS/SBs 841, 657 & 751) S Transportation Committee - (4311S.03C) - Consent  
 02/18/2010 Reported from S Transportation Committee to Floor w/SCS - Consent (S364)  
 02/25/2010 S Consent Calendar--SBs 841, 657 & 751-Schmitt, with SCS

EFFECTIVE: August 28, 2010

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\*\*\* SB 842 \*\*\* SCS SBs 842, 799 & 809

4653S.03C

SENATE SPONSOR: Schmitt

SCS/SBs 842, 799 & 809 – This act modifies provisions relating to the MO HealthNet Division's authority to collect from third party payers.

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, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization. The MO HealthNet Division shall also enforce its rights within six years of a timely submission of a claim.

Certified computerized MO HealthNet records shall be prima facie evidence of proof of moneys expended and the amount due the state.

This act contains provisions that are identical SB 799 (2010) and similar to SB 809 (2010) and to SB 552 (2009).

ADRIANE CROUSE

01/27/2010 S First Read--SB 842-Schmitt (S173)  
 01/28/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S184)  
 02/09/2010 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/16/2010 SCS Voted Do Pass (w/SCS/SBs 842, 799, 809) S Small Business, Insurance and Industry Committee (4653S.03C)  
 02/18/2010 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS (S365)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SBs 842, 799 & 809-Schmitt, with SCS

EFFECTIVE: August 28, 2010

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\*\*\* SB 843 \*\*\*

4719S.011

SENATE SPONSOR: Shoemyer

SB 843 - This act states that nothing contained in the provisions of law authorizing the property tax credit, commonly known as the circuit breaker, should be construed to require the landlord of a claimant of the credit to have a property tax liability as a requirement for such claimant to receive the credit for rent constituting property taxes accrued under the program.

JASON ZAMKUS

01/27/2010 S First Read--SB 843-Shoemyer, et al (S174)  
 01/28/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S184)

EFFECTIVE: August 28, 2010

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\*\*\* SB 844 \*\*\*

4135S.021

SENATE SPONSOR: Shields

SB 844 - Statewide elected officials may request the Office of Administration to determine the lowest and best bidder with respect to purchasing, printing, and services expenditures for which the official has the authority to contract. Upon such request, the Office of Administration shall have 45 days to respond by naming the lowest and best bid.

CHRIS HOGERTY

01/27/2010 S First Read--SB 844-Shields (S174)  
 01/28/2010 Second Read and Referred S General Laws Committee (S185)  
 02/09/2010 Hearing Conducted S General Laws Committee  
 02/23/2010 Voted Do Pass S General Laws Committee - Consent  
 02/25/2010 Reported from S General Laws Committee to Floor - Consent (S441)  
 02/25/2010 S Consent Calendar--SB 844-Shields

EFFECTIVE: August 28, 2010

\*\*\* SB 845 \*\*\*

4237S.021

SENATE SPONSOR: Barnitz

SB 845 - The Secretary of State shall establish procedures for overseas voters to request and send voter registration applications and absentee ballot applications by mail and electronically. Overseas voters include absent uniformed services voters, persons residing outside the United States who are qualified to vote in their previous domicile before leaving, those residing outside the United States who would otherwise be qualified to vote in their previous domicile, and persons in federal service.

The Secretary of State shall print and make available a sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for such voters.

Absent uniformed services and overseas voters are excused from being required to deliver an affidavit sworn to before the election official receiving the ballot, notary public, or another authorized to administer oaths with the absentee ballot.

Election authorities are barred from refusing valid marked absentee ballots submitted by absent uniformed services and overseas voters solely on the basis of restrictions on envelope type.

The Secretary of State in coordination with the local election jurisdictions shall develop a free access system by which an absent uniformed services and overseas voter may determine whether his or her ballot has been received.

This act removes the requirement that voters must make a statement by federal postcard, letter, or on a form prepared by the local election authority to qualify for a special write-in absentee ballot due to serving in the military or isolation. The special write-in absentee ballot shall be used in place of the Federal write-in absentee ballot in general, special, and primary elections for federal office.

CHRIS HOGERTY

01/27/2010 S First Read--SB 845-Barnitz (S174)  
 01/28/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S185)  
 03/01/2010 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 846 \*\*\*

4236S.011

SENATE SPONSOR: Barnitz

SB 846 - This act requires the state Treasurer's office to hold and maintain military medals that have been delivered by financial institutions to the Treasurer as lost or unclaimed property until the original owner or his or her heirs or beneficiaries can be identified. The Treasurer may designate a veteran's organization or other organization as custodian of medals until the medal can be returned.

CHRIS HOGERTY

01/27/2010 S First Read--SB 846-Barnitz (S174)  
 01/28/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S185)

EFFECTIVE: August 28, 2010

\*\*\* SB 847 \*\*\*

4239S.011

SENATE SPONSOR: Barnitz

SB 847 - Absentee ballots for persons in federal service shall be sent by facsimile or under a program approved by the United States Department of Defense for electronic transmission of election materials, when the ballot is sent to a location determined by the secretary of state to be inaccessible on election day.

Absentee ballots cast by absent uniformed services voters that are postmarked on or before election day and received by an election authority within 7 days of the election shall be counted.

This act is identical to HB 649 (2009).

CHRIS HOGERTY

01/27/2010 S First Read--SB 847-Barnitz (S174)

01/28/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S185)

EFFECTIVE: August 28, 2010

\*\*\* SB 848 \*\*\*

4632S.011

SENATE SPONSOR: Barnitz

SB 848 - Under current law, the Public Service Commission and the Department of Natural Resources must promulgate rules to carry out the Renewable Energy Portfolio requirement known as Proposition C passed by voters in the November 2008 election. The act requires the Commission and the Department to include methane generated from farm animal waste as a renewable energy source for purposes of meeting the portfolio requirement.

ERIKA JAQUES

01/28/2010 S First Read--SB 848-Barnitz (S178)

02/04/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S229)

03/03/2010 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 849 \*\*\*

4476S.011

SENATE SPONSOR: Barnitz

SB 849 - This act requires the Emergency Services Board to annually establish a tax rate sufficient to fund emergency services expenditures by no later than September first of each year. The board must publish such rate in its minutes and notify every retailer, by mail, of the new rate. The act states that emergency service boards are bodies politic and political subdivisions of the state.

JASON ZAMKUS

01/28/2010 S First Read--SB 849-Barnitz (S178)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S229)

02/24/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 850 \*\*\*

3643S.011

SENATE SPONSOR: Barnitz

SB 850 - 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.

This act is identical to SCS/SB 333 (2009).

ERIKA JAQUES

01/28/2010 S First Read--SB 850-Barnitz (S178)



02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S229)

EFFECTIVE: August 28, 2010

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\*\*\* SB 851 \*\*\*

4142S.031

SENATE SPONSOR: Schmitt

SB 851 - For any public meeting that addresses issues regarding a fee or tax increase, eminent domain, zoning of a specific property, certain types of improvement or development districts, or tax increment financing, the governing body of such county, city, town or village must give at least four days notice before the entity may vote to address such issues. Each such public meeting must include time for public comment. If proper notice is not given, any discussion on the issue must be postponed and no vote shall be taken until proper notice has been provided. The notice provisions shall not apply to votes or discussion related to certain proposed ordinances, or in the case of emergencies. For a zoning matter, the notice provisions will only apply to the initial meeting at which the matter is heard.

This act is similar to a provision contained in SCS/HCS/HB 316 (2009).

JIM ERTLE

01/28/2010 S First Read--SB 851-Schmitt, et al (S179)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S230)

02/24/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 852 \*\*\*

4338S.011

SENATE SPONSOR: Lager

SB 852 -Currently, under the Missouri Human Rights Act (MHRA), a practice is unlawful when the protected trait is a contributing factor in the decision to discriminate. This act changes that standard to a motivating factor standard and in age discrimination cases, the standard is changed to encompass only discriminatory decisions that would not have occurred but for age. The plaintiffs in employment and age discrimination cases have the burden of proving these standards.

Currently, persons acting in the interest of employers are considered employers under the MHRA and are liable for discriminatory practices. This act modifies the definition of employer to exclude those individuals. The act similarly excludes the United States government, corporations owned by the United States, individuals employed by employers, Indian tribes, certain departments or agencies of the District of Columbia, and private membership clubs from the definition.

The act directs the courts to rely heavily on judicial interpretations of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act when deciding MHRA employment discrimination cases.

The act abrogates *McBryde v. Ritenour School District* to require courts to allow a business judgment jury instruction whenever offered by the defendant.

The act recommends two methods to the courts for analyzing employment discrimination cases as a basis for granting summary judgment. The mixed motive and burden shifting analysis are based on court rulings interpreting federal law and the act abrogates numerous Missouri cases in urging the courts to consider the methods highly persuasive.

Parties to a discrimination case under the MHRA may demand a jury trial.

Damages awarded for employment cases under the MHRA shall not exceed back pay and interest on back pay and \$50,000 for employers with between 5 and 100 employees, \$100,000 for employers with between 100 and 200 employees, \$200,000 for employers with between 200 and 500 employees, or \$300,000 for employers with more than 500 employees. Punitive damages shall not be awarded against the state of Missouri or political subdivisions in MHRA cases.

The act abrogates all Missouri case law relating to exceptions to the employment at will doctrine.

Employers shall not retaliate or discriminate against employees exclusively as a result of the fact that the employee refused to violate a statute, regulation, constitutional provision, ordinance, or common law at the request of someone employed by the employer who has direct or indirect supervisory authority. The same standard shall apply when employees report an illegal act of the employer. The act establishes caps for damages for such cases identical to those created for MHRA cases with the exception of back pay and interest on back pay which are not allowed.

This act is similar to HB 1456 (2006), SB 168 (2007), SB 1046 (2008), HB 799 (2009), HB 227 (2009), SB 374 (2009), HB 1488 (2010).

CHRIS HOGERTY

01/28/2010 S First Read--SB 852-Lager, et al (S179)  
 02/04/2010 Second Read and Referred S General Laws Committee (S230)  
 02/16/2010 Hearing Conducted S General Laws Committee  
 02/25/2010 Voted Do Pass S General Laws Committee  
 02/25/2010 Reported from S General Laws Committee to Floor (S441)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 852-Lager, et al

EFFECTIVE: August 28, 2010

\*\*\* SB 853 \*\*\*

4580S.021

SENATE SPONSOR: Keaveny

SB 853 - Currently, a law enforcement agency must request that the prosecuting or circuit attorney file a motion in circuit court for the proper disposition of unclaimed seized property. If the prosecuting or circuit attorney does not file the motion in sixty days, the agency may request that the attorney general file such motion. Under this act, if neither the prosecuting or circuit attorney or the Attorney General files such motion, the law enforcement agency may file the motion, on its own behalf in circuit court, to properly dispose of the property.

This act provides a description of some circumstances when "seized property ceases to be useful" so that it can be disposed.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

01/28/2010 S First Read--SB 853-Keaveny and Wright-Jones (S179)  
 02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 854 \*\*\*

4577S.011

SENATE SPONSOR: Keaveny

SB 854 - This act provides that the identity of a police officer, other than one who is the subject of a criminal investigation, shall not be disclosed in an investigative report.

JIM ERTLE

01/28/2010 S First Read--SB 854-Keaveny and Wright-Jones (S179)  
 02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 855 \*\*\*

4018S.011

SENATE SPONSOR: Schaefer

SB 855 – This act allows the State Registrar, within the Department of Health Senior Services, to create and sell Heritage Birth or Marriage Certificates for a fifty dollar fee. The heritage certificates shall represent the birth or marriage of the individual named on the original record or certificate and shall be accepted as an original record. The heritage certificate shall be suitable for display and shall celebrate the unique heritage of Missouri citizens.

The heritage certificates shall be issued in a form consistent with the need to protect the integrity of vital records and include security measures consistent with federal law. The certificates shall only be issued to

individuals born or married in Missouri.

The fees from the sale of the heritage certificates shall be distributed to the general revenue fund, children's trust fund, endowed care cemetery audit fund, the crippled children's service fund and the Missouri public health services fund. The act prescribes how such funds will be distributed.

ADRIANE CROUSE

01/28/2010 S First Read--SB 855-Schaefer (S179)

02/04/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S230)

02/23/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 856 \*\*\*

4475S.011

SENATE SPONSOR: Schaefer

SB 856 - Currently, persons who have committed two or more Class A or B misdemeanors under specific chapters of the criminal code can be sentenced to extended terms of imprisonment as "persistent misdemeanor offenders". This act adds class A or B misdemeanors under Chapter 455, Abuse and Protective Orders, and Chapter 577, Public Safety Offenses, to the list of qualifying offenses.

SUSAN HENDERSON MOORE

01/28/2010 S First Read--SB 856-Schaefer (S179)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 857 \*\*\*

4479S.011

SENATE SPONSOR: Schaefer

SB 857 - This act adds the crimes of statutory rape or sodomy in the second degree, sexual assault, child molestation, sexual misconduct involving a child, and sexual abuse to the definition of "dangerous felonies". It also modifies the definition to include statutory rape or sodomy in the first degree regardless of the child's age and attempted forcible rape or sodomy regardless if physical injury results. A person convicted of a "dangerous felony" must serve 85% of his or her prison sentence.

SUSAN HENDERSON MOORE

01/28/2010 S First Read--SB 857-Schaefer (S179)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 858 \*\*\*

4474S.011

SENATE SPONSOR: Schaefer

SB 858 - In addition to current provisions, this act states that a person commits the crime of failure to return to confinement if he or she fails to return while:

(1) Having been remanded to the custody of the county sheriff for transportation to the Missouri Department of Corrections; or

(2) Being temporarily furloughed during his or her sentence.

Currently, the crime of failing to return to confinement is a Class C misdemeanor, unless certain specific circumstances exist, in which case, the penalty is increased to a Class A misdemeanor or Class D felony. Under this act, failure to return to confinement is a Class A misdemeanor if the underlying offense for which the person is serving time is a misdemeanor and a Class D felony if the underlying offense for which the person is serving time is a felony.

SUSAN HENDERSON MOORE

01/28/2010 S First Read--SB 858-Schaefer (S179)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 859 \*\*\*

4477S.011

SENATE SPONSOR: Schaefer

SB 859 - Currently, a person who has committed the crime of assault in the third degree or domestic assault in the third degree more than two times is guilty of a Class D felony for any subsequent commission of such offenses. Under this act, a person who has committed the crime of assault or domestic assault, regardless of the degree of the offense, more than two times is guilty of a Class D felony for any subsequent commission of the crime of assault.

SUSAN HENDERSON MOORE

01/28/2010 S First Read--SB 859-Schaefer (S179)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 860 \*\*\*

4786S.011

SENATE SPONSOR: Bray

SB 860 - This act requires political subdivisions located at least partially within a charter county or the City of St. Louis to set their property tax rates by October first each year.

JASON ZAMKUS

01/28/2010 S First Read--SB 860-Bray (S179)

02/04/2010 Second Read and Referred S Ways and Means Committee (S230)

02/08/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 861 \*\*\*

4646S.021

SENATE SPONSOR: Dempsey

SB 861 - This act requires noninvasive vascular laboratories to be certified by either the Intersocietal Commission for the Accreditation of Vascular Laboratories (ICAVL) or the American College of Radiology (ACR) by July 1, 2011. If a noninvasive vascular laboratory does not provide documentation confirming its accreditation with ICAVL or ACR by October 1, 2011, to the Department of Health and Senior services, the bill prohibits the lab from billing, charging or receiving compensation for any services. This prohibition also results if the lab loses its accreditation.

The act also provides the Department of Health and Senior Services with rulemaking authority to implement the accreditation requirement.

ADRIANE CROUSE

01/28/2010 S First Read--SB 861-Dempsey (S179)

02/04/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S230)

03/02/2010 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 862 \*\*\*

SCS SB 862

4692S.02C

SENATE SPONSOR: Callahan

SCS/SB 862 - 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.

The act authorizes the City of Van Buren to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for general revenue purposes. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

The City of North Kansas City is authorized to seek voter approval to impose a transient guest tax upon charges for sleeping rooms paid by guests of hotels, motels to fund tourism and infrastructure improvements. The tax cannot exceed five percent per occupied room per night.

This act contains provisions similar to the perfected version of Senate Bill 507 (2009), and Senate Bill

1209 (2008).

JASON ZAMKUS

01/28/2010 S First Read--SB 862-Callahan (S180)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S230)

02/10/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/24/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (4692S.02C) - Consent

02/25/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS - Consent (S439)

02/25/2010 S Consent Calendar--SB 862-Callahan, with SCS

EFFECTIVE: August 28, 2010

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**\*\*\* SB 863 \*\*\***      SCS SB 863

4605S.03C

SENATE SPONSOR: Callahan

SCS/SB 863 - This act authorizes the City of Raytown to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promotion, operation, and development of tourism and convention facilities. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

The act authorizes the City of Van Buren to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for general revenue purposes. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

The City of North Kansas City is authorized to seek voter approval to impose a transient guest tax upon charges for sleeping rooms paid by guests of hotels, motels to fund tourism and infrastructure improvements. The tax cannot exceed five percent per occupied room per night.

JASON ZAMKUS

01/28/2010 S First Read--SB 863-Callahan (S180)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S230)

02/10/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/24/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (4605S.03C) - Consent

02/25/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS - Consent (S439)

02/25/2010 S Consent Calendar--SB 863-Callahan, with SCS

EFFECTIVE: August 28, 2010

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**\*\*\* SB 864 \*\*\***

4797S.011

SENATE SPONSOR: Lembke

SB 864 - Under this act, no political subdivision shall use an automated traffic enforcement system unless the law, ordinance, or regulation treats the traffic violation detected by such a system in the same manner as if the violation had not been detected by an automated traffic enforcement system.

No law authorizing the use of an automated traffic enforcement system shall be valid unless the law penalizes the motor vehicle traffic violation detected through such a system in the same manner as provided by state law.

No law authorizing the use of an automated traffic enforcement system shall be valid if such law provides for the prosecution of a violation detected by such a system as a civil infraction. The violation of a traffic law, ordinance, or regulation detected by an automated traffic enforcement system is criminal in nature, and as such, any person responsible for prosecuting such a violation shall have the burden of proving that the alleged violator was the driver of the motor vehicle at the time of the citation in addition to any other elements of the underlying traffic violation.

Under this act, no political subdivision shall use an automated traffic enforcement system unless the law, ordinance, or regulation includes a penalty that provides for the assessment of points to the violator's driver's

license. Every political subdivision using such a system shall ensure that all convictions are reported to the department of revenue in accordance with state law.

Under this act, all motor vehicle traffic violations detected through the use of an automated traffic enforcement system shall constitute a moving violation under state law and shall be subject to the assessment of points, notwithstanding any provision of a municipal or county ordinance to the contrary.  
STEPHEN WITTE

01/28/2010 S First Read--SB 864-Lembke (S180)

02/04/2010 Second Read and Referred S Transportation Committee (S230)

EFFECTIVE: August 28, 2010

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\*\*\* SB 865 \*\*\*

3097S.041

SENATE SPONSOR: Wilson

SB 865 - In any case involving parental responsibilities in actions for dissolution, legal separation, paternity or guardianship, the court may, upon agreement by the parties, appoint a parenting coordinator as a neutral third party in high-conflict cases 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 to determine fundamental issues of custody, visitation and support and to exercise management and control of the case. The parenting coordinator shall be either a licensed attorney or a mental health professional. The parenting coordinator shall also be qualified under Missouri Supreme Court rules governing mediation.

Prior to appointing a coordinator, the court shall consider the effect of any evidence of domestic violence on the parties' ability to engage in parent coordination services. If there is a judgment or order regarding the confidentiality of address or telephone information of a party, the coordinator shall maintain such confidentiality.

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 and assist the parties in developing parenting strategies to minimize conflict.

The parenting coordinator may authorize temporary departures from a parenting plan in a manner that is consistent with the substantive intent of the court order containing the plan, and that is within the scope of matters on which the parenting coordinator is authorized to determine. The parenting coordinator's authority is subject to a party's right to file an objection as specified under the act.

A written report of the decisions made by the coordinator shall be provided to the parties or their counsel within 20 days of the decision. Any party may file a motion objecting to any report or decision of the coordinator, within fifteen days of the receipt of the information and serve all the parties with such objection. The court shall review the objections and any responses and set the matter for a hearing de novo or enter other appropriate orders within 10 days of an objection being made.

The order appointing a parenting coordinator shall be for a specified term, but not to exceed two years. 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.

Nothing in the act shall be construed as requiring a circuit court to appoint a parenting coordinator. 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. Also, 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 substantially similar to HB 1820 (2010) and similar to SB 62 (2009) and SB 1249(2008).  
ADRIANE CROUSE

01/28/2010 S First Read--SB 865-Wilson and Keaveny (S180)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

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\*\*\* SB 866 \*\*\*

3931S.011

SENATE SPONSOR: Wright-Jones

SB 866 - This act modifies laws regarding hospital patient safety. Under the act, each hospital is required to establish a patient safety committee by January 1, 2011, to design and recommend the process for implementing a safe patient handling program, which shall be implemented by July 1, 2011. The program shall establish a safe handling policy for all shifts and units, conduct a patient handling hazard assessment and consider incorporating patient handling equipment in future hospital models.

By January 1, 2014, each hospital shall acquire its choice of a specified minimum of patient lifting equipment and shall train staff on policies, equipment and devices at least annually. Each hospital shall also develop procedures for employees to refuse to perform or be involved in patient handling or movement that will expose the patient or employee to an unacceptable risk of injury.

The Division of Workers' Compensation shall develop rules by January 1, 2012, to provide a reduced workers' compensation premium for hospitals that implement a safe patient handling program and submit a report of the result of the reduced premiums to the General Assembly by December 1, 2015 and December 1, 2017.

This act is substantially similar to HB 401 (2009).

ADRIANE CROUSE

01/28/2010 S First Read--SB 866-Wright-Jones (S180)

02/04/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S230)

EFFECTIVE: August 28, 2010

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\*\*\* SB 867 \*\*\*

4149S.021

SENATE SPONSOR: Mayer

SB 867 - Only lien waivers that release rights only to the extent of payment received by the claimant in exchange for the waiver are enforceable.

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.

This act requires lien claimants to include the dollar amount due, and a brief general description of the type of labor, materials, or services provided in their statement. An itemization of the labor, materials, equipment, and costs is not necessary.

The petition in a lien claim shall include the names of the owners of the property subject to the lien and pray for the appointment of a disinterested person to serve as a referee to assess the lien claim.

A summons shall be personally served by the sheriff or by publication if the name or residence of the owner is unknown.

Reasonable attorneys' fees, interest and costs shall be levied against the property charged with the lien.

If the owner fails to pay the original contractor, the court shall charge reasonable attorneys' fees of any lien claimant to the owner. If the lien claimant has made a claim without just cause, the court shall charge the reasonable attorneys' fees of the owner to the lien claimant.

When the debtor has not been served with summons, and the judgment is for the plaintiff, the interest and attorneys' fees shall be levied against the property charged with the lien.

Currently, the court may appoint a referee to hear the case and report its findings to the court. This act requires the court to appoint a referee in all cases.

This act is similar to SB 1074 (2008), SB 267 (2009), and HB 595 (2009).

CHRIS HOGERTY

01/28/2010 S First Read--SB 867-Mayer (S180)

02/04/2010 Second Read and Referred S General Laws Committee (S230)

02/23/2010 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 868 \*\*\*

4740S.011

SENATE SPONSOR: Shields

SB 868 - This act provides state and local sales and use tax exemptions for all machinery, equipment, computers, electrical energy, gas, water and other utilities including telecommunication services used in new data storage centers and server farm facilities. The act also provides a state and local sales and use tax exemption for purchases of tangible personal property for the construction, repair, or remodeling of a new data storage center or server farm facility. In order to receive the sales tax exemption provided for new data storage centers and server farm facilities, an application must be made to the Department of Economic Development for certification. Such application must show that the project will result in at least five million dollars of new facility investment over a three year period.

The act also creates a state and local sales and use tax exemption for existing data storage centers and server farm facilities for all machinery, equipment, computers, electrical energy, gas, water and other utilities including telecommunication services. The exemption will only apply to the increase in expenditures for utilities over the previous year's expenditures. The exemptions for tangible property will be available only on the increase in expenditures over the average of the previous three years expenditures. In order to receive the sales tax exemption provided for existing data storage centers and server farm facilities, an application must be made to the Department of Economic Development for certification. Such application must show that the project will result in at least one million dollars of new facility investment over a one year period.

The Department of Economic Development and the Department of Revenue are authorized to conduct random audits to ensure compliance with the requirements for state and local sales and use tax exemptions authorized under the act.

JASON ZAMKUS

01/28/2010 S First Read--SB 868-Shields (S180)

02/04/2010 Second Read and Referred S Ways and Means Committee (S230)

02/08/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 869 \*\*\*

4834S.011

SENATE SPONSOR: Griesheimer

SB 869 - Under this act, the cap on what Missouri inspection stations may charge for performing safety inspections is raised from \$12 to \$15. The fee charged for certificate of inspections to official inspection stations is raised from \$1.50 to \$2.00. From this two dollar fee, \$1.50 shall be credited to the State Highway Fund (up from \$1.00).

Under this act, the Highway Patrol shall issue rules and regulations prescribing the means and methods to computerize the vehicle safety inspection program to eliminate unnecessary paperwork, make vehicle safety inspections more efficient, effective, and fair, eliminate the need for inspection stickers on vehicles, and increase consumer protection and safety. The rules and regulations shall define the equipment that official inspection stations must have and what portion, if any, of the inspection fee shall be used to cover the cost of computerizing the vehicle safety inspection program.

STEPHEN WITTE

02/01/2010 S First Read--SB 869-Griesheimer (S188)



02/04/2010 Second Read and Referred S Transportation Committee (S230)

02/17/2010 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 870 \*\*\*

4125S.03I

SENATE SPONSOR: Schaefer

SB 870 - The act creates the Private Landowner Protection Act.

Conservation easements, which are easements designed to preserve open space or to protect natural or cultural resources on land, may be created, conveyed, terminated, and modified in the same manner as other types of easements. Conservation easements must be accepted and recorded by the holder before any right or duty arises from the easement. Conservation easements shall exist in perpetuity unless the easement specifies otherwise.

Conservation easements do not affect an interest in real property unless the real property owner is a party to the easement or otherwise consents.

Actions affecting a conservation easement may be brought by a landowner, the easement holder, a third-party that holds a right of enforcement on the easement, or by any other person authorized by law. The act does not affect the power of a court to modify or terminate a conservation easement.

Conservation easements are valid even though they may have certain characteristics as specified in the act. The act does not invalidate any other type of lawful interest as a covenant, equitable servitude, restriction, or other easement.

This act is similar to SB 381 (2009).

ERIKA JAQUES

02/01/2010 S First Read--SB 870-Schaefer (S188)

02/04/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S230)

02/17/2010 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 871 \*\*\*

4706S.02I

SENATE SPONSOR: Schaefer

SB 871 - 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.

This act is similar to SB 1254 (2008), certain provisions of SS/SCS/HB 376 (2009), HCS/SB 386 (2009), and SB 256 (2009).

SUSAN HENDERSON MOORE

02/01/2010 S First Read--SB 871-Schaefer (S188)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 872 \*\*\*

4860S.01I

SENATE SPONSOR: Bray

SB 872 - 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 identical to SB 371 (2009) and similar to SB 76 (2007) and SB 685 (2006).

ERIKA JAQUES

02/01/2010 S First Read--SB 872-Bray (S188)

02/04/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S230)

02/16/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 873 \*\*\*

3949S.011

SENATE SPONSOR: Wright-Jones

SB 873 - This act would permit the Office of the Missouri Film Commission to enter into contractual agreements with film offices of bordering states for the purpose of creating and marketing regional film districts.

JASON ZAMKUS

02/01/2010 S First Read--SB 873-Wright-Jones (S189)

02/04/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 874 \*\*\*

4713S.011

SENATE SPONSOR: Pearce

SB 874 - Under current law, the board of trustees for a common sewer district located in Jackson and Cass counties consists of 8 members. This act increases the membership to 10 by adding 2 additional city mayors on the board.

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

This act is similar to HB 1612 (2010), HB 1705 (2010), and SB 242 (2009).

ERIKA JAQUES

02/01/2010 S First Read--SB 874-Pearce (S189)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 875 \*\*\*

4746S.011

SENATE SPONSOR: Dempsey

SB 875 - Employers may pay employees under the age of 20, 75% of the state minimum wage rate as long as that wage is not lower than the federal minimum wage. Employers shall not displace employees in order to hire such individuals. The act shall sunset on August 28, 2013.

This act is similar to HB 1792 (2010).

CHRIS HOGERTY

02/01/2010 S First Read--SB 875-Dempsey (S189)

02/04/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S230)

02/16/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 876 \*\*\*

4855S.011

SENATE SPONSOR: Stouffer

SB 876 - This act modifies the membership of the panel that establishes the criteria for grants from the Missouri military family relief fund from two command sergeants major to two sergeant majors.

This act is similar to HB 1524 (2010).

EMILY KALMER

02/01/2010 S First Read--SB 876-Stouffer (S189)

02/04/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 877 \*\*\*

4712S.011

SENATE SPONSOR: Keaveny

SB 877 - This act modifies provisions relating to child support.

Under this act, 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.

This act requires the family support division to advise the obligor of the procedures to contest a lien placed, by the Family Support Division, on Workers' Compensation benefits on the grounds that such lien is a mistake of fact. The obligor shall request a hearing within 30 days of the mailing of the notice. The certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the division's order is valid and enforceable. If prima facie evidence is established, the obligor may only assert mistake of fact as a defense. The obligor shall have the burden of proof on such issues.

Some provisions in this act are similar to SB 562 (2009).

ADRIANE CROUSE

02/01/2010 S First Read--SB 877-Keaveny (S189)

02/04/2010 Second Read and Referred S General Laws Committee (S230)

02/16/2010 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 878 \*\*\*

4691S.011

SENATE SPONSOR: Lembke

SB 878 - Under current law, the department of health and senior services processes claims submitted by health care providers requesting setoffs of income tax refunds to satisfy outstanding debts owed by taxpayers. This act repeals the authority of the department of health and senior services to administer such a program and creates a system for ambulance service providers to utilize a private claim clearinghouse to process and verify requests for setoffs of taxpayer income tax refunds and lottery winnings to satisfy outstanding debts for ambulance services received. Prior to utilizing the clearinghouse, an ambulance service provider must provide certain notices to patients and allow for various levels of review and appeals of such claims. To offset expenses incurred in collecting debts owed to ambulance service providers, a collection fee is assessed to each offset which is allocated among the clearinghouse and the department of revenue. The act establishes a priority, with regard to setoffs, in which debts owed to ambulance service providers receive the least priority.

JASON ZAMKUS

02/01/2010 S First Read--SB 878-Lembke (S189)

02/04/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S230)

02/23/2010 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 879 \*\*\*

4856S.021

SENATE SPONSOR: Schaefer

SB 879 - This act provides that certain offenders, who have not committed certain dangerous or repeat offenses, shall receive credit in terms of days spent in confinement when the offender successfully completes an institutional program within the department of corrections for substance and alcohol abuse. For each day of participation in the completed program, such offender shall receive one-half of one day of additional credit for time served. The program must require the offender to live in an area designated for treatment in the facility during the time in which the offender is in treatment. Any credit received shall only apply to the sentence which the offender is currently serving. Participation in such programs is at the discretion of the department as provided by law.

SUSAN HENDERSON MOORE

02/02/2010 S First Read--SB 879-Schaefer (S196)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

EFFECTIVE: August 28, 2010

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\*\*\* SB 880 \*\*\*

4877S.011

SENATE SPONSOR: Schaefer

SB 880 - Currently, there is a "Drug Court Resources Fund" that is administered by the Drug Courts Coordinating Commission to facilitate the operation of drug courts throughout the state. Under this act, the purpose of the fund is expanded to cover the operation of any DWI dockets or courts established under the drug courts.

This act creates a surcharge of \$100 to be collected by the clerks of the circuit courts in all cases where the defendant pleads guilty to or is found guilty of an intoxication-related traffic offense. Such money shall be deposited into the expanded "Drug and DWI Court Resource Fund" to be used only to support the operation of DWI dockets or courts established under the drug court program.

SUSAN HENDERSON MOORE

02/02/2010 S First Read--SB 880-Schaefer (S196)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S230)

02/08/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 881 \*\*\*

4868S.011

SENATE SPONSOR: Green

SB 881 - This act modifies various provisions relating to political subdivisions.

SECTIONS 115.305, 115.342, and 115.346

Candidates for public office cannot be in arrears for unpaid city taxes or municipal user fees. Upon receiving a complaint that a candidate is delinquent in payment, the department of revenue shall notify the candidate, who shall have 30 days to pay the amount owed before being disqualified.

SECTION 321.018

Persons contracting to provide professional services for a fire protection district shall not receive compensation after termination of the contract by the governing body of such political subdivision, except for services actually rendered.

SECTION 321.130

This section states that any fire protection district director who is found guilty of or pleads guilty to a felony shall immediately forfeit such office.

SECTION 321.711

Currently, the number of signatures required on a petition to have an election to recall a fire protection district board member is at least 25% of the number of voters who voted in the most recent gubernatorial election in that district. This act changes the number of signatures needed to 20%.

This act is identical to HB 1739 (2010).

SUSAN HENDERSON MOORE

02/03/2010 S First Read--SB 881-Green (S202)  
02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee  
(S230)

EFFECTIVE: August 28, 2010

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\*\*\* SB 882 \*\*\*

4651S.021

SENATE SPONSOR: Green

SB 882 - This act modifies the law relating to the Missouri Ethics Commission and gubernatorial appointments.

#### LOBBYIST RECORDS (105.473)

Lobbyists and lobbyist principals are required to maintain accurate records of expenditures. Those acting as agents for lobbyists or lobbyist principals shall deliver detailed accounts of their actions to the lobbyist or lobbyist principal within 24 hours of a request by the lobbyist or lobbyist principal.

#### FILING DATES (105.487, 130.046)

The act ensures that the financial interest statement filed by appointed public officials and certain employees covers the same time period as those filed by elected officials.

Currently, campaign finance disclosure reports must be postmarked no later than midnight of the day previous to the day of the filing deadline. This act moves that deadline to midnight of the day of the filing deadline.

#### ETHICS COMMISSION DUTIES AND RESPONSIBILITIES (105.955, 105.957, 105.959, 105.961, 105.966)

Term extensions for commission members vacating their seats shall not exceed 120 days.

The commission may make investigations rather than audits and during such investigations, the commission may delegate the power to issue subpoenas to the executive director of the ethics commission.

Complaints to the ethics commission shall be properly signed and notarized.

Under supervision of the commission, the executive director may conduct an independent investigation of an ethics violation without a complaint if there are reasonable grounds to believe that a violation has occurred. The commission shall notify the person under investigation and assign a special investigator. The investigations of the executive director are confidential and the revealing of such information shall be cause for removal or dismissal. Investigations failing to establish reasonable grounds to believe a violation has occurred shall be terminated.

The Ethics Commission is authorized to refer a report establishing a reasonable belief that a criminal law has occurred, directly to a prosecuting attorney instead of a special prosecutor appointed from a panel of attorneys.

Determinations that violations have occurred, other than referrals for criminal prosecution, may be appealed to the Circuit Court of Cole County.

The act removes a provision allowing extra time for investigations when they are assigned to a retired judge and a provision allowing the commission to file a petition to seek extra time.

#### LATE FEE ASSESSMENTS (105.963)

The late filing fee for filing campaign disclosure reports and statements of limited activity are increased from \$10 to \$50 per day not to exceed \$3,000. The executive director is allowed to send notice by other means than registered mail within 7 days of failure to file. Unpaid late filing fees may be collected through garnishment and execution against a committee's official depository account after a 30 day delinquency.

Lobbyists required to file expenditure reports, individuals required to file financial disclosure reports, and candidates and committees required to file disclosure statements may appeal late fee assessments in the same manner with the commission.

#### COMMITTEE ORGANIZATION AND TERMINATION (130.011, 130.021)

Committee treasurers and deputy treasurers are no longer required to reside in the district or county in which

the committee sits.

Continuing committees are required to file a statements of organization no later than 60 days prior to the election for which the committee receives contributions or makes expenditures and no later than 30 days for all other committees. This change will require continuing committees to report the name of the candidate or ballot issue supported or opposed at the time they file the statement of organization.

Persons may not form a new committee or act as treasurer or deputy treasurer of a committee until all previous campaign disclosure reports and statements of limited activity are current and outstanding fees are paid.

**TECHNICAL CORRECTION (130.036)**

An incorrect reference to the campaign finance review board is replaced with Missouri Ethics Commission.

**ELECTRONIC FILING (130.057)**

All committees are required to file reports in electronic form.

**GUBERNATORIAL APPOINTMENTS (138.190, 138.200, 215.020, 286.010, 386.050, 621.015)**

This act requires the governor to fill vacancies and appoint new commissioners within thirty days of the vacancy or expiration of the term for the following commissioners: the Public Service Commission, the State Tax Commission, the Missouri Housing Development Commission, the Administrative Hearing Commission and the Labor and Industrial Relations Commission.

This act is similar to SB 434 (2009).

CHRIS HOGERTY

02/03/2010 S First Read--SB 882-Green (S202)

02/04/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S230)

EFFECTIVE: August 28, 2010

\*\*\* SB 883 \*\*\*

4828S.021

SENATE SPONSOR: Dempsey

SB 883 - Under current law, the City of St. Peters is prohibited from imposing hotel and motel license fees in excess of one thousand dollars per year, but the city may increase its hotel and motel license tax by five percent per year, provided such tax does not exceed one-eighth of one percent of such hotel's or motel's gross receipts. This act allows repeals the current limitations on the license fees imposed by the City of St. Peters and allows the city to impose a license fee on hotels and motels not to exceed five percent of gross revenues of such hotels and motels. The City of St. Peters is prohibited from levying any other transient guest tax, now or hereafter authorized by law.

JASON ZAMKUS

02/03/2010 S First Read--SB 883-Dempsey (S202)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S231)

EFFECTIVE: August 28, 2010

\*\*\* SB 884 \*\*\*

4831S.011

SENATE SPONSOR: Schaefer

SB 884 - This act requires all tobacco manufacturers whose cigarettes are sold in Missouri to report and certify to the Department of Revenue and the Attorney General's office by April 30 of each year that they are in compliance with the Tobacco Settlement Model Statute currently in Missouri law. In addition to the certification, manufacturers must also provide a list of "brand families". Non-participating manufacturers must provide the number of units sold for each family for the preceding year, the name and address of any other manufacturer of their brand families in the preceding or current calendar year, and other information to verify compliance with the model statute in their certification. All manufacturers must update their lists thirty days prior to any addition to or modification of its brand families through a supplemental certification to the director of the Department of Revenue.

In addition to other certification requirements, each non-participating manufacturer must be registered to do business in the state or maintain an agent within the state for the purpose of service of process relating to

the enforcement of the act. 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.

The director of the Department of Revenue and the attorney general are allowed to share information on tobacco sales in the state to implement and enforce the provisions of 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

02/03/2010 S First Read--SB 884-Schaefer (S202)

02/04/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S231)

02/23/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 885 \*\*\*

4848S.011

SENATE SPONSOR: Schaefer

SB 885 - If, after a public hearing, the Board of Trustees of the Petroleum Storage Tank Insurance Fund decides that a training program is necessary for underground storage tank operators, the Board is authorized to create one. The Board must develop the program in collaboration with the Department of Natural Resources, the Department of Agriculture, and affected private stakeholders. The training must be provided at no cost to individuals who are required to attend. The Board may contract with third parties to provide the training.

The Department of Agriculture must disregard the manufacturer's expiration date on motor fuel measuring devices and dispensing equipment and only require the replacement of such equipment when they fail inspection.

Any modification to the way motor fuel is measured or dispensed in a retail sale transaction must be specifically authorized by state statute before it may be modified in state regulation or before federal changes may be adopted by the state.

ERIKA JAQUES

02/03/2010 S First Read--SB 885-Schaefer (S202)

02/04/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S231)

02/16/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 886 \*\*\*

4795S.021

SENATE SPONSOR: Schaefer

SB 886 - Effective August 28, 2012, the governing body of each county and municipality in this state shall adopt, by ordinance, a plumbing code that has equivalent or higher standards than the uniform plumbing code, as published by the international association of plumbing and mechanical officials, and as amended. Any county or municipality may adopt such code, or any amendment to such code, by reference as permitted under section 67.280.

SUSAN HENDERSON MOORE

02/03/2010 S First Read--SB 886-Schaefer (S203)

02/04/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S231)

EFFECTIVE: August 28, 2010

\*\*\* SB 887 \*\*\*

3342S.021

SENATE SPONSOR: Schaefer

SB 887 - This act adds certain substances to the list of controlled substances. These substances include lacosamide, tapentadol, Fospropofol, 5-MeO-DMT, Carisoprodol, and spice cannabinoids.

SUSAN HENDERSON MOORE

02/03/2010 S First Read--SB 887-Schaefer (S203)

02/04/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S231)

02/15/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 888 \*\*\*

4693S.011

SENATE SPONSOR: Crowell

SB 888 - Employers are barred from requiring employees to become or refrain from becoming a member of a labor organization or pay dues or other charges required of labor organization members as a condition of employment. Employers who do so commit a class C misdemeanor. Prosecuting attorneys and the Attorney General are charged with investigating complaints.

This act is identical to HB 877 (2005).

CHRIS HOGERTY

02/04/2010 S First Read--SB 888-Crowell (S223)

02/08/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S247)

EFFECTIVE: August 28, 2010

\*\*\* SB 889 \*\*\*

4789S.011

SENATE SPONSOR: Crowell

SB 889 - This act prevents the Missouri minimum wage from exceeding the federal minimum wage.

CHRIS HOGERTY

02/04/2010 S First Read--SB 889-Crowell (S223)

02/08/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S247)

02/16/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 890 \*\*\*

4787S.021

SENATE SPONSOR: Crowell

SB 890 - This act prohibits the authorization for issuance of Low Income Housing and Missouri Development Finance Board Infrastructure Development Fund Contribution Tax Credits for the one year period beginning on the effective date of the act.

This act contains an emergency clause.

JASON ZAMKUS

02/04/2010 S First Read--SB 890-Crowell (S223)

02/08/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S247)

02/17/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 891 \*\*\*

4575S.021

SENATE SPONSOR: Crowell

SB 891 - This act prohibits recipients of Missouri Development Finance Board Infrastructure Development Fund Tax Credits and Low Income Housing Tax Credits from making campaign contributions for the two years immediately following application for such credits. Taxpayers who have made any form of campaign



contributions will be prohibited from receiving Missouri Development Finance Board Infrastructure Development Fund Tax Credits and Low Income Housing Tax Credits for two years following the date of such contribution. Any taxpayer which receives tax credits and is found to have made a campaign contribution within the two year period immediately preceding, or following, application will be subject to recapture of all such credits. Taxpayers are prohibited from receiving low income housing tax credits and any other state tax credit for the same project. Any taxpayer found to have received low income housing tax credits and any other state tax credit for the same project will be subject to recapture. The act prohibits issuance of Low Income Housing and Missouri Development Finance Board Infrastructure Development Fund tax credits to taxpayers or charitable organizations with business relationships with members of the board or commission which administers such tax credit including any relatives of such board or commission member within the second degree of consanguinity or affinity.

Under Current law, the Missouri Housing Development Commission consists of the Governor, Lieutenant Governor, the State Treasurer, the Attorney General, and six members selected by the Governor, with the advice and consent of the Senate. This act changes the commission's membership to seven members selected by the Governor, with the advice and consent of the Senate; one member selected by the Speaker of the House of Representatives; and one member selected by the President Pro Tem of the Senate. Five of the individuals selected by the Governor must be knowledgeable in the areas of housing, finance, or construction; one must have an educational background or experience in urban planning; and one must have an educational background and experience in social work. No more than five of the members selected by the Governor can be from the same political party. Currently, two of the members selected by the Governor serve four-year terms. The act changes the length of time each member will serve on the commission by requiring three members selected by the Governor to serve four-year terms and the individuals selected by the Speaker of the House of Representatives and the Pro Tem to serve four-year terms. No member of the commission can be an elected official. Currently, only members who are appointed by the Governor are entitled to compensation of fifty dollars per day, plus reasonable and necessary expenses actually incurred in discharging his or her duties. This act would allow all appointed members to receive such compensation.

Provisions contained in this act are identical to the provisions of House Bill 1518 (2010).

JASON ZAMKUS

02/04/2010 S First Read--SB 891-Crowell (S224)

02/08/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S247)

EFFECTIVE: August 28, 2010

\*\*\* SB 892 \*\*\*

4631S.021

SENATE SPONSOR: Days

SB 892 - This act modifies provisions governing the regulation of the bail bond industry by the Department of Insurance.

#### SECTION 374.702

Currently, no judge, attorney, court official, law enforcement officer, or government employee who is elected or appointed can be licensed as any type of bail bond agent. This section prohibits employees and volunteers of a court or law enforcement agency, or any person employed at a jail location to be licensed as a bail bond agent or general bail bond agent. An attorney whose license is not active is not prohibited from holding such a license.

Legal entities cannot apply for a general bail bond agent license unless operating as a surety bail bond agent.

#### SECTION 374.705

This section increases the maximum amount that can be charged for a bail bond agent license or renewal from \$150 to \$300. Quarterly financial statements fees cannot exceed \$50.

#### SECTION 374.710

This section increases the initial training requirement from twenty-four hours to forty hours. The provision stating that the cost for initial training shall not exceed \$200 and the cost of continued education shall not exceed \$150 has been repealed.

#### SECTION 374.715

Under this section, applicants for general bail bond agents and bail bond agents cannot be convicted of a felony or crime of moral turpitude, whether a sentence was imposed or not. Those licensed as of August 28, 2010 shall not be required to meet this provision.

General bail bond agent applicants must show proof of serving four years as a bail bond agent rather than two years. The applicant must also have at least \$10,000 of assets in a financial institution of the department's choosing. The assets may be in various forms, rather than as a liquid asset only. Currently, the director may require an additional amount, up to \$25,000, to be held by the applicant. Under this section, such amount is increased to \$50,000.

#### SECTION 374.716

This section requires general bail bond agents to provide a receipt for each bond written and provide certain information regarding the bond and agreement to all parties involved.

#### SECTION 374.720

This section specifies what the examination for a license will be testing and provides guidelines for notification of the results and retaking of the test.

#### SECTION 374.730

The department shall provide the director of the department of revenue with the name and social security number of each applicant or licensee renewing his or her license. The department of revenue shall verify if the person is delinquent on any state taxes or has failed to file an income tax return during the last three years. If such information is verified, the application shall be denied or the license shall not be renewed within 90 days, unless the situation is remedied.

#### SECTION 374.740

This section provides that nonresidential general bail bond agents must deposit \$25,000 of assets with the department for the security of its outstanding surety bond obligations. The director may require additional assets to be required, but such amount cannot exceed \$50,000. Currently, the money is assigned to the department, and such assignment becomes effective upon a violation by the applicant.

#### SECTION 374.755

Currently, the department may file a complaint with the administrative hearing commission regarding a licensee for being convicted of a felony or crime of moral turpitude within the past fifteen years if it is prior to the issuance of the license. This section would allow such complaint to be made regardless of when the conviction occurred. Under this section, a complaint may also be filed for submitting a fraudulent financial statement or statement of outstanding bonds, or for financial irresponsibility or untrustworthiness.

#### SECTION 374.760

This section requires general bail bond agents, rather than general bail bond agents, to file certain information with the department. Certain required financial information, which is described in this section, must be filed with the initial application and then on an annual basis. Transfer of real estate listed as an asset must be provided to the director within 10 days.

Each general bail bond agent must file a quarterly financial statement and a monthly statement of outstanding bonds with the department. Failure to do so will result in removal from the preapproved list of such agents kept by the department and can be the basis to file a complaint against an agent with the administrative hearing commission.

The director shall provide a list of preapproved general bail bond agents to the courts. An agent's inclusion on the list is based on a permitted amount of outstanding bonds that may be written compared to the agent's assets. If the agent's amount of outstanding bonds reaches a certain level compared to its assets, the agent shall be removed from the list until such amount is within permitted limits.

For general bail bond agents acting as property bail bondsmen, the value of any particular bond shall not exceed 50% of the general bail bond agent's secured assets less encumbrances, unless approved by the court. Notice of the bond and approval by the court must be given to the department within 10 days.

Intentionally providing fraudulent or misleading financial statements or statements of outstanding bonds is a class D felony.

## SECTION 374.763

Currently, if a judgement ordering a forfeiture of a defendant's bond is not paid within six months, the court shall extend the judgment date or notify the department, which shall then take appropriate action. Under this section, if a bond is posted and the defendant fails to appear, the court shall immediately issue an arrest warrant and enter a bond forfeiture for the state or municipality and against the general bail bond agent and insurer. The general bail bond agent shall be given 90 days before the forfeiture is considered final, unless the court grants an extension.

This section lists specific circumstances when a forfeiture shall be set aside, including the defendant being incarcerated elsewhere, being deported, dying, and other just causes. Thirty days after the judgment, the court shall distribute the amount tendered and notify the department. If the bond forfeiture is not paid within 30 days, the general bail bond agent's authorization to write bail bonds shall be immediately suspended until the judgment is satisfied.

Thirty days after the final judgement, if an insurer fails to pay a bond forfeiture, its authorization to transact business in the state shall be immediately suspended unless the judgement is satisfied.

When the court has set a bond requiring a percentage deposit, a licensed surety may satisfy such bond by posting a surety bond in the full face amount.

## SECTION 374.766

If the director determines a person has violated, or aided in the violation of, the bail bond regulations, he or she may issue administrative orders. The civil penalties and forfeitures for various offenses are categorized under Section 374.049.

## SECTION 374.770

This section repeals the current provision regarding the effect of a defendant's incarceration elsewhere on a bond forfeiture.

## SECTION 374.775

Currently, when issuing a bond of \$1000 or less, agents may charge a minimum premium of \$50, but there can be no additional charges for investigations or execution of the bond. Under this section, the \$50 minimum is repealed and for bonds of \$1000 or less, minus the initial premium, no additional charges can be created.

## SECTION 374.783

This section increases the maximum amount that can be charged for a surety recovery agent license or renewal from \$150 to \$300. It also increases the initial training requirement from twenty-four hours to forty hours.

## SECTION 374.785

This section repeals the provision stating that a surety recovery agent may apprehend a defendant anywhere in the state, before or after forfeiture, without personal liability for false imprisonment.

## SECTION 374.788

This section specifies that bail bond or surety recovery agents can transport a defendant from another state into Missouri and between counties. To surrender a defendant, a bail bond agent may apprehend a defendant anywhere in the state, before or after forfeiture, without personal liability for false imprisonment.

This act shall become effective January 1, 2011.

SUSAN HENDERSON MOORE

02/04/2010 S First Read--SB 892-Days and Shoemyer (S224)

02/08/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S247)

02/22/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: January 1, 2011

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\*\*\* SB 893 \*\*\*

4890S.011

SENATE SPONSOR: Days

SB 893 - This act requires a local law enforcement agency or other government agency to enter information regarding the service of ex parte orders of protection into the Missouri Uniform Law Enforcement

system (MULES) within twenty-four hours after the ex parte order is served. The law enforcement agency responsible for maintaining MULES must also enter information regarding the expiration or termination of any order of protection within twenty-four hours of receiving information showing that the order has expired or terminated.

This act is similar to SCS/SB 468 (2009).

EMILY KALMER

02/04/2010 S First Read--SB 893-Days (S224)

02/08/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S247)

03/01/2010 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 894 \*\*\*

4894S.011

SENATE SPONSOR: Dempsey

SB 894 - Under this act, Missouri Consolidated Health Care Plan participants who are eligible for Medicare benefits and who are not eligible for their state employee health care coverage to be their primary plan of coverage shall be offered actuarially equivalent benefit products provided participants who are not eligible for Medicare benefits. Under current law, a participant in the state employee health care plan who is eligible for Medicare, and whose state employee coverage is not primary, must be provided the same benefits provided to participants who are not eligible for Medicare benefits.

STEPHEN WITTE

02/04/2010 S First Read--SB 894-Dempsey and Crowell (S224)

02/08/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S247)

02/23/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 895 \*\*\*

SCS SBs 895, 813, 911, 924, 922 & 802

4472S.03C

SENATE SPONSOR: Dempsey

SCS/SB's 895, 813, 911, 924, 922 & 802 - This act allows municipalities to adopt ordinances establishing Missouri Jobs for the Future Districts for which municipalities may issue obligations to pay costs incurred to develop such area to attract business and create jobs. In order to establish Missouri Jobs for the Future Districts, municipalities must hold public hearings to adopt ordinances providing a comprehensive plan for the district and any projects which will be undertaken for the benefit of the district, and receive approval from the Department of Economic Development. The act provides notice requirements for public hearings, establishes requirements for plans and projects, and places limitations upon obligations issued to fund projects within Missouri Jobs for the Future Districts. Obligations issued to pay eligible costs incurred within a district will be repaid by appropriations from the state general revenue fund. Appropriations will be based upon the incremental increase in state general revenue collections of sales tax and income tax withholdings of employees located within the district.

Various tax incentive programs are modified to allow the director of the Department of Economic Development to increase tax incentives available for Missouri businesses upon a finding of economic benefit to the state. The act allows the director of the Department of Economic Development to increase the amount of appropriation from the economic development supplemental tax increment financing fund, for redevelopment projects or plans which result in net new jobs from the relocation, or expansion, of a Missouri business. Such appropriation may be increased by as much as two percent for every continuous five year period the company was a Missouri business up to a total increase of ten percent.

The director of the Department of Economic Development may, upon a finding of economic benefit to the state, increase the amount of incentives available for Missouri businesses under the rebuilding communities tax credit program; enhanced enterprise zone tax credit program; job retention program; new job training program; or quality jobs tax credit program by as much as two percent for each continuous five year period the business has been a Missouri business, but not to exceed a total increase of ten percent.

The act establishes the Missouri Science and Innovation Reinvestment Act. The act requires the advise and consent of the Senate for gubernatorial appointments to the Missouri Technology Corporation's board of directors and sets the terms and requirements for the various members of the board of directors. The powers and duties of the Missouri Technology Corporation are expanded to allow the corporation to assume all

monies and assets of the Missouri Seed Capital Investment Board and to establish a proof of concept finance program, an angel investment finance program, and a venture capital co-investment fund. The act provides application, approval, and reporting requirements for programs established by the Missouri Technology Corporation. In addition to the exceptions to open records and meetings requirements provided under the Sunshine Act, the act authorizes the Missouri Technology Corporation to close certain meetings and records held by the corporation. The directors of the Department of Economic Development and the department of revenue must annually determine the incremental increase in gross wages paid within the state to science and innovation employees and apply a formula to such amount to determine the amount of funding necessary to administer the programs of the corporation. Once a determination is made, the directors of the Department of Economic Development and the Department of Revenue must report their findings to the Governor and the General Assembly. The act replaces the Missouri Technology Fund with the Missouri Science and Innovation Reinvestment Fund, which will receive annual appropriations made by the General Assembly, based upon recommendations made by the directors of the Departments of Economic Development and Revenue, and contributions made by private entities, the federal government, and local governments. The act requires that any contract entered into between the corporation and any not-for-profit organization must provide at least a one hundred percent match of funding received from the corporation.

The act establishes the proof of concept business finance program to be administered by the Missouri Technology Corporation. The program will provide one-time loans to eligible advanced technology companies which must be repaid within five years of the date of the loan in an amount equal to two times the amount of the loan. Early repayment will result in a proration of the repayment amount. No more than one million two hundred fifty thousand dollars will be made available for loans to advanced technology companies each fiscal year. Loans made under the program cannot exceed seventy-five thousand dollars per eligible advanced technology company and must be leveraged dollar-for-dollar by additional equity investment in the company. Loan proceeds may be used by eligible advanced technology companies for intellectual property development, building prototypes, market studies, identifying and securing a management team, and business operations.

The act creates a new type of project under the Quality Jobs Act known as show-me fund projects. Show-me fund project benefits will be available for projects which qualify as small and expanding business, high impact, or technology business projects under the Quality Jobs Act and meet certain additional job creation and capital investment requirements. In determining eligibility for show-me fund benefits, the act requires the director of the department of economic development to consider factors including the creditworthiness of the company, proposed wages for employees of the company, growth potential of the company, net economic benefit to the state, and local incentives provided to the project. If the department approves a company for show-me fund benefits and enters into a contract with such company setting out performance requirements for the receipt of benefits, the company may receive refundable tax credits equal to the amount of income tax withholdings for new employees of the company over a period of years ranging between five and twelve years depending upon the type of project. The act contains provisions allowing for a recapture of tax credits in the event a company should default or fail to comply with performance requirements set by the department. No more than sixty million dollars in tax credits may be issued annually for show-me fund projects. Under current law, no more than eighty million dollars in quality jobs tax credits or more than twenty-five million dollars in BUILD tax credits may be issued annually. The act prohibits the issuance of more than a total of one hundred five million dollars in tax credits under the quality jobs and BUILD programs. The director of the Department of Economic Development is authorized to allocate BUILD tax credits for issuance as show-me fund tax credits provided that such allocation does not exceed statutory limits. The act prohibits companies from receiving show-me fund credits in conjunction with BUILD tax credits or other benefits available under the Quality Jobs Act for other types of projects.

JASON ZAMKUS

02/04/2010 S First Read--SB 895-Dempsey, et al (S224)  
 02/08/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S247)  
 02/17/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/22/2010 SCS Voted Do Pass (w/SCS SBs 895, 813, 911, 924, 922 & 802) S Jobs, Economic Development and Local Government Committee (4472S.03C)  
 02/23/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S394)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SBs 895, 813, 911, 924, 922 & 802-Dempsey, et al, with SCS

EFFECTIVE: August 28, 2010

SENATE SPONSOR: Shields

SB 896 - This act requires the boards of the Missouri State Employees' Retirement System (MOSERS) and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) to each create a defined contribution retirement plan. These plans are for any person who is hired for the first time as a state employee or serves as a judge for the first time on or after January 1, 2011. This retirement plan would provide individual accounts for each employee. The amount of benefits provided to each employee are based solely on the amount allocated to the employee's account, and these benefits vest immediately. The MOSERS and MPERS boards are also required to select the outside administrators to administer these retirement plans. If the boards consider it appropriate, the employees in the defined contribution plan may direct investment of their individual accounts among investment options selected by each board.

Each state department is required to pay an annual contribution rate for each employee in the defined contribution plan. This contribution rate is determined by the general assembly in the appropriations process, but may not be less than one percent of the annual pay for each employee that participates in the plan.

The MOSERS and MPERS boards and their employees will not be liable for investment decisions made by individual employees, as long as each board selects and monitors the investment providers, education, advice, and any default investment option, as a prudent person would. The MOSERS and MPERS systems are immune from lawsuits associated with the administration of the defined contribution plan.

State employees who are members of the closed plan or year 2000 plan have the option to decide to participate in the new defined contribution plan. The employees who decide to participate in the defined contribution plan will not receive any additional credit in their current retirement plan after they decide to participate in the defined contribution plan.

EMILY KALMER

02/04/2010 S First Read--SB 896-Shields and Crowell (S224)  
 02/08/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S247)  
 02/18/2010 Hearing Conducted S Veterans' Affairs, Pensions and Urban Affairs Committee  
 02/24/2010 Voted Do Pass S Veterans' Affairs, Pensions and Urban Affairs Committee  
 02/25/2010 Reported from S Veterans' Affairs, Pensions and Urban Affairs Committee to Floor (S440)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 896-Shields and Crowell

EFFECTIVE: August 28, 2010

\*\*\* SB 897 \*\*\*

4938S.011

SENATE SPONSOR: Lager

SB 897 - The act allows members of the Public Service Commission to participate in any federal or state administrative, regulatory, or judicial proceedings.

The act contains an emergency clause.

ERIKA JAQUES

02/04/2010 S First Read--SB 897-Lager (S224)  
 02/08/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S247)  
 02/09/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/16/2010 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee - Consent  
 02/18/2010 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor - Consent (S365)  
 02/23/2010 Removed S Consent Calendar (S400)  
 02/25/2010 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S441)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 897-Lager

EFFECTIVE: Emergency Clause

\*\*\* SB 898 \*\*\*

4893S.011

SENATE SPONSOR: Pearce

SB 898 - 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.

This act is identical to Senate Bill 447 (2009).  
JASON ZAMKUS

02/04/2010 S First Read--SB 898-Pearce (S224)

02/08/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S247)

EFFECTIVE: August 28, 2010

\*\*\* SB 899 \*\*\*

4690S.021

SENATE SPONSOR: Pearce

SB 899 – This act establishes the Missouri Promise Program to provide financial awards to eligible students who attend certain institutions of higher education, as described in the act. The Coordinating Board for Higher Education will administer the program and may promulgate rules and regulations for the program's implementation, including the manner and method of payment of awards. The Board may also determine additional eligibility requirements, requirements for renewal awards, and criteria for the deferral of an award. (Sections 173.1174, 173.1175 and 173.1178)

The program makes Level 1 Missouri Promise Awards and Level 2 Missouri Promise Awards available to eligible students. A Level 1 Missouri Promise Award may be awarded to a student attending an approved community college, public vocational or technical school, or an eligible private institution, as described in the act. This type of award replaces the existing A+ Scholarship Program. A student attending a public community college, vocational or technical school may receive a Level 1 award in an amount up to the student's actual tuition. A student attending an eligible approved private institution may receive an award in an amount not to exceed the lesser of the student's actual tuition or the tuition charged by the community college in whose service area the private institution is located.

A Level 2 Missouri Promise Award may be awarded to a student who attends an approved public university while pursuing a four-year degree who has earned an Associate's Degree and has already received a Level 1 award or A+ Scholarship, as described in the act. The amount of a Level 2 award must not exceed the lesser of either the tuition at the institution the student is attending or the average university tuition amount, as described in the act.

All Missouri Promise Awards must be reduced by the amount of a student's Pell Grant awards or Access Missouri awards. All Missouri Promise Awards are subject to appropriation. If appropriated funds are insufficient to fund all awards, the Department of Higher Education must give priority to funding Level 1 awards over Level 2 Awards and may prorate both Level 1 and Level 2 awards if necessary. (Section 173.1184)

A Missouri Promise Award recipient may transfer from one approved institution to another without losing eligibility. The Coordinating Board must adjust the award amount if necessary. (Section 173.1187)

If an award recipient is entitled to a refund from his or her institution of attendance, any portion of the refund that is attributable to a Missouri Promise award must be paid to the Coordinating Board. (Section 173.1190)

**ELIGIBILITY REQUIREMENTS FOR LEVEL 1 AND LEVEL 2 MISSOURI PROMISE AWARDS:** To be eligible for a Level 1 or Level 2 Missouri Promise Award, an applicant must: be a citizen or permanent resident of the United States; be a Missouri resident who graduated from a Missouri public high school; is enrolled, or has been accepted for enrollment, as a full-time student in a postsecondary education program, as described in the act; is not enrolled in and is not using the Missouri Promise award to pursue a degree in theology or divinity; has not been found guilty of or plead guilty to any criminal offense that would disqualify the applicant from receiving federal student aid during the time in which the applicant would receive a Missouri Promise award; and has attempted to secure all available state and federal postsecondary financial assistance that does not require repayment by submitting a FAFSA form by the Coordinating Board's deadline. (Section 173.1181)

**ADDITIONAL REQUIREMENTS FOR AN INITIAL LEVEL 1 MISSOURI PROMISE AWARD:** Additionally, an applicant must meet the following criteria for an initial Level 1 Missouri Promise Award: during high school, have achieved a 2.5 grade point average or higher on a 4.0 scale; have at least a 95% attendance rate for grades 9-12; have performed at least fifty hours of unpaid community service; maintained a record of good citizenship and avoided the unlawful use of drugs or alcohol; and be enrolled in a community college, public vocational or technical school, or approved private institution as a full-time student, as described in the act. (Section 173.1181)

**REQUIREMENTS FOR A RENEWAL LEVEL 1 MISSOURI PROMISE AWARD:** To receive a renewal Level 1 Missouri Promise Award, an applicant must remain continuously enrolled at a community college, public vocational or technical school, or approved private institution, as described in the act; have maintained a 2.5 GPA on a 4.0 scale while receiving a Missouri Promise Award or A+ Scholarship; and have received a Missouri Promise Award or A+ Scholarship during the prior academic year.

A student cannot receive a Level 1 Missouri Promise award or A+ Scholarship for more than six semesters. (Section 173.1181)

**ADDITIONAL ELIGIBILITY REQUIREMENTS FOR AN INITIAL LEVEL 2 MISSOURI PROMISE AWARDS:** An applicant may be eligible for an initial Level 2 Missouri Promise Award by meeting the following requirements: have received an associate's degree from a community college, public vocational or technical school, or eligible approved private institution, as described in the act, and has enrolled in an approved public university within nine months of completing the associate's degree; received a Level 1 Missouri Promise Award or an A+ Scholarship during each regular semester that he or she attended an approved institution, as described in the act, or would have received a Level 1 Missouri Promise Award but for the receipt of other state or federal postsecondary student financial assistance; the applicant has achieved a GPA of 2.5 on a 4.0 scale while in college; and the applicant has an expected family contribution of \$12,000 or less. (Section 173.1181)

**ELIGIBILITY REQUIREMENTS FOR A RENEWAL LEVEL 2 MISSOURI PROMISE AWARD:** After receiving an initial Level 2 award, an applicant may receive a renewal Level 2 award if he or she achieves an overall 3.0 grade point average on a 4.0 scale while attending an approved public university, as described in the act.

A student cannot receive a Level 2 award for more than four semesters, unless the Coordinating Board grants the student a deferral and the student is enrolled in a baccalaureate program that requires a minimum of 124 credit hours to graduate. (Section 173.1181)

**A+ SCHOOLS PROGRAM:** This act repeals the reimbursement portion of the A+ Schools Program for the cost of tuition, books, and fees for students. (Section 160.545)

**ACCESS MISSOURI:** This act removes the requirement that an Access Missouri award be reduced by the amount of a student's A+ Schools reimbursement. (Section 173.1105)

This act is similar to SS/SCS/SB 558 (2009) and HB 903 (2009).

MICHAEL RUFF

02/04/2010 S First Read--SB 899-Pearce (S224)

02/08/2010 Second Read and Referred S Education Committee (S247)

EFFECTIVE: August 28, 2010

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\*\*\* SB 900 \*\*\*

4866S.011

SENATE SPONSOR: Rupp

SB 900 - This act modifies various provisions of the "Missouri Life and Health Insurance Guaranty Association Act". The Missouri Life and Health Insurance Guaranty Association Act was enacted in 1988 and the caps on coverage benefits provided by the Missouri Guaranty Association have not been increased since that date. This act increases the dollar limits on coverage for policyholders in an attempt to bring the Missouri law into conformity with the current level of benefits recommended under the model act adopted by the National Association of Insurance Commissioners. The act also makes other changes recommended by the current model act.

The act clarifies that structured settlement annuities are covered by the guaranty association and are subject to a cap of \$250,000. The act also provides rules for determining how the responsibility for coverage



of these types of annuities is allocated among state guaranty associations (Section 376.717.1(3)).

The act expands the list of areas in which the guaranty association will not provide coverage. Under the act, the guaranty association will not provide coverage for:

- 1) An obligation that does not arise under the express written terms of the policy or contract issued by the insolvent insurer;
- 2) Any portion of a policy or contract to the extent that required assessments are preempted by federal or state law;
- 3) Certain contracts which establish benefits by reference to a portfolio of assets not owned by the insurer;
- 4) Certain types of indexed policies;
- 5) A policy providing any hospital, medical, prescription drug or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code (commonly known as Medicare Part C & D) or any regulations issued thereunder (Section 376.717.3(7)-(11)).

The act increases the coverage limits on certain insurance policies in which the guaranty association will become obligated to pay. The act increases coverage limits from \$100,000 to \$300,000 for disability insurance and long term care insurance (current law does not explicitly reference long term care policies), and to \$500,000 for basic hospital, medical and surgical insurance and major medical insurance. Under the act, the guaranty association will pay no more than \$250,000 in the present value of annuity benefits, including net cash surrender and net cash withdrawal value and no more than \$250,000 in the present value per payee with respect to a structured settlement annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values. The aggregate coverage limit, which currently is \$300,000 for any one life, is increased to \$500,000 with respect to benefits for major medical insurance and basic hospital, medical and surgical insurance. A cap of \$5,000,000 in benefits is added for corporate-owned life insurance policies. The act incorporates the Model Act's recommendation that coverage for a corporation purchasing such corporate policies should be capped at \$5,000,000 regardless of how many lives of employees the company may have insured (Section 376.717.5).

The act adds several clarifying definitions, including the definition of an "owner" of a policy, and the standard for determining the "principal place of business" of a corporation (for the purpose of applying the residency test that determines which state guaranty association has coverage responsibility)(Section 376.718).

The act makes a number of technical changes clarifying the guaranty association's options in providing coverage (Section 376.724); how terminated policies are handled (Section 376.725); the guaranty association's standing to appear or intervene in litigation (Section 376.732); the guaranty association's assignment and subrogation rights (Section 376.733); the guaranty association's general powers and how reinsurance contracts are handled (Section 376.734); how assessments of insurers to fund the guaranty association's operations are handled (Section 376.735 and 376.737); requirements for the association's plan of operation (Section 376.740); and clarifying that the amendments made by the act are prospective only and shall not apply to member insurers that are impaired or insolvent prior to August 28, 2010 (Section 376.758).

The provisions contained in this act are similar to HB 1904 (2010).

STEPHEN WITTE

02/04/2010 S First Read--SB 900-Rupp (S224)  
 02/08/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S247)  
 02/16/2010 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/23/2010 Voted Do Pass S Small Business, Insurance and Industry Committee  
 02/25/2010 Reported from S Small Business, Insurance and Industry Committee to Floor (S441)  
 02/25/2010 S Formal Calendar S Bills for Perfection--SB 900-Rupp

EFFECTIVE: August 28, 2010

\*\*\* SB 901 \*\*\*

4113S.021

SENATE SPONSOR: Lembke

SB 901 - This act allows the Commissioner of Administration to waive competitive bid and competitive

proposal requirements for state purchasing contracts and expedite the process when the contract is under 10 million dollars, the duration is under 12 months, and waiving the requirements would save the state 5% or more on the contract. Notice shall be provided and information relating to the contract shall be given to the auditor, the minority and majority leadership of the General Assembly, and the chair of the appropriations and budget committees 30 days before signing the contract. Such contracts shall not be extended unless necessary to afford adequate time for carrying out the competitive bid process.

The Commissioner of Administration shall conduct and submit an internal audit documenting cost savings and losses by January 1, 2016.

CHRIS HOGERTY

02/04/2010 S First Read--SB 901-Lembke (S224)

02/08/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S247)

EFFECTIVE: August 28, 2010

\*\*\* SB 902 \*\*\*

4888S.011

SENATE SPONSOR: Nodler

SB 902 - Under this act, a nonresident shall not operate a motor vehicle in Missouri unless the nonresident maintains financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. A nonresident who fails to maintain financial responsibility is guilty of a Class C misdemeanor. The Director of Revenue shall suspend the nonresident's driving privileges in this state and notify the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides. Under the act, if a party involved in an accident in Missouri is a nonresident uninsured motorist, then the nonresident uninsured motorist and any law enforcement agency responding to the accident must report the accident to the Director of Revenue.

STEPHEN WITTE

02/08/2010 S First Read--SB 902-Nodler (S235)

02/11/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S316)

02/23/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 903 \*\*\*

4969S.011

SENATE SPONSOR: Bray

SB 903 - This act allows institutions of metropolitan zoological park and museum districts to impose admission fees on nonresidents of the district. Each of the respective commissions of the subdistricts of the zoological park and museum district may, by a majority vote of the commission, provide for exemptions from the fee for admission to facilities of such commission.

This act is similar to the Senate Committee Substitute for Senate Bill 508 (2009).

JASON ZAMKUS

02/08/2010 S First Read--SB 903-Bray (S235)

02/11/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 904 \*\*\*

4929S.011

SENATE SPONSOR: Bray

SB 904 - This act repeals the current Indoor Clean Air Act and enacts new provisions regarding smoking in public places.

This act provides that smoking in all enclosed public places shall be prohibited. The act lists examples of public places and includes restaurants, bars, health care facilities, shopping malls, retail stores, sports arenas, theaters and museums. A public place does not include a private residence unless it is used as a child care, adult day care, or health care facility. Smoking in all enclosed facilities within places of employment such as meeting rooms, employee lounges, private offices, elevators, hallways and cafeterias

shall be prohibited. This act also prohibits smoking in outdoor places, including within 15 feet of entrances, windows, bleachers and grandstands of outdoor arenas, public transportation stations and playgrounds. Private residences, tobacco retailers, at least 20 percent of hotel and motel rooms and certain outdoor areas of places of employment are exempt from the smoking prohibitions.

The Department of Health and Senior Services shall enforce the provisions of this act. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because such person exercises any rights afforded under or reports any violations of this act. An employee or private citizen may bring legal action to enforce provisions of this act.

Any person smoking in prohibited areas shall be guilty of an infraction and any person who controls a public place or place of employment who fails to comply with the act shall be subject to a fine not to exceed 50 dollars for the first violation and up to a 500 dollar fine for a third or subsequent violation within one year. In addition, such person may have any license issued to such person suspended or revoked.

This act allows political subdivisions or local school boards to enact more stringent ordinances or rules.

This act becomes effective January 2, 2011.

This act is substantially similar to HB 1766 (2010).

ADRIANE CROUSE

02/08/2010 S First Read--SB 904-Bray and Days (S235)

02/11/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S316)

02/22/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: January 2, 2011

\*\*\* SB 905 \*\*\*

4461S.021

SENATE SPONSOR: Bray

SB 905 - This act requires the Department of Revenue, in consultation with the streamlined sales tax governing board, local taxing entities, and political subdivisions to promulgate rules and take all actions necessary to implement the provisions of the streamlined sales and use tax agreement no later than January 1, 2012. The state and all political subdivisions will adopt and implement the streamlined sales and use tax agreement effective January 1, 2012.

JASON ZAMKUS

02/08/2010 S First Read--SB 905-Bray, et al (S235-236)

02/11/2010 Second Read and Referred S Ways and Means Committee (S316)

02/24/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 906 \*\*\*

4966S.011

SENATE SPONSOR: Bray

SB 906 - 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, 2010.

This act is similar to Senate Bill 241 (2009), Senate Bill 743 (2008), Senate Bill 642 (2007), Senate Bill 717 (2006) & Senate Bill 360 (2005).

JASON ZAMKUS

02/08/2010 S First Read--SB 906-Bray (S236)

02/11/2010 Second Read and Referred S Ways and Means Committee (S316)

EFFECTIVE: September 1, 2010

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\*\*\* SB 907 \*\*\*

4152S.021

SENATE SPONSOR: Rupp

SB 907 – This act creates the "Early High School Graduation Scholarship Program," to be implemented and administered by the Department of Higher Education. The Program will provide scholarships to students who graduate from public high school in Missouri in forty-one months or less. A student who graduates from high school in no more than forty-one months and meets other requirements as described in the act will be offered a scholarship in an amount equal to eighty percent of the state aid attributable to that student for the school district. The student's high school will be offered a grant in an amount equal to twenty percent of the state aid attributable to that student for the school district.

A student can use the scholarship for tuition, mandatory fees, or both, if attending a public institution of higher education in Missouri. If the student attends a private institution of higher education, the student can use the scholarship for tuition, mandatory fees, or both.

A scholarship recipient must use the scholarship within one year of graduating from high school. Exceptions exist for students who cannot attend an institution of higher education because of service to a nonprofit organization, a state or federal government agency, or a branch of the United States military. A scholarship recipient may seek an extension if he or she shows hardship or good cause, as described in the act.

When a scholarship recipient enrolls in a higher education institution, the institution must apply to the charges for tuition and mandatory fees the lesser of the amount of the scholarship or the actual tuition or mandatory fees.

Any student who graduates from high school and receives a scholarship through this program will be included in the weighted average daily attendance of the school district from which the student graduated for the length of time it would have taken the student to complete high school had the student not graduated early. Any funds from this inclusion will be placed in the Early High School Graduation Scholarship Program Fund. These funds will be used to distribute scholarship and grants.

The Department of Higher Education must confirm the student's graduation and higher education enrollment with the high school and institution of higher education.

Each public high school must provide information about the scholarship program to students and include the number and type of credits necessary to meet the program's eligibility requirements and the appropriate order in which those courses must be earned.

By January 31, 2011, the Department of Higher Education, in cooperation with the Department of Elementary and Secondary Education, must prepare a publication about the program and post it on its website.

MICHAEL RUFF

02/08/2010 S First Read--SB 907-Rupp (S236)  
 02/11/2010 Second Read and Referred S Education Committee (S316)  
 02/24/2010 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 908 \*\*\*

4991S.011

SENATE SPONSOR: Green

SB 908 - 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 fifteen. 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 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.

There are additional ten-dollar surcharges for intoxicated-related driving and boating offenses as well as violations of child passenger restraint laws for the Brain Injury Fund.

This act is similar to SB 487 (2009).

ADRIANE CROUSE

02/08/2010 S First Read--SB 908-Green (S236)  
 02/11/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S316)  
 03/02/2010 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 909 \*\*\*

4937S.011

SENATE SPONSOR: Green

This bill has been combined with SB 812

02/08/2010 S First Read--SB 909-Green (S236)  
 02/11/2010 Second Read and Referred S Transportation Committee (S316)  
 02/17/2010 Hearing Scheduled S Transportation Committee  
 02/17/2010 Bill Combined w/SCS/SBs 812, 752 & 909

EFFECTIVE: August 28, 2010

\*\*\* SB 910 \*\*\*

4270S.031

SENATE SPONSOR: Lembke

SB 910 - This act provides that no child support shall be awarded in instances where both parents sign an agreement and request the court to award them joint physical custody resulting in the child or children spending equal or substantially equal time with both parents, the difference in the verified incomes of the parents is less than twenty-five percent, and a finding has been made that such custody and award of no child support is in the best interest of the child.

When parents do not agree on an award of no child support but meet all of the other requirements regarding the joint physical custody agreement under this act, the court shall award child support in an amount that provides for an 18 to 50 percent adjustment below the basic child support amount authorized by the child support guidelines. The Missouri Supreme Court is directed to amend the child support guidelines, commonly referred to as "Form 14", to reflect the ability to obtain up to a fifty percent adjustment for joint custody in accordance with the act.

This act also requires documentation to verify the income of the parties for the initial order of child support and for any modification of the order. Documentation includes current wage stubs, a current W-2 form, statements from a party's employer, a wage match with the Division of Employment Security and bank statements.

ADRIANE CROUSE

02/08/2010 S First Read--SB 910-Lembke (S236)

02/11/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 911 \*\*\*

4987S.011

SENATE SPONSOR: Shields

This bill has been combined with SB 895

02/08/2010 S First Read--SB 911-Shields (S236)

02/11/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S316)

02/17/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/22/2010 Bill Combined w/SCS SBs 895, 813, 911, 924, 922 & 802

EFFECTIVE: August 28, 2010

\*\*\* SB 912 \*\*\*

3064S.011

SENATE SPONSOR: Cunningham

SB 912 - This act would expand the ban on public fund expenditures for political purposes.

Currently, public funds shall not be expended by officers, employees, or agents of political subdivisions to support or oppose ballot measures or candidates. This act includes directors and employees of state agencies and further restricts the use of such funds for the support or opposition of legislation. Such individuals are also barred from using or allowing the use of public-owned property for such purposes including computers, office equipment, electronic email addresses or public Internet networks. Violators are guilty of a Class A misdemeanor and any agency or political subdivision which employs or is administered by a violator is subject to a \$100,000 reduction in appropriated funds.

Lobbyists are barred from serving on committees formed to advise the General Assembly.

CHRIS HOGERTY

02/08/2010 S First Read--SB 912-Cunningham (S236)

02/11/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 913 \*\*\*

4473S.011

SENATE SPONSOR: Cunningham

SB 913 - This act prohibits the governing body of a municipality from requiring any of its employees to reside within the municipality if the only public school district available is, or has been, unaccredited or provisionally accredited in the last five years of the employee's employment.

No employee of a municipality, who has not resided in the municipality's boundaries or who has changed residency because of the above conditions, shall be required to reside within the boundaries of the municipality if the school district later becomes fully accredited.

SUSAN HENDERSON MOORE

02/08/2010 S First Read--SB 913-Cunningham (S236)

02/11/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 914 \*\*\*

4479S.011

SENATE SPONSOR: Cunningham

SB 914 - If wholesale drug distributors who distribute drug-related devices in Missouri meet certain conditions, this act exempts them from having to obtain a license from the board of pharmacy for out-of-state distribution sites. A Missouri wholesale drug distributor who receives shipments from these out-of-state sites is responsible for all shipments received.

EMILY KALMER

02/08/2010 S First Read--SB 914-Cunningham (S236)

02/11/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 915 \*\*\* SCS SB 915

4471S.02C

SENATE SPONSOR: Barnitz

SCS/SB 915 - Under current law Jefferson City and various other cities and counties, are allowed 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 for only Jefferson City from five percent to seven percent. Such increase will become effective only upon voter approval.

The act also 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 act contains provisions which are identical to Senate Bill 276 (2009).

JASON ZAMKUS

02/08/2010 S First Read--SB 915-Barnitz (S236)

02/11/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S316)

02/17/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/24/2010 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (4471S.02C) - Consent

02/25/2010 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS - Consent (S439)

02/25/2010 S Consent Calendar--SB 915-Barnitz, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 916 \*\*\*

3600S.011

SENATE SPONSOR: Barnitz

SB 916 - 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 similar to Senate Bill 387 (2009), House Bill 28 (2009), and House Bill 1967 (2008).

JASON ZAMKUS

02/08/2010 S First Read--SB 916-Barnitz (S236)

02/11/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 917 \*\*\*

4930S.011

SENATE SPONSOR: Schaefer

SB 917 - This act establishes provisions relating to health care quality data standardization and transparency. Criteria is established for insurers to use in programs that publicly assess and compare the

quality and cost efficiency of health care providers.

Insurers shall retain the services of a nationally recognized independent health care quality standard-setting organization to review the plan's programs for consumers that measure, report, and tier providers based on their performance. The program measures shall provide performance information that reflects consumers' health needs.

Consumers, consumer organizations, relevant providers and provider organizations shall be solicited to provide input on the program, including methods used to determine performance strata. A clearly defined process for consumers to resolve complaints and for providers to request review of their own performance results shall be established. All quality measures shall be endorsed by the National Quality Forum (NQF) and the act lists the other national organizations that shall be used for endorsement in the event that NQF measures do not exist for a particular level of measures.

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 shall investigate complaints of alleged violations of this provision by a person or entity other than a health carrier and shall be authorized to impose a penalty not to exceed \$1,000. Alleged violations by a health insurer shall be investigated by the Department of Insurance, Financial Institutions and Professional Registration.

ADRIANE CROUSE

02/08/2010 S First Read--SB 917-Schaefer (S237)

02/11/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 918 \*\*\*

4861S.011

SENATE SPONSOR: Schaefer

SB 918 - This act establishes provisions relating to pharmacy benefits and pharmacy benefit managers (PBMs).

#### PHARMACY BENEFIT AND PHARMACY BENEFIT MANAGERS

This act prohibits pharmacy benefit managers from automatically enrolling a pharmacy in a contract, modifying an existing contract without affirmation from the pharmacy, or requiring a pharmacy or pharmacist to participate in one PBM contract in order to participate in another contract. Nor shall a PBM discriminate between in-network pharmacies or pharmacists on the basis of copayments or days of supply unless such pharmacy declines to fill such prescriptions at the price allowed to other in-network pharmacies for such prescription.

A PBM is also prohibited from reassigning a prescription that has been presented in one pharmacy to another pharmacy in the PBM's network. When the PBM contacts the prescribing health care practitioner to affirm or modify the original prescription, the affirmed or modified prescription shall be filled at the in-network pharmacy of the patient's choice to which the insured presented the original prescription. This provision is not applicable to any prescribed specialty drug with a specific formulation. SECTION 376.388

#### SWITCH COMMUNICATIONS

This act establishes procedures for governing switch communications. A switch communication is defined as a communication from a health insurance carrier or PBM to a patient or the patient's physician that recommends a patient's medication be switched by the original prescribing practitioner to a different medication than the medication originally prescribed.

The switch communication shall, among other requirements, explain any financial incentives that may be provided to, or have been offered to, the prescribing practitioner by the health carrier or PBM that could result in the switch to the different drug. In addition, the communication shall explain any clinical effects that the proposed medication may have on the patient which are different than those of the originally prescribed medication. The patient shall also be informed of any cost sharing changes for which the patient shall be responsible and advise the patient of his or her rights to discuss any proposed switch with the patient's prescribing practitioner.



Any time a patient's medication is recommended to be switched to a medication other than that originally prescribed by the prescribing practitioner, a switch communication shall be sent to the patient. Also, information shall be sent to the plan sponsor or health carrier using a PBM regarding, among other information, the recommended medication and the cost, shown in currency form, of the originally prescribed medication. These provisions do not apply to generic substitutions allowed under current law in Section 338.056, RSMo, unless such substitution results in a higher cost to the patient or health insurance payer.

All health carriers and PBMs shall submit the format and language to the Department of Insurance, Financial Institutions, and Professional Registration for approval. The department shall have sixty days to review and inform the health carrier or PBM that the format and language of the switch communication either does or does not comply with the statute. If the department finds noncompliance with the statute, the department shall cite specific reasons for such decision.

The department shall promulgate rules governing switch communications. Such rules shall include procedures for verifying the accuracy of any switch communications from health carriers and PBMs to ensure that such switch communications are truthful, accurate, and not misleading. Also, except for a substitution due to the Food and Drug Administration's withdrawal of a drug for prescription, such rules shall include a requirement that all switch communications bear a prominent notification on a first page clearly indicating the switch communication is not a product safety notice.

This act also specifies that a PBM owes a fiduciary duty to a covered entity and shall discharge that duty in accordance with the provisions of state and federal law. A PBM shall notify the covered entity in writing of any activity, policy, or practice of the PBM that directly or indirectly presents any conflict of interest with the duties imposed by this act. SECTIONS 376.1460 and 376.1462

#### PHYSICIAN OVERRIDE OF MEDICATION RESTRICTIONS

This act governs the practice by health carriers and pharmacy benefit managers of restricting medications for the treatment of any medical condition by requiring step therapy or a fail first protocol. A prescribing practitioner may override such restrictions if the prescriber can demonstrate, based on sound clinical evidence, that the step therapy or fail first protocol treatment has been ineffective in treating the patient's disease or medical condition, is expected to be ineffective, or is likely to cause an adverse reaction. The duration of any step therapy or fail first protocol cannot last longer than 14 days when such treatment is deemed clinically ineffective by the prescribing physician. However, when the health carrier or PBM can show, through sound clinical evidence, the originally prescribed medication is likely to require more than two weeks to provide any relief to the patient, the step therapy or fail first protocol may be extended up to seven additional days.

Nothing in the act shall require coverage for a condition specifically excluded by the policy which is not otherwise mandated by law. SECTION 376.1464

ADRIANE CROUSE

02/08/2010 S First Read--SB 918-Schaefer (S237)

02/11/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S316)

EFFECTIVE: August 28, 2010

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\*\*\* SB 919 \*\*\*

4892S.011

SENATE SPONSOR: Ridgeway

SB 919 - This act requires the librarian of a consolidated public library district to submit an annual status report to the district board by September 30th of each year, rather than August 31st. It also requires the board to submit such report and an independent audit to the county commission and the Missouri State Library Commission by October 31st of each year, rather than September 30th.

This act is identical to HB 1559 (2010).

SUSAN HENDERSON MOORE

02/08/2010 S First Read--SB 919-Ridgeway (S237)

02/11/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S316)

02/22/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 920 \*\*\* SCS SB 920

4935S.03C

SENATE SPONSOR: Keaveny

SCS/SB 920 - This act specifies what happens to a certain kind of property, known as tenancy by the entireties property, when it is transferred to a joint revocable trust created by a husband and a wife.

If the transfer of tenancy by the entireties property to the trust is invalidated or the trust is terminated while the husband and wife are living, the tenancy by the entireties property will automatically be deemed to be held by the husband and wife as tenancy by the entireties property.

EMILY KALMER

02/08/2010 S First Read--SB 920-Keaveny (S237)

02/11/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S316)

02/15/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/22/2010 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (4935S.03C) (Consent)

02/25/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS - Consent (S440)

02/25/2010 S Consent Calendar--SB 920-Keaveny, with SCS

EFFECTIVE: August 28, 2010

\*\*\* SB 921 \*\*\*

4835S.011

SENATE SPONSOR: Callahan

SB 921 - This act updates the Uniform Interstate Family Support Act. Whenever more than one state is involved in establishing, enforcing or modifying a child or spousal support order, the act is implemented to determine the jurisdiction and power of the courts in the different states. This act also establishes which state's law will be applied in the proceeding under the act.

This act establishes rules requiring every state to defer to child support orders entered by the courts of the child's home state. The place where the order was originally entered holds continuing exclusive jurisdiction, and only the law of that state can be applied to requests to modify the order of child support, unless the original tribunal loses the continuing exclusive jurisdiction. This act also provides various direct interstate enforcement mechanisms.

This act also incorporates changes required by the Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance to establish uniform procedures for the processing of international child support cases. This act provides for guidelines and procedures for registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Convention. The provisions relating to the Hague Convention shall become effective upon ratification by the United States Congress.

This act is substantially similar to HB 1799 (2010).

ADRIANE CROUSE

02/08/2010 S First Read--SB 921-Callahan and Keaveny (S237)

02/11/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S316)

EFFECTIVE: August 28, 2010

\*\*\* SB 922 \*\*\*

4865S.011

SENATE SPONSOR: Callahan

This bill has been combined with SB 895

02/08/2010 S First Read--SB 922-Callahan (S237)

02/11/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S316)

02/17/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/22/2010 Bill Combined w/SCS SBs 895, 813, 911, 924, 922 &amp; 802

EFFECTIVE: August 28, 2010

\*\*\* SB 923 \*\*\*

4936S.011

SENATE SPONSOR: Mayer

SB 923 - This act establishes the Missouri Catastrophe Fund to help pay covered residential property damage insurance claims in the aftermath of an earthquake which affects Missouri homeowners and their property/casualty insurers. The fund, which will consist of premiums paid by insurers, bond revenues, and appropriated state funds, will provide a backstop for insurance companies to insure against covered catastrophic losses to avoid the collapse of the property insurance market in the wake of a major earthquake.

REIMBURSEMENT PREMIUMS - Reimbursement premiums for the backstop coverage shall be set by the Director of the Department of Insurance, Financial Institutions and Professional Regulation, who shall select an independent consultant to develop a formula for determining the actuarially indicated premium. The director will calculate premiums based upon the insured values under the insurer's covered policies, as reported annually to the director. In order to provide startup moneys for the administration of the fund, insurers are required to pay to the fund an advance premium of \$1,000.

COVERAGE OF LOSSES - In exchange for the reimbursement premium paid to the fund by insurers, the director will enter into a contract with each insurer, promising to reimburse the insurer for a percentage of its losses in excess of the insurer's retention, plus 10% of that amount to cover loss adjustment expenses. The insurer will select the reimbursement percentage, at 45%, 75% or 90%, which may be adjusted under certain circumstances. Reimbursement amounts from the fund shall not be reduced by reinsurance paid or payable to the insurer, but the insurer's total recovery shall not exceed 100% of the insurer's losses from covered events, and any excess shall be returned to the fund, unless there is an agreement to the contrary.

INSUFFICIENT FUNDS - The act further authorizes the director to issue bonds if moneys in the fund are insufficient to pay reimbursement at the levels agreed to in the reimbursement contracts, upon the occurrence of a covered event. The act provides that if the director determines that the amount of the actuarially indicated premiums are insufficient to fund revenue bonds to pay the reimbursement contracts, the director shall levy emergency assessments on each property and casualty insurer in the state.

APPROPRIATIONS TO OTHER AGENCIES FOR EMERGENCY PREPAREDNESS - The act also allows, in fiscal years in which there are no outstanding obligations of the fund, the General Assembly to make an appropriation (10% to 35% of the fund's investment income) from the catastrophe fund for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve catastrophe preparedness, prevent and reduce potential losses from a covered event, provide research into means to prevent and reduce such losses, educate or inform the public as to means to reduce losses from covered events, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of those upgrades, or protect local infrastructure from potential damage from a covered loss. Moneys from the fund shall not be appropriated if the director finds that an appropriation would jeopardize the actuarial soundness of the fund.

MISSOURI CATASTROPHE FUND ADVISORY COUNCIL - The act establishes the "Missouri Catastrophe Fund Advisory Council" within the Department of Insurance, Financial and Professional Regulation to provide the director with information and advice in connection with the fund. The advisory council shall be comprised of 13 members who shall be appointed by the governor with the advice and consent of the senate.

MULTISTATE OR FEDERAL REINSURANCE OR CATASTROPHIC PROGRAMS - In anticipation of the creation of a federal or multistate catastrophic insurance fund or reinsurance program, the act requires the director, following the creation of such a federal or multistate fund or program, to make recommendations to the General Assembly as to how the catastrophe fund can coordinate with the federal or multistate program and for such other actions as the director determines are appropriate under the circumstances.

This act is identical to HB 1468 (2010) and is similar to SB 877 (2008).

STEPHEN WITTE

02/08/2010 S First Read--SB 923-Mayer (S237)

02/11/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S317)

02/23/2010 Hearing Cancelled S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 924 \*\*\*

4967S.011

SENATE SPONSOR: Griesheimer

This bill has been combined with SB 895

02/08/2010 S First Read--SB 924-Griesheimer, et al (S237)

02/11/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S317)

02/17/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/22/2010 Bill Combined w/SCS SBs 895, 813, 911, 924, 922 & 802

EFFECTIVE: August 28, 2010

\*\*\* SB 925 \*\*\*

4470S.011

SENATE SPONSOR: Dempsey

SB 925 - Under this act, an agreement between a health carrier and a participating provider shall not contain a provision that requires the participating provider to disclose the participating provider's reimbursement rates under contracts with other health carriers. Any contract provision which requires such disclosure is void and unenforceable.

STEPHEN WITTE

02/08/2010 S First Read--SB 925-Dempsey (S237)

02/11/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S317)

EFFECTIVE: August 28, 2010

\*\*\* SB 926 \*\*\*

4968S.021

SENATE SPONSOR: Shoemyer

SB 926 - The act creates the Local Foods Initiative. Under the Initiative, the Department of Agriculture must administer the Farm Fresh Schools Program, a local foods certification program, and a community garden grant program, all created by the act. Additionally under the Initiative, the department must collaborate with the AgriMissouri program, assist small farmers and small agribusinesses market their locally-produced food products, and promote Agritourism.

Under the Farm Fresh Schools Program, the department must assist schools in procuring food items from local and regional farmers and work with schools to develop their own school gardens.

The department must create a certification program to designate small farmers and small agribusinesses who meet the criteria to be considered a local food producer. Anyone found falsely claiming to be certified under this program shall be subject to a \$500 penalty for a first offense and \$1,000 for a subsequent offense.

The department must administer competitively-awarded grants to establish and educate the public about community gardens. The department is required to set up the eligibility criteria, application procedures, and rules of the grant program.

The act creates a subaccount within the AgriMissouri Fund for any funding appropriated for the Local Foods Initiative.

ERIKA JAQUES

02/09/2010 S First Read--SB 926-Shoemyer and Keaveny (S253)

02/11/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S317)

EFFECTIVE: August 28, 2010

\*\*\* SB 927 \*\*\*

3165S.051

SENATE SPONSOR: Cunningham

SB 927 - This act requires certification for contractors who engage in the installation of fire sprinkler systems or service fire sprinkler systems. It has uniform effect throughout the state and municipalities, counties, and other local governmental bodies cannot require a contractor to obtain a certificate or license. However, a municipality, county, or other local governmental body can require a contractor to obtain a permit,

or pay a fee, in order to install a system. The certification requirement does not apply to retailers, inspections by government officials, or special agent fire suppression systems.

This act also creates the Fire Sprinkler Advisory Council. The council shall have seven members with various experience in this field. The fire sprinkler system advisory council is given authority to promulgate rules. Such rules shall concern registration of contractors, the standards for assessing competency as a fire sprinkler contractor, applicable fees, and procedures for reciprocity with other states. The state fire marshal shall administer these provisions.

A contractor must apply with the State Fire Marshal for a certificate of registration and pay an application fee for a certificate. The fee will be set by the advisory council. The fees will be deposited in the Fire Sprinkler Contractor Registration Fund. The act also sets out the requirements that a contractor must meet to obtain a certificate of registration, including demonstration of their own knowledge, or employment of persons with experience and certification in the area.

Certificates of registration are valid for two years and are not transferable. A fee shall be charged for duplicate certificates or changes to a certificate. Each certificate must be posted in a conspicuous place in the contractor's business. The act outlines the process and fees for renewal of unexpired or expired certificates. The state fire marshal is obligated to send out written notice at least thirty days prior to a certificate expiring.

The state fire marshal shall not issue a certificate of registration unless the applicant files evidence of general liability insurance of not less than one million dollars per year for all occurrences.

The state fire marshal is authorized to file a disciplinary complaint against certified contractors for specific violations. After the Administrative Hearing Commission finds that grounds for discipline are met, the advisory council may place the contractor on probation, or suspend or revoke the contractor's certification.

The State Fire Marshal is authorized to seek an injunction against contractors who operate without certification or present a danger to a state resident.

EMILY KALMER

02/09/2010 S First Read--SB 927-Cunningham (S253)

02/11/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S317)

EFFECTIVE: August 28, 2010

\*\*\* SB 928 \*\*\*

4870S.011

SENATE SPONSOR: Lager

SB 928 - This act provides that in general, sales for resale will not be subject to sales tax provided such subsequent sale is taxed in this or another state, for resale, or exempt from tax. Two exceptions to the general rule are created for charges for admission or seating accommodations at places of amusement, entertainment, or recreation, and for charges for rooms, meals, and drinks. In the case of the two exceptions, operators of such places must collect tax on the gross receipts received by such operators, and subsequent sales will not be subject to tax.

JASON ZAMKUS

02/09/2010 S First Read--SB 928-Lager (S253)

02/11/2010 Second Read and Referred S Ways and Means Committee (S317)

02/24/2010 Hearing Conducted S Ways and Means Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 929 \*\*\*

4858S.011

SENATE SPONSOR: Lager

SB 929 - 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 act is identical to SB 456 (2009).  
SUSAN HENDERSON MOORE

02/09/2010 S First Read--SB 929-Lager (S253)  
 02/11/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
 Committee (S317)  
 02/23/2010 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 EFFECTIVE: August 28, 2010

\*\*\* SB 930 \*\*\*

4751S.021

SENATE SPONSOR: Justus

SB 930 - This act creates a ten-member commission to study the death penalty in Missouri. It requires the commission to hold public hearings and study all aspects of the death penalty as administered in Missouri, including all cases in which the death penalty was sought. Through the use of random sampling, the commission will review a statistical representation of those cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed after January 1, 1977. The review and analysis shall examine data concerning the facts of the offenses, the county where charges were filed, the charges originally filed, the crime for which the person was convicted, the sentence, personal information about the convicted person, evidence of mental retardation, prior criminal history of the defendant, information about the legal defense team and prosecutors, the body of evidence used to obtain a conviction, results of appellate review and post-conviction review, and costs for implementing the sentence.

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

Findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2014. The commission shall recommend any proposed modifications to Missouri law necessary to ensure adequacy of trial and appellate legal counsel, accuracy of findings of guilt of the accused, elimination of race disparity in charging and sentencing, fair court procedures and fair and consistent charging and sentence recommendations made by local prosecutors around the state.

The act prohibits executions during the period of review, which shall be from August 28, 2010 to January 1, 2014.

This act is identical to SB 439 (2007), HB 445 (2007), SB 800 (2008) and similar to SB 321 (2009).  
 SUSAN HENDERSON MOORE

02/09/2010 S First Read--SB 930-Justus (S253)  
 02/11/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S317)  
 EFFECTIVE: August 28, 2010

\*\*\* SB 931 \*\*\*

4523S.011

SENATE SPONSOR: Justus

SB 931 - 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.

This act is virtually identical to SB 425 (2009).  
 STEPHEN WITTE

02/09/2010 S First Read--SB 931-Justus (S253)  
 02/11/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S317)  
 EFFECTIVE: August 28, 2010

\*\*\* SB 932 \*\*\*

4986S.011

SENATE SPONSOR: Shoemyer

SB 932 - Beginning October 1, 2010, all members of the General Assembly shall disclose to his or her constituents through the member's internet website and regularly issued newsletters whether or not his or her

capitol building office is accessible by wheelchair. Such notification shall also include directions on how a constituent who uses a wheelchair or has a mobility impairment may request in advance to obtain a private meeting with the member using the office accessibility protocol required in this act.

By October 1, 2010, the Chief Clerk of the House or the Office of the Secretary of the Senate, as the case may be, shall have in place an office accessibility protocol for members of the general assembly who do not have wheelchair accessible capitol building offices. Such protocol shall:

- Be used for instances when a constituent who uses a wheelchair or has a mobility impairment requests to have a meeting with the general assembly member in private; and
- Designate certain areas in the capitol that may be used for requests for private meetings regardless of whether or not a request has been made in advance by the constituent.

ADRIANE CROUSE

02/10/2010 S First Read--SB 932-Shoemyer (S266)

02/11/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S317)

EFFECTIVE: October 1, 2010

\*\*\* SB 933 \*\*\*

4891S.011

SENATE SPONSOR: Dempsey

SB 933 - The act requires chiropractors to be reimbursed under MO HealthNet for providing services currently covered under the MO HealthNet program and that are within the scope of chiropractic practice.

ADRIANE CROUSE

02/10/2010 S First Read--SB 933-Dempsey (S266)

02/11/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S317)

02/23/2010 Hearing Cancelled S Health, Mental Health, Seniors and Families Committee

03/02/2010 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 934 \*\*\*

5008S.011

SENATE SPONSOR: Griesheimer

SB 934 - Persons providing labor, material, or services for the construction or improvement of residential real property, with the exception of owner-occupied residential property of four units or less, must record, or be accurately identified in a Notice of Intent to Perform or a Notice of Commencement in order to secure mechanic's lien rights. The notice shall be recorded with the recorder of deeds for each county in which the residential real property is located.

Original contractors, architects, engineers, and land surveyors must be accurately identified in the Notice of Intent to Perform to secure lien rights which shall attach on the date the notice is recorded or the date the person begins work, whichever is later. Persons recording such notice shall also post a copy of the notice on or immediately adjacent to the property. Failure to do so shall not defeat lien rights of those identified in the notice or relieve any person from the requirement to record or be identified in the notice.

Subcontractors and suppliers not identified in a Notice of Intent to Perform shall record or be accurately identified in a Notice of Commencement to secure lien rights which shall attach ten days prior to the date the notice is recorded or the date the person begins work, whichever is later. Persons recording such notice shall give those identified in the notice reasonable access to a copy. Failure to do so shall not defeat lien rights of those identified in the notice or relieve any person from the requirement to record or be identified in the notice.

A Notice of Commencement recorded after a conveyance of the property to a third party acting in good faith shall not preserve lien rights. Charges for labor, materials, and services may be collected when the seller acted in bad faith in the sale and for the purpose of avoiding the payment of the charges.

Persons failing to record either notice or whose names are not accurately identified in either notice waive their lien rights.

Persons providing labor, materials, or services prior to the effective date of the notice identifying them waive lien rights only as to that labor, materials, and services provided prior to the effective date. Original

contractors have lien rights only for labor, materials and services provided after the notice accurately identifying them is filed, regardless of the type of notice.

Notices expire two years after their recording date unless a Continuation Notice is filed.

Lien rights may be waived by executing a partial or full waiver. Such waivers shall not waive rights in exchange for a payment of less than the amount claimed due or arising subsequent to the date on which the waiver is executed unless it is an unconditional, final lien waiver. Requirements for valid unconditional, final lien waivers are enumerated. Such waivers are valid regardless of nonperformance, failure of performance or fraud not attributable to all persons relying on the waiver.

Those who record or who are identified in either recorded notice and have not provided labor or have been paid in full, who knowingly refuse or fail to execute an unconditional, final lien waiver within 10 business days of a request to do so commit the Class B misdemeanor crime of lien fraud. The same crime applies to those who record or who are identified in either recorded notice and who intentionally fail to identify the labor, materials, and services in relation to the property and the amount owed less credits within 10 business days.

Liens shall not attach for those posting or identified in either notice when the owner obtains a surety bond of at least one and one-half times the charges claimed by those supplying labor before the filing of a lien statement. Requirements for recovering under the bond are provided.

Liens do not attach for claimants claiming through a particular independent contractor if the owner or original contractor obtains a security bond of at least 150% of all mechanics' lien claims filed prior to the recorded notice of the bond and shall only substitute collateral to those mechanics' liens filed prior to the recorded notice of the bond. Requirements for recovering under the bond are provided.

CHRIS HOGERTY

02/11/2010 S First Read--SB 934-Griesheimer (S310)

02/18/2010 Second Read and Referred S General Laws Committee (S374)

02/23/2010 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 935 \*\*\*

4933S.011

SENATE SPONSOR: Griesheimer

SB 935 - Currently, when a mechanics' lien arises before a deed of trust, the lien is superior as to both the land and any subsequent buildings and improvements. This act removes the provision establishing superiority as to the land.

Currently, when an individual does work on property subject to an existing deed of trust, the lien claimant's interest is superior to the holder of the existing deed as to the buildings, erections, and improvements and conversely, the holder of the deed retains an interest in the land superior to the lien claimant. This act removes that provision.

CHRIS HOGERTY

02/11/2010 S First Read--SB 935-Griesheimer (S310)

02/18/2010 Second Read and Referred S General Laws Committee (S374)

02/23/2010 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 936 \*\*\*

4926S.011

SENATE SPONSOR: Pearce

SB 936 – This act establishes the Missouri Science, Technology, Engineering and Mathematics Initiative within the Department of Higher Education. Matching funds may be provided by the Department and the General Assembly to fund the programs described in the act.

The Initiative will provide support to increase interest among K-12 students in science, technology, engineering, and math to increase the number of students who enter these fields at Missouri's public institutions of higher education.

Programs that may be supported through the Initiative include: endowed teaching professor programs to



support faculty; scholarship programs to provide financial aid and loan forgiveness to Missouri students in science, technology, engineering, and mathematics areas, as described in the act; experiential youth programs at public colleges or universities; and career enhancement programs for current elementary and secondary teachers in science, technology, engineering, or mathematics fields to improve teaching quality.  
MICHAEL RUFF

02/11/2010 S First Read--SB 936-Pearce (S310)

02/18/2010 Second Read and Referred S Education Committee (S374)

03/03/2010 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 937 \*\*\*

5007S.011

SENATE SPONSOR: Justus

SB 937 - This act allows purchases of bicycles with a taxable value of three hundred dollars or less to be included in the current state and local sales holiday for certain clothing, personal computers, and school supplies purchased for personal use during a three-day period each August.

JASON ZAMKUS

02/11/2010 S First Read--SB 937-Justus (S310)

02/18/2010 Second Read and Referred S Ways and Means Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 938 \*\*\*

4793S.021

SENATE SPONSOR: Justus

SB 938 – This act modifies provisions relating to the Public School Retirement System of Kansas City.

This act requires that any formulas and tables in effect upon which the computation of actuarial equivalent is based be maintained as part of a written document and treated as part of the plan document. The formulas and tables may be changed if recommended by the system's actuary and upon approval of the board of trustees. (Section 169.270)

This act provides that the retirement system is intended to be a qualified plan. The Board of Trustees must interpret statutes governing the system and administer the system consistent with a qualified plan. The system's assets must be held in trust for the exclusive benefit of the members and beneficiaries and for defraying reasonable administrative costs. No part of the system's assets may be used or diverted to any purpose other than benefits or purpose of the system. (Section 169.280)

If the retirement system is completely terminated or contributions to the system are discontinued, the rights of all members to benefits accrued to such date, to the extent funded, will be fully vested and non-forfeitable. (Section 169.301)

This act modifies the Public School Retirement System of Kansas City. A retired member of the system who performs substitute, part-time, or temporary employment for an employer in the system cannot earn more than fifty percent of the annual salary or wages he or she was last paid by the employer prior to retirement and receiving a retirement allowance. If a person exceeds these limits, his or her retirement allowance will be suspended for the month in which the limit was exceeded and any subsequent month in the school year the person receives remuneration from any employer in the retirement system. (Section 169.324)

Any member of beneficiary who is entitled to receive a distribution that is an eligible rollover distribution under federal law may elect to have that distribution transferred to another eligible retirement plan. An eligible rollover distribution will include a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution. These transfers must be made in compliance with the Internal Revenue Code. (Section 169.328)

MICHAEL RUFF

02/11/2010 S First Read--SB 938-Justus (S310)

02/18/2010 Second Read and Referred S Veterans' Affairs, Pensions and Urban Affairs Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 939 \*\*\*

5037S.011

SENATE SPONSOR: Barnitz

SB 939 – This act modifies the use of the Consumer Price Index in evaluating the change in tuition rates at public higher institutions of education. Current law compares the Consumer Price Index on January first of the current year with January first of the previous year. This act requires that the percentage change in the annual average of the Consumer Price Index be used instead.

MICHAEL RUFF

02/15/2010 S First Read--SB 939-Barnitz and Mayer (S322)

02/18/2010 Second Read and Referred S Education Committee (S374)

02/24/2010 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 940 \*\*\*

4996S.011

SENATE SPONSOR: Pearce

SB 940 - This act changes the restrictions on different types of bingo license holders, including when they can hold bingo games and various restrictions on advertising. In addition, this act changes reporting requirements and records retention schedules for licensees.

An abbreviated bingo license holder is allowed to conduct up to 15 bingo games annually, rather than four. The act requires all licensed organizations to pay annual license fee of \$50. Current law had allowed certain organizations to pay an annual license fee of \$10.

The Gaming Commission is authorized to set the aggregate retail value of all prizes and merchandise awarded in a single day, except awards by pull-tab cards and progressive bingo games. A bingo licensee cannot require a player to purchase more than a standard pack of bingo cards in order to participate in a game. The act authorizes a licensee to conduct bingo games two days per week, rather than one day per week.

The act increases the amount that may be expended on advertising from 2% to 10% of the total amount expended from bingo receipts. The act removes a provision of law that prohibited a licensee from referencing the aggregate value of bingo prizes in an advertisement. Currently, no bingo games can be operated between midnight and 10:00 a.m. This act provides that no bingo game can be operated between 1:00 a.m. and 7:00 a.m.

Every bingo licensee that conducts games on more than three occasions in any calendar year shall submit quarterly, rather than annual reports to the gaming commission.

The act requires each licensee to keep a complete record of bingo games conducted in the previous two, rather than three years, except for records stipulated as one-year retention by regulation.

Applicants for suppliers' licenses and manufacturers' licenses are required to pay for the cost of a criminal history investigation. This act would also increase the maximum amount the commission can charge for a manufacturer's license from \$1,000 to \$5,000 and would increase the possible charge for an annual renewal fee from \$500 to \$1,000.

The provisions of this act are similar to HB 1294 (2010).

CHRIS HOGERTY

02/15/2010 S First Read--SB 940-Pearce (S322)

02/18/2010 Second Read and Referred S Ways and Means Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 941 \*\*\*

5032S.011

SENATE SPONSOR: Clemens

SB 941 - Currently, persons born after January 1, 1984 or who have committed certain boating offenses, must have a boating safety identification card issued by the Water Patrol in order to operate a boat on a lake in Missouri. This act would allow such individuals to have, as an alternative to the identification card, a

Missouri driver's or non-driver's license with an endorsement showing that he or she has met the safety requirements of this provision. This act also removes the requirement that Water Patrol inform other states of these provisions.

This act prohibits expanded polystyrene coolers, rather than those made out of expanded polypropylene, from the rivers of this state.

This act requires boat dock owners required to post identifying information on their docks to have the permit number and "911" address, or nearest physical address if applicable, posted on the lake side of the dock in a location most visible from the channel or cove. The permit number and address must be legible, not less than three inches in height, and shall be of a contrasting color to the dock.

This act is similar to HB 1744 (2010).

SUSAN HENDERSON MOORE

02/15/2010 S First Read--SB 941-Clemens (S322)

02/18/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 942 \*\*\*

5094S.011

SENATE SPONSOR: Rupp

SB 942 - 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. 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 act is identical to a provision of HCS/SB 377 (2009).

SUSAN HENDERSON MOORE

02/15/2010 S First Read--SB 942-Rupp (S322)

02/18/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S374)

02/24/2010 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 943 \*\*\*

5090S.011

SENATE SPONSOR: Shields

SB 943 – This act requires the Joint Committee on Education to conduct a study on the issue of the adequacy and distribution of state funding for elementary and secondary education. The committee must also examine the adequacy of school districts' local effort. The committee may consider other states' systems of education funding. The study must be conducted during the legislative interim with a final report, with any recommendations for legislative action, to be submitted to the General Assembly by December 31, 2010.

MICHAEL RUFF

02/15/2010 S First Read--SB 943-Shields (S322)

02/18/2010 Second Read and Referred S Education Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 944 \*\*\*

5040S.011

SENATE SPONSOR: Shields

SB 944 - This act exempts mandatory and voluntary gratuities provided in conjunction with the receipt of property or services regardless of whether such property or service is subject to sales tax.

JASON ZAMKUS

02/15/2010 S First Read--SB 944-Shields (S322)

02/18/2010 Second Read and Referred S Ways and Means Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 945 \*\*\*

5006S.011

SENATE SPONSOR: Bray

SB 945 – Current law provides that interest shall be recovered on any and all sums due to any facility or program operated or funded by the Department of Mental Health on account of any patient or resident. This act provides that when the account is certified by the department director or his or her designee, rather than the head of the facility, such account shall be prima facie evidence of the amount due.

ADRIANE CROUSE

02/15/2010 S First Read--SB 945-Bray (S322)

02/18/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S374)

03/02/2010 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 946 \*\*\*

5041S.011

SENATE SPONSOR: Bray

SB 946 – 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.

A school employee, student, or volunteer who has witnessed or has reliable information that a student or school employee has been subject to discrimination or harassment must report the incident to the appropriate school official.

School district policies must contain the following: a statement prohibiting bullying, including a definition of bullying, as described in the act; a statement requiring district employees to report an instance of bullying of which an employee has reliable information; a procedure for reporting an act of bullying, including anonymous reporting, as described in the act; 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; a process for discussing the policy with students and training employees and volunteers; and a procedure for implementing and maintaining annual confidential surveys of students and school employees that measure their perception and experiences of harassment and discrimination.

The State Board of Education must develop model anti-bullying policies to assist school districts no later than September 1, 2011 and has authority to promulgate rules and regulations under this act.

This act is substantially similar to HB 1036 (12010), SB 132 (2009), HB 1751 (2008).

MICHAEL RUFF

02/15/2010 S First Read--SB 946-Bray, et al (S322)

02/18/2010 Second Read and Referred S Education Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 947 \*\*\*

5073S.011

SENATE SPONSOR: Dempsey

SB 947 - The act requires telecommunications companies to make similar procedures available to customers to cancel service as what they make available to customers to sign up for service. Procedures to cancel service cannot require customers to significantly spend more time or effort than what was required to acquire the service.

ERIKA JAQUES

02/16/2010 S First Read--SB 947-Dempsey (S331)

02/18/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 948 \*\*\*

5098S.011

SENATE SPONSOR: Crowell

SB 948 - This act provides that no law shall restrict an individual's right and power to choose private health care systems or private plans. The measure states that no law will infringe on an individual's right to pay for lawful medical services. The act also states that no law shall impose a penalty, tax, or fine upon an individual who declines to contract for health care coverage or to participate in a health care system or plan, except as required by a court in a judicial dispute to which the individual is a named party. The measure does not apply to individuals seeking voluntary coverage under a state-administered MO HealthNet or Children's Health Insurance Plan (SCHIP).

ADRIANE CROUSE

02/16/2010 S First Read--SB 948-Crowell (S331)

02/18/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S374)

03/02/2010 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 949 \*\*\*

5095S.011

SENATE SPONSOR: Crowell

SB 949 - This act modifies the elementary and secondary education funding formula. Until the end of the 2011-2012 school year when the foundation formula is fully phased in, if appropriated funds are insufficient to fully fund the formula, funding will be distributed on an average daily attendance basis. In addition, any funds that are withheld during the phase-in of the formula will be withheld from school districts on an average daily attendance basis.

This act contains an emergency clause.

MICHAEL RUFF

02/16/2010 S First Read--SB 949-Crowell (S331)

02/18/2010 Second Read and Referred S Education Committee (S374)

EFFECTIVE: Emergency Clause

\*\*\* SB 950 \*\*\*

5116S.011

SENATE SPONSOR: Bray

SB 950 - 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 120 (2009), SB 741 (2008), SB 267 (2007), SB 593 (2006), SB 277 (2005) and HB 1412 (1998).

STEPHEN WITTE

02/16/2010 S First Read--SB 950-Bray (S331)

02/18/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 951 \*\*\*

4743S.011

SENATE SPONSOR: Wright-Jones

SB 951 - This act provides coverage under the state legal expense fund for any doctor, therapist, dentist, podiatrist, optometrist, pharmacist, psychologist, or nurse who is hired on a contract basis to serve as a consultant for the MO HealthNet division or family support division of the Department of Social Services, or to serve as a consultant to the Department of Mental Health. The coverage is limited to a maximum of 500,000

dollars for each cause of action. If the professionals covered by the state legal expense fund under this act have additional liability or malpractice insurance, the state legal expense fund is required to pay before the liability or malpractice insurance is available for paying the claim. The Department of Social Services is required to issue rules regarding the contract procedures and documentation of services for such consultants.  
EMILY KALMER

02/16/2010 S First Read--SB 951-Wright-Jones (S331)

02/18/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 952 \*\*\*

4953L.011

SENATE SPONSOR: Wright-Jones

SB 952 - State-funded buildings over 5,000 square feet constructed after August 28, 2010 must be certified, at minimum, as meeting either the 2 Globes level under the Green Globes building rating system or the Silver level under the Leadership in Energy and Environmental Design (LEED) building rating system. The act prescribes certain points that must be earned in achieving either the 2 Globes or Silver level certification. The Office of Administration may waive the points requirements for economic feasibility reasons.

State-funded building renovation and commercial interior fit-out projects must be analyzed under one of several options, including a life cycle cost analysis comparing the costs and benefits of renovating to the 2 Globes or Silver standards, normal industry standards, or a building standard in between.

The Office of Administration may petition the General Assembly to require all state-funded building construction and renovation projects to meet a different or additional high-performance building standard, provided that such building standard is at least as stringent as the Green Globes and LEED standards.

The act requires periodic inspections of buildings built to the 2 Globes or Silver standards. The inspector must report its findings to the Office of Administration and the state agency that occupies the building. For 15 years, the Office of Administration must monitor and evaluate the energy and environmental benefits associated with each building subject to the act's requirements.

The Office of Administration must submit a report to the energy committees in the House of Representatives and the Senate regarding activities and information that result from the act's provisions.

ERIKA JAQUES

02/16/2010 S First Read--SB 952-Wright-Jones (S331)

02/18/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S374)

03/03/2010 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 953 \*\*\*

4949L.011

SENATE SPONSOR: Wright-Jones

SB 953 - This act requires dental assistants and dental hygienists to obtain a permit from the dental board in order to perform expanded-function duties. This permit must be renewed every five years.

EMILY KALMER

02/16/2010 S First Read--SB 953-Wright-Jones (S331)

02/18/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 954 \*\*\*

5118S.011

SENATE SPONSOR: Crowell

SB 954 - This act modifies every state tax credit program in existence, except for the senior citizen property tax credit, the homestead preservation tax credit, financial and insurance tax credits, the residential treatment agency tax credit, and the community college new job training and retention credits, by limiting the amount of tax credits available for authorization in each fiscal year beginning FY 2011 based upon an allocation made by enactment of the appropriation bill for public debt.

The act creates a procedure for the allocation of tax credit authorizations after June 30, 2011. Unless specifically allocated, no tax credits may be authorized after June 30, 2011. No later than October 1, 2010, the administering agency of each tax credit program, now or hereafter authorized by state law, must provide the House Budget Committee and the Senate Appropriations Committee with a request for tax credit allocation. Where Missouri law allows the issuance of tax credits to a recipient over the course of several years, such tax credit authorization must be allocated in the aggregate, and subsequent issuance of such tax credits will not be used in calculating any statutory limitation on the fiscal year authorization allocation of tax credits. Fiscal year allocations of tax credits must be made in the annual appropriations bill for public debt and specifically provide: the name of the tax credit program; the actual amount allocated for authorization; the administering agency for the program; and whether the amount is authorized for streaming tax credit issuance and the amount of streamed credits. Allocations for tax credits which remain unauthorized at the end of the fiscal year will expire on the last day of such fiscal year.

The act repeals the transportation development tax credit, loan guarantee fee tax credit, dry fire hydrant tax credit, and the qualified research expense tax credit.

This act is similar to Senate Bill 728 (2010).

JASON ZAMKUS

02/17/2010 S First Read--SB 954-Crowell (S348-349)

02/18/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 955 \*\*\*

4896S.011

SENATE SPONSOR: Wright-Jones

SB 955 - This act provides that any licensed physician may, but shall not be required to, 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 licensed physician utilizing expedited partner therapy for the management of such partners shall have immunity from any civil liability by reason of such actions, unless such physician acts negligently, recklessly, in bad faith or with malicious purpose. The Department of Health and Senior Services and the Division of Professional Registration shall develop rules for the implementation of the act.

This act is identical to HB 1375 (2010).

ADRIANE CROUSE

02/17/2010 S First Read--SB 955-Wright-Jones and Bray (S349)

02/18/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 956 \*\*\*

4702S.021

SENATE SPONSOR: Keaveny

SB 956 – This act allows charter schools whose mission includes foreign language immersion and whose instruction is wholly conducted in a foreign language for at least the first two years of a student's enrollment to enroll four year old children and include them in their average daily attendance and weighted average daily attendance count for state aid. To be eligible for enrollment in a foreign language immersion charter school, a child must have attained the age of four before August 1 of the school year beginning in that calendar year. If the child resides in a school district that has authority to establish a resolution adopting a date between August 1 and October 1 for purposes of eligibility for enrollment, a child must have attained the age of four before the date established in the school district's resolution.

MICHAEL RUFF

02/17/2010 S First Read--SB 956-Keaveny (S349)

02/18/2010 Second Read and Referred S Education Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 957 \*\*\*

5033S.011

SENATE SPONSOR: Green

SB 957 - The Public Service Commission (PSC) must review and modify, if necessary, its regulations so that interconnection agreements, procedures, and fees for combined heat and power systems are non-discriminatory and just and reasonable. The PSC must make available an expedited dispute resolution mechanism.

The act requires investor-owned electric companies to purchase electricity from eligible combined heat and power systems at not less than retail rates. The act specifies the eligibility criteria.

Investor-owned electric companies must file a tariff regarding the act's provisions with the PSC within 90 days of the act's effective date. In its review, the PSC must ensure that the tariff: includes rates with options for different durations, is indexed to the cost of natural gas, includes the cost of credits for compliance with greenhouse gas regulation, uses time-of-delivery rates, is available to owned or leased combined heat and power systems located within the company's service territory, and that rates and conditions for supporting services are just and reasonable. Rates for standby power and maintenance power must not be based on certain assumptions.

Tariffs or contracts for the purchase of electricity from combined heat and power systems must be made available until the total installed capacity from combined heat and power systems in the state is 500 megawatts. Once the total capacity reaches 500 megawatts, the PSC may determine if the combined heat and power tariffs should continue.

Rural electric cooperatives and municipal utilities must take action to comply with the act within one year and must provide a market for the purchase of electricity from combined heat and power systems at just and reasonable rates.

The act provides certain requirements for air pollution permits issued by the Department of Natural Resources for combined heat and power systems. The Department of Natural Resources shall allow combined heat and power systems to participate in programs that give credit or allowances for reductions in air emissions.

ERIKA JAQUES

02/17/2010 S First Read--SB 957-Green (S349)

02/18/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S374)

EFFECTIVE: August 28, 2010

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\*\*\* SB 958 \*\*\*

5042S.011

SENATE SPONSOR: Green

SB 958 - The act modifies provisions pertaining to asbestos.

Several definitions are modified. The minimum project dimensions for "asbestos abatement projects" are increased. The act removes the "by weight" requirement for the percentage of asbestos in the definition of "asbestos containing material." A reference to federal law is modified in the definition of "competent person." The definition of "friable asbestos containing material" is modified. The act removes a reference to the Asbestos Hazard Emergency Response Act of 1986 in the definition of "inspector" and the act adds a definition for "regulated asbestos containing material."

The act expands the citation range of statutes in Chapter 643 that refer to asbestos and makes this change in numerous places. In several places the act modifies an incorrect federal law reference for asbestos requirements under Occupational Safety and Health Administration (OSHA) regulations.

Currently, in order to qualify for a renewal of an asbestos-related certificate, an individual must complete an annual refresher course that is accredited by either the U.S. Environmental Protection Agency (USEPA) or the state of Missouri. The act removes the USEPA option. The act reduces from 24 months to 12 months, the amount of time after expiration of a certificate in which an individual must complete the annual refresher course or else is required to retake the original training course.

Under current law, certain persons who are subject to USEPA and OSHA asbestos regulations are eligible to apply for an exemption from certain state asbestos requirements for asbestos certification and



registration. The act removes this exemption.

The act reduces from 20 working days to 10 working days, the number of days in advance of an asbestos abatement project that a person must submit an application to the Department of Natural Resources. The application must include a copy of an asbestos inspection survey for the structure.

The act removes the notification requirements for asbestos abatement projects that are between 10 square feet and 160 square feet or between 16 linear feet and 260 linear feet.

Current law requires analysis of asbestos air samples to be conducted according to OSHA standards. The act allows the analysis to meet USEPA standards as an alternative.

The act removes the current requirement that civil penalties paid for asbestos-related violations be deposited in the Natural Resources Protection Fund.

The act repeals section 701.332, which provides an exemption to certain requirements for state asbestos abatement projects for single-family owner-occupied dwellings and vacant public or privately owned residential buildings of four units or less that are being demolished for public health or welfare reasons. The repealed section also provides an exemption for similar dwelling structures in the City of St. Louis.

ERIKA JAQUES

02/17/2010 S First Read--SB 958-Green (S349)

02/18/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S374)

EFFECTIVE: August 28, 2010

\*\*\* SB 959 \*\*\*

4859S.011

SENATE SPONSOR: Schmitt

SB 959 - The act adopts provisions regarding the filing of fraudulent claims for payment with the state, political subdivisions, school districts, charter schools, and municipal corporations. Under these provisions anyone who files false claims with these governmental organizations, 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 at least \$10,000, plus three times the amount of damages to the government. With some exceptions, including claims regarding MO Health Net, a 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, and receive two times the amount of back pay, interest, special damages, litigation costs, and attorneys' fees.

This act is similar to HB 1790 (2010) and SB 568 (2009).

EMILY KALMER

02/17/2010 S First Read--SB 959-Schmitt (S349)

02/18/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S375)

EFFECTIVE: August 28, 2010

\*\*\* SB 960 \*\*\*

4995S.011

SENATE SPONSOR: Lembke

SB 960 - This act repeals provisions that have been superceded by later statutes as well as provisions that are duplicated in other statutes.

Provisions with express expiration dates that have already passed are repealed under this act.

Intersectional references to statutes and subdivisions that are no longer codified in the statutes are removed under this act.

This act repeals provisions regarding one-time actions that have occurred, such as the abolishment of the Department of Business and Administration or assignments to various entities regarding reports and studies.

This act removes language from several statutes that currently reference the 2010 census and provides that the repeal and reenactment of these statutes shall occur whenever the 2010 census estimates become available or April 1, 2011, whichever occurs first.

This act repeals language that provides for the automatic expiration of appropriations two months after a fiscal year and six months after the fiscal year for "governmental functions which require the utilization of good weather periods".

Current law allows the Commissioner of Administration to purchase surplus war materials and to select the personnel director and to nominate members of the Personnel Advisory Board. This act repeals both provisions. Another statute already allows the Governor to select the personnel director and the members of the Personnel Advisory Board without input from the Commissioner.

This act moves the provision establishing the Missouri Veterans Home Fund from Section 31.010, Funds of Eleemosynary, Educational and Penal Institutions, to Section 42.121, Veterans' Affairs.

This act updates the name of the Crippled Children's Services Program and updates language regarding the program. The Children's Special Health Care Needs Service Fund is established in the state treasury and can be funded by revenues, refunds, legal settlements, reimbursements, donations, gifts, grants or bequests.

Various provisions exempting from sales tax motor fuel sold within an Indian reservation or within Indian country sold among tribe members are repealed under this act. In addition, this act removes the definitions of "Indian country" and "Indian tribe" from the Motor Fuel Tax definitions.

This act repeals a provision requiring the Department of Health and Senior Services to approve courses in the study of dialysis techniques for employees of certified end-stage renal disease facilities.

Various provisions regarding controlled substances are repealed under this law, such as a prohibition on promotions or advertisements of controlled substances for use or sale. Also, this act repeals a section of the drug laws that requires sellers of certain types of drugs to require buyers of the drugs to produce identification. The current law exempts certain types of buyers and provides a criminal penalty for its violation. This act also repeals provisions requiring sellers of certain drugs to register with the Department of Health and Senior Services.

This act repeals the state's National Historic Preservation Fund and the Medical Services Fund.

Under this act, an expiration date for a statute regarding annuity contracts for life, health and accident insurance is modified so it says the provisions will not apply to contracts made after 2006. The current language in the statute states that the provisions of the statute expire in 2006.

This act repeals a duty of the state treasurer to make out blank forms for returns and reports required by law to be submitted to the treasurer by county officers.

The Secretary of State's authority to establish and operate a microfilm service center for local agencies participating in the local records management program is repealed under this act.

The Commissioner of Administration is currently required to issue requests for bids to possible bidders in rotation when there are so many possible bidders that it would be impractical to submit a request to all of them. This act would remove that requirement.

This act repeals a statute containing provisions that require each state department to submit each year a list of its estimated need for supplies to the commissioner of administration and that provide the process for

purchasing those supplies.

A statute prohibiting descriptions of properties using the coordinate system if a point on a land boundary is within one kilometer of a horizontal control station is repealed under this act.

This act repeals various statutes affecting incorporated cities, towns or villages, such as statutes that requires notice to be given before anyone vacates a lot, street, alley, common or public square, that allow for the regulation of closing hours for barbers and beauty shops, that outline procedures that must be followed when a city withdraws money from its treasury and that require the state to reimburse for the cost of foster care.

Various statutes regarding orphanages are repealed by this act.

This act repeals the statutes that authorize various executive departments to provide specific programs, commissions and committees.

This act repeals a law authorizing the St. Louis Chamber of Commerce to appoint a board of flour inspectors.

Statutes that regulate the sale, manufacture and advertising of butter substitutes are repealed under this act.

This act repeals a law exempting certain facilities that treat Alzheimer's or dementia from the requirements of the Missouri Certificate of Need Law.

Various provisions related to the County Family Services Commission and the director of the division of family services are repealed by this act.

This act repeals a law requiring steamboat commanders to pay ferry owners for landing on their ferries.

Under current law, it is a misdemeanor if shippers of property packed with straw or grass fail to burn the straw or grass at the time of unpacking. The act repeals this current law.

This act repeals certain provisions relating to the state's implementation of the federal Soil Conservation and Domestic Allotment Act.

This act repeals a statute allowing bus drivers to use a CB radio.

An entire chapter regarding county licensure of pool tables is repealed under this act.

The Public Service Commission is currently allowed to enter into reciprocal agreements with other states dealing with motor carriers. This act repeals the commission's authority to enter such agreements.

This act repeals statutes making it a misdemeanor for railroad owners to provide cars to livestock shippers.

This act repeals provisions regulating steam engine locomotives and engineers.

An entire chapter regarding the estate of convicts is repealed under this act.

This act repeals various provisions regarding the Missouri Export Development Office Act.  
JIM ERTLE

02/17/2010 S First Read--SB 960-Lembke (S349-350)

02/18/2010 Second Read and Referred S General Laws Committee (S375)

EFFECTIVE: August 28, 2010

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\*\*\* SB 961 \*\*\*

4994S.011

SENATE SPONSOR: Lembke

SB 961 - This act repeals statutes that were duplicated due to drafting errors.

Other statutes that have similar but different language and are printed under the same number are either merged together or one statute is repealed and the other is retained. In either case, not all the language in the current statutes is retained.

In addition, this act repeals duplicate statutes that have identical language and are codified under identical numbers, leaving the matching statutes in tact.

When the provisions in duplicate statutes have expired, this act repeals both versions of the duplicate statutes. When there are statutes with similar language printed under duplicate numbers and one statute has an expiration date in it that has passed, this act repeals the version of the statute that has expired.

This act repeals duplicate statutes authorizing the Division of Motor Carrier and Railroad Safety, which was abolished by Section 226.008 RSMo.

Under this act, the definition of the North American Industrial Classification System (NAICS) is added to the list of definitions under a tax credit program for new or expanded business facilities and enterprise zones. This act also modifies definitions so they refer to NAICS.

JIM ERTLE

02/17/2010 S First Read--SB 961-Lembke (S350-352)

02/18/2010 Second Read and Referred S General Laws Committee (S375)

EFFECTIVE: August 28, 2010

\*\*\* SB 962 \*\*\*

4601S.011

SENATE SPONSOR: Schaefer

SB 962 – This act modifies provisions relating to gifted education.

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. (Section 160.522)

This act requires school districts to identify gifted students and establish appropriate programs or differentiated services for them. The Department of Elementary and Secondary Education must develop a list of identification criteria with emphasis on early identification. Gifted education must be funded by school districts from their basic state aid except as described in the act. (Section 162.720)

This act modifies the elementary and secondary education funding formula by adding an additional weight for gifted education. "Gifted Education Pupil Count" is defined 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. The definition of "weighted average daily attendance" is modified by including in the calculation the product of .25 multiplied by the number of the district's gifted education pupil count beginning on July 1, 2012. (Section 163.011)

This act contains provisions identical to provisions contained in SB 775 (2010), HB 1295 (2010), SCS/SBs 453 & 24 (2009) and similar to provisions contained in SB 498 (2009), SB 831 (2008), HB 2542 (2008).

MICHAEL RUFF

02/18/2010 S First Read--SB 962-Schaefer (S361)

02/23/2010 Second Read and Referred S Education Committee (S397)

03/03/2010 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 963 \*\*\*

5144S.011

SENATE SPONSOR: Shoemyer

SB 963 – This act transfers the administration of the Minority and Underrepresented Environmental Literacy Program from the Department of Natural Resources to the Department of Higher Education. Scholarships will be administered by the Department Recruitment and Retention Program. In addition, the Minority Environmental Literacy Advisory Committee will be chaired by the Commissioner of Higher

Education, instead of the Director of the Department of Natural Resources. The Director, or his or her designee, will serve as a member of the committee.

This act is identical to HCS/HB 1858 (2010).

MICHAEL RUFF

02/18/2010 S First Read--SB 963-Shoemyer (S361)

02/23/2010 Second Read and Referred S Education Committee (S397)

03/03/2010 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 964 \*\*\*

5014S.021

SENATE SPONSOR: Barnitz

SB 964 - This act defines "criminal investigators of the Department of Revenue" as special agents, special agents-in-charge, or administrators assigned to the Department of Revenue Criminal Investigations Bureau.

All criminal investigators are permitted to carry and use a firearm in the same manner as peace officers, probation and parole officers, members of the armed forces and judiciary, and other exempted persons. A minimum of sixteen hours of firearms safety training shall be required and the department shall determine the content of the required firearms safety training and provide firearms certification training.

Under this act, criminal investigators with the Department of Revenue, who meet the requirements of Chapter 590 and hold a valid peace officer license, may be appointed as peace officers by the director of the department. Such investigator shall take an oath to uphold the law. They shall receive a certificate of appointment granting him or her police powers to enforce state laws when investigating issues relating to taxes and fees administered by the Department of Revenue. Criminal investigators appointed as peace officers shall have full police power when working with at the request of a local law enforcement agency.

This act is similar to HB 1362 (2010) and HB 1376 (2010).

SUSAN HENDERSON MOORE

02/18/2010 S First Read--SB 964-Barnitz (S361)

02/23/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 965 \*\*\*

5159S.011

SENATE SPONSOR: Barnitz

SB 965 - The act requires any electric company that generates electricity from a nuclear power plant to pay a surcharge to the state of 1/10th of 1 cent per kilowatt-hour for any electricity sold outside of its service area. The revenue generated from the surcharge is designated for school districts located within a 10-mile radius of the nuclear power plant, with the funding amount based on the percentage of land each district has within the area. The funding must be used by the school districts for nuclear emergency preparedness, planning and hazard mitigation.

ERIKA JAQUES

02/18/2010 S First Read--SB 965-Barnitz (S361)

02/23/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 966 \*\*\*

5034S.011

SENATE SPONSOR: Barnitz

SB 966 - The act modifies provisions pertaining to enhanced 911 services.

Under current law, the Wireless Service Provider Enhanced 911 Advisory Board consists of 8 members. The act reduces the number to 7 by removing the 3 members representing wireless service providers, reducing from 3 to 2 the representatives of public safety answering point organizations (PSAPs), adding a

member appointed by the Governor, and adding 2 representatives of 911-affiliated organizations. It modifies the PSAP representation by requiring one member to represent rural PSAPs and one member to represent urban PSAPs.

The act adds duties for the Wireless Service Provider Enhanced 911 Advisory Board: setting and enforcing enhanced 911 training requirements, reviewing annual reports submitted by PSAPs, studying the feasibility of PSAP consolidation, and reviewing and approving the awarding of grants to PSAPs.

The act creates the Telecommunicator Standards and Training Fund, which will receive 10% of the funds deposited into the existing Enhanced 911 Service Fund. The funding will be used for enhanced 911 training.

Under current law, the Office of Administration is authorized to collect a fee per cell phone from wireless service providers. The act repeals this authority and instead allows the Public Service Commission (PSC) to assess the charge, to be set at not less than 25 cents or more than \$1 per cell phone. Payments by wireless service providers shall be made monthly to the Department of Revenue, which are deposited to the credit of the Enhanced 911 Fund. The act transfers the authority to administer the Enhanced 911 Fund from the Office of Administration to the Universal Service Board. The act modifies the distribution of the funding from the Enhanced 911 Fund such that: 60% of the funds must be distributed to PSAPs based on the number of cell phones in their jurisdiction; 39% of the funds are to be used for grants, next generation 911, and to assist PSAPs with heavy seasonal call volume; and 1% of the funds may be retained by the Universal Service Board for administration.

PSAPs must submit an annual report to the Universal Service Board that lists employee information, call volume, and certain certification for medical dispatch agencies.

Under current law, the Office of Administration must review the funding distribution from the Enhanced 911 Fund and make any necessary adjustments to the fee. The act changes this authority to the PSC.

Counties with multiple PSAPs must develop a plan to consolidate using either physical consolidation or virtual consolidation. Second and third-class counties using physical consolidation must consolidate by 75% in 10 years. First-class and charter counties using physical consolidation must consolidate by 50% in 10 years. Counties that choose to virtually consolidate must show what equipment will be consolidated and the method of connectivity to be used between PSAPs. Consolidation plans must be developed before any such PSAPs will be eligible to receive funding from the Enhanced 911 Fund.

The act removes the requirement that the voters must approve the imposition of the fee on wireless service providers.

ERIKA JAQUES

02/18/2010 S First Read--SB 966-Barnitz (S361)

02/23/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 967 \*\*\*

4478S.011

SENATE SPONSOR: Cunningham

SB 967 - This act allows wineries, distillers, manufacturers, wholesalers, or brewers to provide samples for customer tasting purposes at licensed retail premises that have a special permit or a by-the-drink-for-consumption-on-the-premises-where-sold retail license. The winery, distiller, manufacturer, wholesaler, or brewer cannot give money or anything of value to the retailer for the privilege or opportunity to conduct the tasting.

This act is identical to SB 451 (2009) and HB 1367 (2010).

SUSAN HENDERSON MOORE

02/18/2010 S First Read--SB 967-Cunningham (S361)

02/23/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 968 \*\*\*

5119S.011

SENATE SPONSOR: Stouffer

SB 968 - Under the current requirements for a concealed carry endorsement, an applicant must be at least twenty-three years of age. This act lowers the age requirement to twenty-one years of age.

SUSAN HENDERSON MOORE

02/18/2010 S First Read--SB 968-Stouffer (S361)

02/23/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 969 \*\*\*

4785S.041

SENATE SPONSOR: Keaveny

SB 969 – This act modifies school attendance requirements.

ATTENDANCE AGE FOR ST. LOUIS AND KANSAS CITY SCHOOL DISTRICTS: This act changes the age at which a child must begin attending school in the St. Louis City School District and Kansas City School District from age seven to age five. If the child's parent or legal guardian determines that the child is not ready to attend kindergarten, he or she may enroll the child in an accredited preschool program operating in the school district after providing notification to the school district. This change will begin in the 2011-2012 school year. (Section 167.031)

START DATES FOR KINDERGARTEN: This act allows a school district to offer, by majority vote of the school board, two start dates for kindergarten. One start date must occur on the normal starting date for the district and the other must occur approximately halfway through the year. The school district may group children according to their date of birth. In addition, school districts must allow parents to have their child start kindergarten on the start date of their choice. A district that adopts a second start date for kindergarten students will not lose eligibility to receive state aid regardless of the timing or number of days of actual pupil attendance. A child who begins kindergarten on a second start date in the school year may be promoted to first grade the next school year if the student's teacher and principal find that the student is adequately prepared. The student's parent or legal guardian may request that the student remain in kindergarten for an additional year. (Section 171.017)

MICHAEL RUFF

02/18/2010 S First Read--SB 969-Keaveny (S361)

02/23/2010 Second Read and Referred S Education Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 970 \*\*\*

5115S.011

SENATE SPONSOR: Lembke

SB 970 - This act exempts transportation management companies, and their subcontractors, who contract with the state from regulations promulgated by the Regional Taxicab Commission.

STEPHEN WITTE

02/18/2010 S First Read--SB 970-Lembke (S361)

02/23/2010 Second Read and Referred S Transportation Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 971 \*\*\*

4886S.011

SENATE SPONSOR: Lembke

SB 971 - This act requires the Department of Health and Senior Services to make publicly available on its website, resources relating to umbilical cord blood that have been developed by the Parent's Guide to Cord Blood Foundation. Such resources include an explanation of the potential value and uses of umbilical cord blood, including cord blood cells and stem cells, and the various options for storing cord blood. The full details of the information to be included is listed in the act.

Beginning October 1, 2010, every licensed physician who provides obstetrical or gynecological care to a pregnant woman shall, prior to the third trimester of pregnancy or, if later, at the first visit of such pregnant woman to the physician, make available to the patient information developed by the Parent's Guide to Cord

Blood Foundation required to be posted on the Department of Health and Senior Services website.

ADRIANE CROUSE

02/18/2010 S First Read--SB 971-Lembke (S361)

02/23/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S397)

EFFECTIVE: August 28, 2010

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\*\*\* SB 972 \*\*\*

5146S.02I

SENATE SPONSOR: Dempsey

SB 972 - This act allows an enrollee participating in a health benefit plan to receive documents and materials from a managed care entity in printed or electronic form so long as such documents are readily accessible in printed form upon request. Such requested printed material shall be provided to the enrollee within fifteen business days. This act also allows health maintenance organizations to provide the required disclosure information online unless a paper copy is requested by the enrollee. Such requested paper copy shall be provided to the enrollee within 15 business days.

ADRIANE CROUSE

02/18/2010 S First Read--SB 972-Dempsey (S361-362)

02/23/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S397)

03/02/2010 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

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\*\*\* SB 973 \*\*\*

5193S.02I

SENATE SPONSOR: Ridgeway

SB 973 – This act exempts sales of sporting clays, wobble, skeet, and trap targets to shooting ranges and similar places of business used in the ordinary course of business by such shooting range or business. The act also creates a state and local sales and use tax exemption for money received from patrons by a shooting range or similar place of business to be held by such shooting range for redistribution to patrons at the conclusion of a shooting event.

JASON ZAMKUS

02/22/2010 S First Read--SB 973-Ridgeway, et al (S380)

02/23/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S397)

EFFECTIVE: August 28, 2010

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\*\*\* SB 974 \*\*\*

5010S.01I

SENATE SPONSOR: Mayer

SB 974 - This act designates a portion of Highway 80 in New Madrid County as the "Gene Curtis Memorial Highway".

The act is identical to HB 1310 (2010).

STEPHEN WITTE

02/22/2010 S First Read--SB 974-Mayer (S380)

02/23/2010 Second Read and Referred S Transportation Committee (S397)

EFFECTIVE: August 28, 2010

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\*\*\* SB 975 \*\*\*

5177S.01I

SENATE SPONSOR: Schaefer

SB 975 - This act requires all participants in the death certification and registration process, including the state registrar, local registrars, health departments, medical examiners, coroners, or funeral directors to use an electronic death registration system within 24 months of the system being certified by the Department of Health and Senior Services to be operational and available through high-speed internet access to all participants in the death registration process.

The State Registrar may adopt pilot programs or voluntary electronic death registration programs until



such time as the system can be certified. However, no such pilot or voluntary program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under current law.

ADRIANE CROUSE

02/22/2010 S First Read--SB 975-Schaefer (S380)

02/23/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S397)

EFFECTIVE: August 28, 2010

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\*\*\* SB 976 \*\*\*

5184S.011

SENATE SPONSOR: Rupp

SB 976 – This act creates the Race to the Top Fund, in which all funds received from the federal government through the Race to the Top Program will be deposited. Prior to the distribution of any such funds, the Commissioner of Education must appear before the Joint Committee on Education and present the proposed distribution of funds. The Joint Committee must approve or deny, by majority vote, the Commissioner's proposed distribution.

This act contains an emergency clause.

MICHAEL RUFF

02/22/2010 S First Read--SB 976-Rupp (S380)

02/23/2010 Second Read and Referred S General Laws Committee (S397)

EFFECTIVE: Emergency Clause

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\*\*\* SB 977 \*\*\*

5189S.011

SENATE SPONSOR: Rupp

SB 977 - This act requires courts to not make any case seeking a protective order publicly available in electronic format through a public index or single case display, unless a full order of protection has been granted by the court.

EMILY KALMER

02/22/2010 S First Read--SB 977-Rupp (S380)

02/23/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S397)

EFFECTIVE: August 28, 2010

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\*\*\* SB 978 \*\*\*

5091S.021

SENATE SPONSOR: Rupp

SB 978 - This act amends the "Insurers Supervision, Rehabilitation and Liquidation Act" (Sections 375.1150 to 375.1246), to provide for the treatment of qualified financial contracts in insurance insolvency proceedings. The central purpose of the act is to increase certainty of insurers and their creditors with respect to the enforceability of certain financial market transactions and related netting agreements in the event of an insurer insolvency. To accomplish this, this act adopts certain termination, netting, and liquidation provisions applicable to derivative transactions that are contained in the latest version of the NAIC Insurance Receivership Model Act (IRMA).

The act provides definitions for specific types of financial contracts commonly used in the financial markets, including commodity contracts, forward contracts, qualified financial contracts, and the related netting agreements. As defined in this act, "qualified financial contracts" encompass a range of commonly traded financial market contracts, including over-the counter and exchange traded derivatives, such as swap agreements, forward contracts, securities contracts, repurchase (repo) agreements, and commodity contracts. The act also provides a definition for the term "netting agreement". A "netting agreement" is defined, based upon IRMA, as a contract or agreement that documents one or more transactions between the parties for or involving one or more qualified financial contracts and that provides for the netting or liquidation of qualified financial contracts or present or future payment obligations or payment entitlements thereunder (Section 375.1152).

The act provides for the enforcement and recognition of the contractual rights of the insurer's counterparties under qualified financial contracts, netting agreements, and related security agreements to

terminate, accelerate, and close out such contracts, to offset and net off obligations owing under such contracts, and to enforce any security rights under such agreements, free of any stay or prohibition that might otherwise apply under a delinquency proceeding (subsection 3 of Section 375.1155 and subsection 1 of Section 375.1191).

This act provides for the transfer of any net or settlement amount owing under a qualified financial contract by the nondefaulting party to the insurer to the receiver. If netting results in an amount owing to the insurer, this provision confirms that the receiver steps into the "insurer's shoes" as to that net amount (subsection 2 of Section 375.1191).

The act provides for the transfer of all netting agreements and qualified financial contracts between an insurer and a single counterparty and its affiliates together if a bulk transfer of insurer liabilities or contracts is made by the receiver (subsections 3 and 4 of Section 375.1191).

This act provides for validation of payments and transfers of money and property under netting agreements and qualified financial contracts made prior to the commencement of a formal delinquency proceeding, unless such transfers were made with actual intent to hinder, delay or defraud the insurer, the receiver appointed for the insurer, or other creditors (subsection 5 of Section 375.1191).

This act provides that if the receiver disaffirms or repudiates any qualified financial contracts or netting agreements with a counterparty, the receiver must disaffirm or repudiate all such contracts (subsection 6 of Section 375.1191). The act also establishes the amount of the counterparty's claim in the event of disaffirmance or repudiations. The amount of a claim for damages shall be actual direct compensatory damages as of the date of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract.

STEPHEN WITTE

02/22/2010 S First Read--SB 978-Rupp (S380)

02/23/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 979 \*\*\*

5161S.011

SENATE SPONSOR: Rupp

SB 979 - Under this act, no insurance company shall issue any policy of long-term care insurance in this state, unless the classification of risks and the premium rates pertaining to such policy have been filed with and approved by the director.

Under the terms of the act, rates for long-term care insurance shall not be excessive, inadequate, or unfairly discriminatory. Rates charged to any group shall not increase by more than 15% during any annual period, unless the insurer can clearly document a material and significant change in the risk characteristics of the group. When formulating rates for long-term care insurance, consideration shall be given to:

- (1) Past and prospective loss experience;
- (2) Past and prospective expenses;
- (3) Adequate contingency reserves; and
- (4) All other relevant factors within and without the state.

The director shall approve or disapprove a rate filing within 45 days after the filing. The failure of the director to take action approving or disapproving a submitted rate filing within the stipulated time shall be deemed an approval until such time as the director shall notify the submitting company of his or her disapproval. Reasons for disapproving a rate shall be stated in writing. Any notice of disapproval shall state that a hearing shall be granted, if requested by the insurer.

STEPHEN WITTE

02/22/2010 S First Read--SB 979-Rupp (S380)

02/23/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S397)

03/02/2010 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 980 \*\*\*

5197S.011

SENATE SPONSOR: Pearce

SB 980 – This act requires the Joint Committee on Education to conduct a study on the issue of voluntary prekindergarten in Missouri. The committee must prepare a final report with any recommendations for legislative action by December 1, 2010. The study should include the access that three and four year old children have to voluntary prekindergarten in Missouri; existing analyses of public and private funding strategies; and current research from other states on the impact of state early childhood education initiatives. This act also allows the Joint Committee to request reasonable staff assistance from the Coordinating Board for Early Childhood.

MICHAEL RUFF

02/22/2010 S First Read--SB 980-Pearce (S380)

02/23/2010 Second Read and Referred S Education Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 981 \*\*\*

5191S.011

SENATE SPONSOR: Callahan

SB 981 - This act allows the governing body of Kansas City to seek voter approval to impose a one-eighth, one-fourth, one-half, or three-fourths percent sales tax to provide revenues for public safety activities including operations and capital improvements, which may be funded by the issuance of bonds.

This act contains an emergency clause.

JASON ZAMKUS

02/22/2010 S First Read--SB 981-Callahan (S380)

02/23/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S397)

03/03/2010 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 982 \*\*\*

4714S.011

SENATE SPONSOR: Bray

SB 982 - 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 requires instruction on the dangers of sexual predators, including online predators as well as the effects of electronic media on sexuality and relationships.

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).

#### 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).

#### PATIENT PROTECTION

Upon receipt of a valid and lawful prescription or upon a lawful request for contraception approved for over-the-counter use, a licensed pharmacy shall dispense the prescribed drug or device without delay, consistent with the normal time frame for filling any other prescription and shall fulfill the request for the over-counter drug in a timely fashion.

When the customer requests a prescribed drug or device, or contraception approved for over-the-counter use, and such drug or device is not in stock, the pharmacy shall offer the customer the option of having the pharmacy obtain the contraception under the pharmacy's standard procedures for expediting ordering of any drug or device not in stock or the pharmacy may locate another pharmacy of the customer's choice or closest pharmacy that has the drug or device in stock and transfer the customer's prescription to that pharmacy, if necessary. The pharmacy shall perform the customer's chosen option in a timely fashion.

The pharmacy shall ensure that it does not intimidate, threaten, or harass its customers in the delivery of services.

Nothing in this act shall prohibit a licensed pharmacy from refusing to dispense a prescribed drug or device in accordance with standard pharmacy practice if there is a valid medical concern or if the customer is unable to pay for the drug or device. (SECTIONS 338.012 AND 338.014).

This act is similar to SB 696 (2010) and SB 329 (2009).

ADRIANE CROUSE

02/22/2010 S First Read--SB 982-Bray, et al (S380)

02/23/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S397)

EFFECTIVE: August 28, 2010

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\*\*\* SB 983 \*\*\*

5145S.011

SENATE SPONSOR: Bray

SB 983 - The act creates the Missouri Energy Efficiency Performance Standard. Electric companies and gas companies must implement energy efficiency programs that achieve certain percentages of energy savings over time. The percentages and timeframes are specified. After 2019, the Public Service Commission (PSC) must decide whether to increase the percentages of energy savings or maintain the levels in place at that time.

The PSC must promulgate rules for the Missouri Energy Efficiency Performance Standard within 9 months of the act's effective date. The rules must: require the companies to make energy consumption data available to customers upon request; specify how the companies must measure energy savings; require the use of third-party verifiers of the companies' energy savings; and allow the companies to earn a financial incentive for exceeding the energy savings minimums.

Within 6 months of the PSC's promulgation of rules, every electric and gas company must submit an energy efficiency plan, to be submitted on a biennial basis, which describes the energy efficiency and peak reduction programs the company plans to offer to its customers, and the associated costs of the programs. The PSC must approve or reject an energy efficiency plan within 120 days. The act specifies procedures for re-submittal of a plan in case of rejection.

Electric and gas companies must submit an annual report to the PSC detailing the energy savings

achieved during the reporting period, an estimate of the carbon dioxide emissions avoided by the energy savings, and energy efficiency expenditures. Municipal utilities and rural electric cooperatives must submit a similar annual report to their governing bodies. The PSC must report every 5 years on the status of the Missouri Energy Efficiency Performance Standard, its cost-effectiveness, its impact on employment, and offer recommended changes to the Standard, if any.

The PSC must assess a penalty on any electric or gas company that fails to achieve the required energy savings, which is \$100 per megawatt-hour of electricity savings not achieved or \$10 per million Btu of natural gas savings not achieved.

Distribution cooperative utilities and municipal utilities are also subject to the percentage requirements for energy savings and annual reporting requirements.

ERIKA JAQUES

02/22/2010 S First Read--SB 983-Bray (S380)

02/23/2010 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 984 \*\*\*

5143S.011

SENATE SPONSOR: Lembke

SB 984 - This act repeals the provision of law which makes it a Class B misdemeanor for any gaming licensee to exchange tokens, chips, or other forms of credit used on gambling games for anything of value other than as a wager on gambling games or an exchange of money.

This act is identical to House Bill 1994 (2010).

JASON ZAMKUS

02/22/2010 S First Read--SB 984-Lembke (S381)

02/23/2010 Second Read and Referred S Ways and Means Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 985 \*\*\*

5186S.011

SENATE SPONSOR: Goodman

SB 985 - This act modifies certain requirements about identification information in certain court pleadings, liens, notices of garnishment, and writs of sequestration.

Currently, any pleadings other than interlocutory or final judgments in divorce or legal separation cases filed prior to August 28, 2009, shall only be inspected by the parties, an attorney of record, upon order of the court, or in certain circumstances by the Family Support Division of DSS. The clerk is required to redact social security numbers from any judgment or pleading before releasing them to the public. This act modifies these requirements, so that they also apply to pleadings in modification proceedings filed prior to August 28, 2009, and so that licensed title insurers or their designees, will also be allowed to inspect the pleadings in these cases. Those people who are authorized to inspect the pleadings in these cases may also receive or make copies of documents without the clerk being required to redact the Social Security number, unless the court specifically orders the clerk to do otherwise. Also, the clerk will no longer be required to redact the Social Security number from pleadings from cases prior to August 28, 2009, but only from any copy of a judgment or satisfaction of judgment.

This section has an emergency clause.

Currently, real estate liens based on unpaid child support or maintenance must include the person's Social Security number. This act requires only the last four digits of the Social Security number on the lien.

This act also changes the requirement that notices of garnishment and writs of sequestration contain the federal taxpayer identification number of a judgment debtor. Only the last four digits of the debtor's federal taxpayer identification number will be required.

EMILY KALMER

02/22/2010 S First Read--SB 985-Goodman (S381)

02/23/2010 Second Read and Referred S General Laws Committee (S397)

03/02/2010 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 986 \*\*\*

5182S.011

SENATE SPONSOR: Barnitz

SB 986 - This act authorizes physical therapists to accept prescriptions for treatment from advanced practice registered nurses licensed in Missouri.

This act is similar to HB 1449 (2010).

EMILY KALMER

02/22/2010 S First Read--SB 986-Barnitz (S384)

02/23/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S397)

EFFECTIVE: August 28, 2010

\*\*\* SB 987 \*\*\*

5200S.011

SENATE SPONSOR: Stouffer

SB 987 - Under current law, the University of Missouri Board of Curators is given authority to award funds for research projects to advance knowledge of spinal cord injuries and congenital or acquired disease processes. This act increases the statutory award amount per project from \$50,000 to \$250,000 per project.

ADRIANE CROUSE

02/22/2010 S First Read--SB 987-Stouffer (S385)

02/23/2010 Second Read and Referred S Education Committee (S397)

03/03/2010 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 988 \*\*\*

5192S.011

SENATE SPONSOR: Shoemyer

SB 988 - The Department of Natural Resources must maintain a registry of composting facilities in the state. The registry must be posted on the department's website along with certain educational information and the public must be able to use the website to identify the locations of composting facilities around the state.

Composting facilities must register with the Department. The registration is valid for one year, and then must be renewed on an annual basis as long as the facility remains in operation.

Registered composting facilities must pay an annual fee based on the size of its facility and any affiliated transfer compost facility: less than 5 acres is \$500, in between 5 and 10 acres is \$1,000, and 10 acres or more is \$2,500. Composting facilities owned or operated by political subdivisions are exempt from the fee.

Registered composting facilities must submit an annual report to the Department documenting the amount of material collected, the amount of compost sold, and that the facility operates without creating a nuisance.

The act does not apply to agricultural composting facilities or to residential composting facilities where the resulting compost is intended for personal use only.

The act is similar to HB 1871 (2010).

ERIKA JAQUES

02/23/2010 S First Read--SB 988-Shoemyer and Clemens (S392)

02/25/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S443)

03/03/2010 Hearing Scheduled S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 989 \*\*\*

5190S.011

SENATE SPONSOR: Shoemyer

SB 989 - Under current law, third class counties with township forms of government having a population of less than six thousand inhabitants may impose a one dollar per acre tax to fund road rock purchases. This act allows third class counties with township forms of government having a population of less than ten thousand inhabitants to impose such a tax.

JASON ZAMKUS

02/23/2010 S First Read--SB 989-Shoemyer (S392)

02/25/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 990 \*\*\*

5035S.021

SENATE SPONSOR: Scott

SB 990 - Current law contains a six-year sunset provision to the law requiring every child enrolling in kindergarten or first grade in a public elementary school to receive one comprehensive vision examination. This act reauthorizes the program pursuant to the sunset act and provides for the sunset of the program on June 30, 2020.

ADRIANE CROUSE

02/23/2010 S First Read--SB 990-Scott (S392)

02/25/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 991 \*\*\*

5039S.021

SENATE SPONSOR: Scott

SB 991 - This act eliminates, combines, and revises certain state boards, commissions, committees, and councils.

**GOVERNOR'S COUNCIL ON DISABILITY**

(Section 8.650, 37.735, 37.740, 37.745, 162.1000, 286.001, 286.005, 286.200, 286.205, 286.210)

The Governor's Council on Disability is moved from the Department of Labor and Industrial Relations to the Office of Administration.

**MISSOURI COMMUNITY SERVICE COMMISSION**

(Sections 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 207.023, 620.580, 620.582, 620.584, 620.586, 620.588, 620.590, 620.592)

This act codifies the assignment of the Missouri Community Service Commission to the Department of Economic Development. Also, currently, the Missouri Community Service Commission is required to have at least fifteen, but no more than twenty-five voting members. This act reduces the total possible number of voting members to fifteen.

**MISSOURI HEAD INJURY ADVISORY COUNCIL**

(Sections 162.1000, 190.176, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 304.028)

This act changes the name of the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council and codifies the transfer of 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 twenty-five to fifteen and eliminates the legislative members of the council. 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 administration of the renamed 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.

These sections are similar to SB 908 (2010).

MISSOURI STATE ADVISORY COUNCIL ON PAIN AND SYMPTOM MANAGEMENT  
(Sections 192.350, 192.352, 192.355)

This act eliminates the Missouri State Advisory Council on Pain and Symptom Management within the Department of Health and Senior Services.

PROFESSIONAL SERVICES PAYMENT COMMITTEE  
(Sections 208.153, 208.197)

This act eliminates the Professional Services Payment Committee which was required to develop and maintain the pay-for-performance guidelines for MO HealthNet.

MO RX PLAN ADVISORY COMMISSION  
(Sections 208.175, 208.792)

This act eliminates the MO Rx Plan Advisory Commission, which provided advice on the benefit design and operational policy of the Missouri Rx plan. The Drug Utilization Review Board is given the power to provide advice on guidelines, policies, and procedures of the Missouri Rx plan.

MO HEALTHNET OVERSIGHT COMMITTEE  
(Sections 208.195, 208.955)

This act eliminates the advisory committee appointed by the director of the Division of Family Services to provide technical advice regarding medical care for public assistance recipients and makes the MO Healthnet Oversight Committee serve as the medical care advisory committee to the Medicaid director. This act also eliminates the Comprehensive Entry Point System for Long-term Care Subcommittee of the MO Healthnet Oversight Committee.

COMMISSION ON THE SPECIAL HEALTH PSYCHOLOGICAL AND SOCIAL NEEDS OF MINORITY  
OLDER INDIVIDUALS  
(Sections 208.530, 208.533, 208.535, 210.496)

This act eliminates the Commission on the Special Health, Psychological, and Social Needs of Minority Older Individuals.

THOMAS HART BENTON HOMESTEAD MEMORIAL COMMISSION  
(Section 253.375)

This act eliminates the Thomas Hart Benton Memorial Commission, which was required to advise the division of state parks on the operation of the Thomas Hart Benton Memorial.

This section is similar to SB 645 (2010).

LOW-LEVEL RADIOACTIVE WASTE COMPACT ADVISORY COMMITTEE  
(Sections 260.372, 260.705, 260.720, 260.725, 260.735)

The Low-Level Radioactive Waste Compact Advisory Committee is eliminated and the Hazardous Waste Management Commission within the Department of Natural Resources will assume the duties of the committee.

STATE FAIR COMMISSION  
(Section 262.217)

This act modifies the eligibility requirements for two of the commissioners of the State Fair Commission. The governor may appoint either current members or past presidents of county or regional fair boards, or individuals active in tourism, to these two positions.

STATE BOARD OF CHIROPRACTIC EXAMINERS AND ACUPUNCTURISTS  
(Sections 191.400, 301.142, 324.001, 324.028, 324.475, 324.478, 324.481, 324.484, 324.487, 324.490, 324.493, 324.496, 324.499, 331.010, 331.020, 331.030, 331.032, 331.045, 331.050, 331.060, 331.070, 331.080, 331.085, 331.090, 331.110, 331.479, 331.481, 331.484, 331.487, 331.490, 331.493, 331.496, 331.499, 334.721, 376.423, 621.045)



Upon the Governor's appointment and the Senate's confirmation of two acupuncturist members of the new State Board of Chiropractic Examiners and Acupuncturists, the Acupuncturist Advisory Committee is eliminated. The new board assumes the duties of the Acupuncturist Advisory Committee. The board will have six members, three chiropractors, two acupuncturists, one of whom must also be a chiropractor, and one public member.

#### MOTORCYCLE SAFETY PROGRAM ADVISORY COMMITTEE (Section 302.136)

This act eliminates the Motorcycle Safety Program Advisory Committee which was established in the department of public safety to assist in the development and implementation of the motorcycle safety program.

#### ELEVATOR AND AMUSEMENT RIDE SAFETY BOARD (Sections 316.203, 316.204, 316.205, 316.210, 701.350, 701.353, 701.355, 701.377)

This act eliminates the Elevator Safety Board and gives its duties to the new Elevator and Amusement Ride Safety Board, which will have thirteen members. These members shall serve staggered five year terms and receive no compensation for their service, except for actual and necessary expenses.

Currently, the maximum fee for an elevator safety certificate is twenty-five dollars. This act provides that the maximum fee shall not exceed administrative costs.

#### MISSOURI FIRE EDUCATION TRUST FUND BOARD (Section 320.094)

This act eliminates the Missouri Fire Education Trust Fund which received forty percent of the money from the Fire Education Fund every fiscal year and the seven member board that administered the Missouri Fire Education Trust Fund.

#### MISSOURI FIRE SAFETY ADVISORY BOARD (Section 320.094, 320.205)

This act adds two members to the Missouri Fire Safety Advisory Board, one volunteer firefighter and one chief of a volunteer fire protection association. Programs and activities funded by the Fire Education Fund must be approved by the board. The five member Missouri Fire Education Commission that previously approved the programs and activities funded by the Fire Education Fund is eliminated.

#### INTERIOR DESIGN COUNCIL (Sections 324.028, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439)

This act eliminates the Interior Design Council and all of its powers and duties, along with the registration process for interior designers.

#### MISSOURI BOARD OF NURSING HOME ADMINISTRATORS (Sections 344.060, 660.010)

Currently, the director of the Department of Health and Senior Services appoints the members of the Missouri Board of Nursing Home Administrators. This act gives the Governor the authority to appoint the members of the Missouri Board of Nursing Home Administrators, with the advice and consent of the Senate.

#### STATE BANKING AND SAVINGS AND LOAN BOARD (Sections 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240)

This act combines the State Banking Board and the State Savings and Loan Commission into the State Banking and Savings and Loan Board. This board will have five members, two members with at least five years of bank management experience, one member with at least five years of experience managing a savings and loan association, and one member not involved in the administration of a financial institution. The members shall serve six year terms.

The hearing and appeal procedures for determinations dealing with savings and loan associations will be governed by the hearing and appeal process as it currently exists for state banks.

**BOARD OF FIRE AND PRIVATE INVESTIGATOR EXAMINERS**

(324.600, 324.603, 324.609, 324.624, 324.1100, 324.1102, 324.1108, 324.1110, 324.1112, 324.1116, 324.1124, 324.1126, 324.1130, 324.1132, 324.1134, 324.1140, 621.045)

This act combines the Board of Licensed Private Fire Investigator Examiners and the Board of Private Investigator Examiners into the Board of Fire and Private Investigator Examiners within the Division of Professional Registration. The board will have seven members, three members who have been actively engaged in the private investigation business for the past five years, one member who represents a private fire investigation agency, one member who represents the insurance industry, one representative of a professional fire investigation association, and one public member.

The act also repeals a doubly-enacted section which limited the private investigator licensing exemption for employees of a not-for-profit organization, or its affiliate or subsidiary, to employees who make and process requests on behalf of health care providers and facilities for employee criminal background information. The section that remains exempts employees of a not-for-profit organization, or its affiliate or subsidiary, whose investigatory activities are limited to making and processing requests for criminal history records and other background information from state, federal, or local databases.

**MISSOURI SEED CAPITAL INVESTMENT BOARD**

(Sections 620.638, 620.641, 620.644, 620.647, 620.650, 620.653)

This act eliminates the Missouri Seed Capital Investment Board and transfers its duties to the Missouri Technology Corporation.

**SUICIDE PREVENTION ADVISORY COMMITTEE**

(Sections 630.910, 630.915, 632.020)

This act eliminates the Suicide Prevention Advisory Committee within the Department of Mental Health and requires the Missouri Advisory Council for Comprehensive Psychiatric Services in the department to develop goals and objectives for suicide prevention, provide oversight for suicide prevention activities, and make information on suicide and mental health intervention models available to community groups implementing suicide prevention plans.

**ADVISORY COMMITTEE ON LEAD POISONING**

(Section 701.302)

This act eliminates the Advisory Committee on Lead Poisoning which was required to make recommendations to the governor and the general assembly on ways to eliminate and screen for lead poisoning, among other recommendations.

EMILY KALMER

02/23/2010 S First Read--SB 991-Scott (S392-393)

02/25/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S443)

03/01/2010 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 992 \*\*\*

5147S.011

SENATE SPONSOR: Clemens

SB 992 - The act creates the Missouri Farmland Trust. The Department of Agriculture is authorized to accept or acquire farmland in the state for the purpose of leasing the land to beginning farmers.

The act creates the Missouri Farmland Trust Advisory Board, which is made up of 5 persons appointed by the director of the Department of Agriculture. The board will provide recommendations to the Department of Agriculture on the farmland trust program, including applicants for land to be placed within the trust program and applicants to lease the farmland.

The Department of Agriculture shall administer a fund called the Missouri Farmland Trust Fund, created by the act. Monies from the fund may be used to make payments to counties in lieu of property taxes and to improve or maintain the land in the farmland trust.

ERIKA JAQUES

02/23/2010 S First Read--SB 992-Clemens (S393)

02/25/2010 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S443)

EFFECTIVE: August 28, 2010

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\*\*\* SB 993 \*\*\*

5183S.011

SENATE SPONSOR: Crowell

SB 993 - This act authorizes the Governor to convey state property located at the Veterans Home in Cape Girardeau to the City of Cape Girardeau. It also authorizes the Governor to convey a permanent easement and temporary construction easement on state property to the City of Cape Girardeau.

This act also authorizes the Governor to convey state property located at the Missouri Lottery Headquarters in Jefferson City to certain private property owners in order to vacate an easement.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

02/23/2010 S First Read--SB 993-Crowell (S393)

02/25/2010 Second Read and Referred S General Laws Committee (S443)

EFFECTIVE: Emergency Clause

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\*\*\* SB 994 \*\*\*

5074S.011

SENATE SPONSOR: Crowell

SB 994 - This act creates the Missouri Electrical Licensing Board to regulate and license electrical contractors. The board has eight members appointed by the governor, with the advice and consent of the Senate. Except for the initial members of the board, the members will serve four year terms. The board members may be reimbursed for expenses and receive compensation up to seventy dollars a day.

The Division of Professional Registration is authorized to administer the provisions of this act, set all applicable fees, approve certifying agencies for professions within the electrical industry, and negotiate reciprocity agreements with other states.

The act creates a statewide license for certain electrical contractors. The act does not apply to employees of an electric, gas, water, or railroad company, contractors who service the construction and maintenance of power lines or substations for an electrical utility, telecommunication company, radio or television broadcast stations, commercial mobile radio service providers, broadcast engineering contractors, and contractors who work with cabling infrastructure.

Electrical contractors operating in political subdivisions that do not require local licenses for contractors will not be required to have a state license. The state license for electrical contractors will allow the contractor to operate in any jurisdiction regardless of local licensing requirements.

Each electrical contracting firm is required to employ at least one licensed electrical contractor as a supervisor. The requirements that applicants must meet to be licensed by the state, include among other requirements: proof that the applicant has 500,000 dollars of insurance coverage, passing a national electrical assessment examination, and proof of a certain number of hours of practical experience.

The division is required to notify political subdivisions when an electrical contractor transfers employment from one company to another to check that all permits on the contractor's license are cleared.

The board is authorized to file a disciplinary complaint against contractors for specific violations. After the Administrative Hearing Commission finds that grounds for discipline are met, the board may place the contractor on probation, or suspend or revoke the contractor's license.

Any person or corporation who knowingly violates any provision of the act is guilty of a class B misdemeanor.

This act is similar to HB 1026 (2009).

EMILY KALMER

02/23/2010 S First Read--SB 994-Crowell (S393)

02/25/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 995 \*\*\*

4928S.011

SENATE SPONSOR: Justus

SB 995 - The director of the Department of Corrections is authorize to establish, as a three-year pilot program, a mental health assessment process.

Upon a motion filed by the prosecutor in a criminal case, the judge may request that an offender be placed in the Department of Corrections for 120 days for a mental health assessment and treatment if it appears the person has a mental disorder or illness. The offender must qualify for probation including community psychiatric rehabilitation programs and such probation must be appropriate and consistent with public safety for the offender to be eligible for placement. Before the judge rules on the motion, the victim shall be given the opportunity to be heard by the court. Upon recommendation of the court, the department shall determine the offender's eligibility for the mental health process.

Following the assessment and treatment period, an assessment report shall be sent to the court. The court, if appropriate, may release the offender on probation. The offender shall be supervised by a state probation officer, who will work with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation programs.

Persons convicted of certain serious offenses or any other offense where probation or parole is prohibited or persons found to be predatory sexual offenders are not eligible for probation under this act.

After three years, the directors of the Department of Corrections and Department of Mental Health shall jointly recommend to the Governor and General Assembly by December 31, 2013 on whether to expand the process statewide.

SUSAN HENDERSON MOORE

02/23/2010 S First Read--SB 995-Justus (S393)

02/25/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 996 \*\*\*

5178S.011

SENATE SPONSOR: Justus

SB 996 - This act authorizes the Children's Division of the Department of Social Services to license residential care facilities.

The authority of the Department of Health and Senior Services to issue licenses for residential care facilities, foster homes and child placing agencies is repealed.

This act also adds a definition for a foster family group home, which is a private residence providing care for seven to twelve children.

In addition, the definition of foster home is modified. Current law defines a foster home as a private residence providing care to children unattended by their parents and who are unrelated to the licensed operator of the home. The act adds language to this definition so a foster home is a residence that provides care to children removed from their own homes and includes children who are related to the licensed home operator.

This act also modifies current law to include the licensed operator's children in the maximum total of six children who can live in a foster home.

ADRIANE CROUSE

02/23/2010 S First Read--SB 996-Justus (S393)

02/25/2010 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 997 \*\*\*

5209S.011

SENATE SPONSOR: Scott

SB 997 – This act provides that an applicant for a substitute Missouri certificate of license to teach will not be precluded from receiving a certificate solely because he or she completed the required number of semester hours of credit at a post-secondary institution for religious or theological studies. The applicant must satisfy all other requirements for the certificate.

MICHAEL RUFF

02/24/2010 S First Read--SB 997-Scott and Shoemyer (S405)

02/25/2010 Second Read and Referred S Education Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 998 \*\*\*

4788S.011

SENATE SPONSOR: Schaefer

SB 998 - The act establishes the Uniform Premarital Agreement Act. A "premarital agreement" is defined as an agreement between spouses made in contemplation of marriage and to be effective upon marriage. The agreements are valid if made in writing and signed by both parties. This act allows the parties to contract in a premarital agreement as to any matter specified in the act and to any matter that is not in violation of public policy or any law imposing a criminal penalty. Some of the matters that prospective spouses can settle by agreement include:

- the rights and obligations of both parties with respect to property;
- the right to conduct any known transaction concerning property;
- the disposition of property at dissolution of the marriage, separation or death;
- the modification or elimination of spousal support; and
- the making of estate planning arrangements.

The right of a child to support shall not be adversely affected by a premarital agreement. The agreement becomes effective on the date of the marriage. The agreement is not enforceable if it is not entered voluntarily by the party against whom enforcement is sought. A spouse must fairly and reasonably disclose his or her property holdings and financial obligations. This act also specifies additional conditions that must be proven to avoid enforcement of the agreement, including if the execution of the agreement was not voluntary or if the terms were unconscionable.

This act is substantially similar to HB 274 (2009).

ADRIANE CROUSE

02/24/2010 S First Read--SB 998-Schaefer (S405)

02/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 999 \*\*\*

4997S.011

SENATE SPONSOR: Schaefer

SB 999 - This act modifies provisions of the enhanced enterprise zone program by creating a tax credit which will be available to taxpayers that establish a new business facility in a certified industrial zone approved or designated as an enhanced enterprise zone by the Department of Economic Development. Certified industrial zones are defined as any area of real property that encompasses at least one hundred acres which has been approved by the department as a certified site; has been found by ordinance of the governing body to be blighted; and is located in a census tract which has a poverty rate of at least twenty percent or for which the median income is less than the greater of eighty percent of the statewide median income or eighty percent of the metropolitan median income for the metropolitan statistical area in which the zone is located.

A taxpayer who receives tax credits for establishing a new business facility in a certified industrial zone cannot also receive tax credits from the new or expanded business facilities, enterprise zones, relocating a business to a distressed community, or Missouri Quality Jobs programs. To receive the tax credit, a taxpayer must employ at least two new individuals at the new business facility and invest at least one million during the taxable year in which the credit is claimed or at least ten million dollars in the aggregate for the new business facility. Tax credits may be issued over a period of up to ten years and will be equal to ten percent of the gross wages of each new employee at the facility and five percent of the investment made in the new business facility within an enhanced enterprise zone.

Taxpayers may receive the tax credit for an existing facility which expands if they invest at least one hundred thousand dollars and hire at least two additional employees during the tax year in which the credits are claimed. The tax credits must be claimed for the taxable year in which commencement of commercial operations occurs at the new business facility and for each of the following nine years in which the credit is issued. The credits cannot be carried forward, but are refundable and transferable provided that the sale price of such credits cannot be less than seventy-five percent of par value.

The Department of Economic Development must verify that an applicant does not owe any delinquent taxes penalties, fees, assessments, or insurance taxes prior to the issuance of any tax credits. Taxpayers who are delinquent between June 15th and July 1st will be given thirty days to satisfy such delinquency. Available credits will be applied to delinquencies and any remaining credits will be issued to the applicant.  
JASON ZAMKUS

02/24/2010 S First Read--SB 999-Schaefer (S405)

02/25/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 1000 \*\*\*

5211S.011

SENATE SPONSOR: Green

SB 1000 - This act provides that not more than specified amounts existing in twenty-three named funds shall be transferred from the named funds into the state general revenue fund before June 30, 2011.

JIM ERTLE

02/24/2010 S First Read--SB 1000-Green (S407)

02/25/2010 Second Read and Referred S Appropriations Committee (S443)

03/03/2010 Hearing Scheduled S Appropriations Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 1001 \*\*\*

5231S.011

SENATE SPONSOR: Griesheimer

SB 1001 - This act requires the Governor to annually issue a proclamation setting apart the first week of May as "Local Government Week" in Missouri.

SUSAN HENDERSON MOORE

02/24/2010 S First Read--SB 1001-Griesheimer (S407)

02/25/2010 Second Read and Referred S General Laws Committee (S443)

03/02/2010 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 1002 \*\*\*

4231S.021

SENATE SPONSOR: Wilson

SB 1002 - This act authorizes the establishment of the Kansas City Zoological District which may be composed of Jackson, Clay, Platte, and Cass Counties at the option of the voters of each such county. Upon voter approval, each member county will be authorized to levy a county-wide sales tax, not to exceed one quarter of one percent, for the benefit of the district. The district will be governed by a commission which will provide for the support of zoological activities within the member counties of the district. The commission must provide annual reports to the governing body of each member county, the Kansas City Board of Parks and Recreation, and the Friends of the Zoo, Inc. detailing the commission's operations and transactions. Administrative expenses of the district incurred during the first six months of existence will be covered by the counties comprising the district.

JASON ZAMKUS

02/24/2010 S First Read--SB 1002-Wilson (S407)

02/25/2010 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S443)

EFFECTIVE: August 28, 2010

\*\*\* SB 1003 \*\*\*

5061S.031

SENATE SPONSOR: Pearce

SB 1003 - This act specifies that the Board of Private Investigator Examiners may deny a request for a license to an applicant who has received a suspended imposition of sentence following a plea of guilty to a misdemeanor offense. The board shall consider evidence of the applicant's rehabilitation when considering whether to grant a license to the applicant.

The act adds an exemption from private investigator licensing for certified public accountants and employees of the certified public accountant and of the accounting firm who assist in investigatory activities.

The act also repeals a doubly-enacted section which limited the private investigator licensing exemption for employees of a not-for-profit organization, or its affiliate or subsidiary, to employees who make and process requests on behalf of health care providers and facilities for employee criminal background information. The section that remains exempts employees of a not-for-profit organization, or its affiliate or subsidiary, whose investigatory activities are limited to making and processing requests for criminal history records and other background information from state, federal, or local databases.

This act is similar to HB 1779 (2010).

EMILY KALMER

02/25/2010 S First Read--SB 1003-Pearce (S431)

EFFECTIVE: August 28, 2010

\*\*\* SB 1004 \*\*\*

5164S.011

SENATE SPONSOR: Schaefer

SB 1004 - Currently, the statute establishing the crime of endangering the welfare of a minor is known as "Hope's Law". This act renames it "Karra's and Jocelyn's Law".

Under this act, endangering the welfare of a child in the first degree is an unclassified felony with an authorized term of imprisonment not to exceed twenty years when the person when the person creates a substantial risk to the life of a child under the age of five by shaking him or her. Currently, such crime is a Class C felony, punishable by 1 to 7 years of imprisonment.

This act is similar to HB 2186 (2010).

SUSAN HENDERSON MOORE

02/25/2010 S First Read--SB 1004-Schaefer (S431)

EFFECTIVE: August 28, 2010

\*\*\* SB 1005 \*\*\*

5207S.011

SENATE SPONSOR: Schaefer

SB 1005 - This act specifies that an individual, who owns or leases private property and is claiming a justification of using protective force, may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter the property.

The owner or lessor of private property does not have a duty to retreat from such property.

Currently, a person commits the crime of unlawful possession of a firearm if he or she is a convicted felon possessing a firearm. This act would allow such persons to possess antique firearms.

The minimum age requirement for obtaining a concealed carry endorsement is lowered from 23 to 21 years of age. To process a change of address for a concealed carry endorsement, the sheriff of the new jurisdiction may charge a fee of not more than \$10. Also, a sheriff may charge a fee of not more than \$10 to change the name on an endorsement.

This act is identical to HB 1787 (2010).

SUSAN HENDERSON MOORE

02/25/2010 S First Read--SB 1005-Schaefer (S431)

EFFECTIVE: August 28, 2010

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\*\*\* SB 1006 \*\*\*

4862S.031

SENATE SPONSOR: Schaefer

SB 1006 - The act modifies provisions relating to water quality.

SECTION 341.230 - Plumbing Code

By August 28, 2013, counties that contain any portion of a water body that runs through or borders a state park or national park must adopt a plumbing code. The code must be at least as stringent as a nationally recognized plumbing code. Agricultural buildings are exempt from having to comply with the plumbing code.

SECTION 640.011 - Transparency Policy

The Department of Natural Resources must carry out its duties with full transparency to the public and the public must be able to access any of the department's data in a timely fashion. The department must take a broad interpretation of the Missouri Sunshine Law and must respond accordingly to any request for information, regardless of the format in which the request is made.

SECTION 640.085 - Environmental Services Program

The Environmental Services Program currently under the Department of Natural Resources is transferred to the Department of Health and Senior Services, with the transfer to be complete as of June 30, 2012.

SECTION 640.100 - Public Drinking Water Laboratory Tests

Under current law, public water suppliers may request the Department of Natural Resources or the Department of Health and Senior Services to run lab tests of their water samples. The act removes the Department of Natural Resources from this provision. Additionally, current law requires analysis of drinking water samples to be conducted by the Department of Health and Senior Services laboratories, the Department of Natural Resources' laboratories, or other labs certified by the Department of Natural Resources. The act removes the Department of Natural Resources' laboratories and other labs certified by the department from the provision.

SECTION 640.128 - Notification of Public Health Risk

The Department of Natural Resources must immediately notify the local public health authority and the Department of Health and Senior Services if it receives water quality test results voluntarily submitted by a permitted entity that indicate a risk to public health.

SECTION 701.033 - Private Septic Systems

The act allows the Department of Health and Senior Services to provide technical assistance, guidance, and oversight to local authorities that administer and enforce individual on-site sewage disposal system standards. The Department may provide such assistance at the request of the local government or in any case where the Department determines that its intervention is necessary to prevent a violation of state law.

ERIKA JAQUES

02/25/2010 S First Read--SB 1006-Schaefer (S431)

EFFECTIVE: August 28, 2010

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\*\*\* SB 1007 \*\*\*

5096S.011

SENATE SPONSOR: Dempsey

SB 1007 - This act modifies provisions relating to public assistance programs administered by the state.

Current law requires reimbursement for services provided to an individual who is eligible for MO HealthNet, Medicare Part B, and Supplementary Medical Insurance to include payment in full of deductible and coinsurance amounts as determined by federal Medicare Part B provisions. This act exempts MO HealthNet from paying for the Medicare Part B deductible and coinsurance amounts for hospital outpatient services. Section 208.010

This act authorizes the Department of Social Services to require prepaid health plans to limit reimbursements to health care providers who are not contracted providers with the plan to 95 percent of the



MO HealthNet rate paid to enrolled providers for services to MO HealthNet participants who are not enrolled in a prepaid health plan. Section 208.166

This act requires both personal care assistance vendors and in-home services providers to use a telephone tracking system to review and certify the accuracy of reports of delivered services and to ensure more accurate billing. The requirements of the telephone tracking system are specified in the act. Vendors and providers with more than 150 consumers must have the system fully operational by July 1, 2011. Vendors and providers with 150 consumers or less must have the system fully operational by July 1, 2012. In order for vendors or provider agencies to obtain an agreement with the Department of Social Services, the vendor or agency must demonstrate the ability to implement the telephone tracking system.

Personal care assistance consumers shall be responsible for approving requests through the telephone tracking system and shall provide the vendor with necessary information to complete the required paperwork for establishing the employer identification number.

This act is substantially similar to provision in HB 1918 (2010).

ADRIANE CROUSE

02/25/2010 S First Read--SB 1007-Dempsey (S431)

EFFECTIVE: August 28, 2010

\*\*\* SB 1008 \*\*\*

5229S.011

SENATE SPONSOR: Bray

SB 1008 - This act updates the "Manufactured Home Installation Act" by requiring the installers of modular units to be licensed and regulated by the Public Service Commission. Persons installing modular units must obtain a valid installer license in order to conduct that type of business within Missouri. The installers of commercial and industrial noneducational single section modular units are exempt from the licensing requirements of the act.

STEPHEN WITTE

02/25/2010 S First Read--SB 1008-Bray (S431)

EFFECTIVE: August 28, 2010

\*\*\* SB 1009 \*\*\*

5212S.011

SENATE SPONSOR: Bray

SB 1009 - 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, 2011. 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, 2013, 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 hospital 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 308(2009).  
ADRIANE CROUSE

02/25/2010 S First Read--SB 1009-Bray (S431)

EFFECTIVE: August 28, 2010

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\*\*\* SB 1010 \*\*\*

5213S.011

SENATE SPONSOR: Bray

SB 1010 - 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 identical to SB 260 (2009).  
ADRIANE CROUSE

02/25/2010 S First Read--SB 1010-Bray (S431-432)

EFFECTIVE: August 28, 2010

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\*\*\* SB 1011 \*\*\*

4857S.021

SENATE SPONSOR: Griesheimer

SB 1011 - This act allows an additional percentage of property tax collections to be deducted and deposited into the assessment fund for any county or the City of St. Louis, if the state appropriation to offset expenses incurred by the assessor in performing duties which are necessary to assess and maintain equalized assessed valuations of property, is less than an amount equal to four dollars per parcel located within such city or county. The act provides a formula to ensure that the additional percentage, when coupled with the state appropriation, will equal four dollars per parcel located within such city or county.

JASON ZAMKUS

02/25/2010 S First Read--SB 1011-Griesheimer (S4342)

EFFECTIVE: August 28, 2010

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\*\*\* SB 1012 \*\*\*

5238S.011

SENATE SPONSOR: Lager

SB 1012 - The act requires that any water quality testing done for the purposes of administering the Missouri Clean Water Law or the federal Safe Drinking Water Act must be performed by the Department of Health and Senior Services' laboratory. The Department of Health and Senior Services must make the results of any water quality test available to the public within 48 hours of getting the results, regardless of the circumstances. If the water samples were collected by any entity other than the Department of Health and Senior Services, the Department must also transmit the test results to the collecting entity within 48 hours. If any test results indicate a potential risk to public health or the environment, the Department may work with the Department of Natural Resources to assess the risk and develop a strategy to address the water issue.

ERIKA JAQUES

02/25/2010 S First Read--SB 1012-Lager (S432)

EFFECTIVE: August 28, 2010

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\*\*\* SB 1013 \*\*\*

5234S.011

SENATE SPONSOR: Lembke

SB 1013 - 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.

This act is similar to SB 311 (2009) and SB 1077 (2008).

STEPHEN WITTE

02/25/2010 S First Read--SB 1013-Lembke (S432)

EFFECTIVE: August 28, 2010

\*\*\* SB 1014 \*\*\*

5235S.011

SENATE SPONSOR: Bartle

SB 1014 - Currently, the crime of child molestation in the first degree is a Class A felony if the person has previously committed a sexual offense under Chapter 566. Under this act, the penalty for such offense shall be the same when the person has committed a previous sexual offense in another jurisdiction equivalent to one under Chapter 566.

SUSAN HENDERSON MOORE

02/25/2010 S First Read--SB 1014-Bartle (S432)

EFFECTIVE: August 28, 2010

\*\*\* SB 1015 \*\*\*

5237S.011

SENATE SPONSOR: Clemens

SB 1015 - The act creates a state permit for individuals who sell items at farmer's markets in more than one local jurisdiction. The state permit is not required, but may be used to take the place of locally-required permits in those areas. The Department of Health and Senior Services must administer the permits and must have an on-line application process. The department may charge a processing fee not to exceed \$25 per application. Permits are valid for 3 years and may be renewed. The permit does not exempt the holder from complying with any other applicable food safety laws.

ERIKA JAQUES

02/25/2010 S First Read--SB 1015-Clemens (S432)

EFFECTIVE: August 28, 2010

\*\*\* SCR 31 \*\*\*

4273S.011

SENATE SPONSOR: Pearce

SCR 31 – 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 substantially similar to SCR 13 (2009) and to HCR 7 (2008).

MICHAEL RUFF

01/06/2010 S offered--SCR 31-Pearce (S82)

01/11/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S92)

02/23/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/23/2010 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

02/23/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S399)

02/24/2010 S adopted (S405 / H384-385)

02/24/2010 Reported to the House (H384-385)

EFFECTIVE: upon approval

\*\*\* SCR 32 \*\*\*

4147S.011

SENATE SPONSOR: Crowell

This bill has been combined with SCR 35

01/06/2010 S First Read--SCR 32-Crowell, et al (S82-83)

01/11/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S92)

01/19/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

01/26/2010 Bill Combined w/(SCS/SCRs 35 &amp; 32)

EFFECTIVE: upon approval

\*\*\* SCR 33 \*\*\*

4076S.011

SENATE SPONSOR: Nodler

SCR 33 - This concurrent resolution encourages the United States Congress to urge federal agencies to exercise regulatory forbearance with respect to well-managed community depositories including allowing such institutions to maintain lower levels of capital, restructure debts, and properly classify loans.

CHRIS HOGERTY

01/11/2010 S Offered--SCR 33-Nodler (S89-90)  
 01/12/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S101)  
 02/17/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/23/2010 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/23/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S399)  
 02/25/2010 Resolutions Calendar--SCR 33-Nodler

EFFECTIVE: upon approval

\*\*\* SCR 34 \*\*\*

4093S.011

SENATE SPONSOR: Lembke

SCR 34 - This concurrent resolution reaffirms Missouri's sovereignty under the Tenth Amendment and demands that the federal government stop all activities outside the scope of their constitutionally-delegated powers.

This concurrent resolution is similar to HCR 13 (2009).

EMILY KALMER

01/11/2010 S Offered--SCR 34-Lembke, et al (S90-91)  
 01/12/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S101)  
 02/02/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/16/2010 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/16/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S343)  
 02/25/2010 Resolutions Calendar--SCR 34-Lembke, et al

EFFECTIVE: upon approval

\*\*\* SCR 35 \*\*\* SCS SCR 35 &amp; 32

4145S.02C

SENATE SPONSOR: Stouffer

SCS/SCRs 35 & 32 - This resolution disapproves new values for agricultural and horticultural property filed with the Secretary of State's Office on December 21, 2009, by the State Tax Commission. The State Tax Commission is required to set the value for each of the eight grades of agricultural land based upon productive capability for use by county assessors to determine property tax liabilities.

Section 137.021, RSMo, authorizes the General Assembly to disapprove any regulation containing new agricultural land values by a concurrent resolution adopted within the first sixty calendar days of the session following promulgation of such regulation.

JASON ZAMKUS

01/12/2010 S First Read--SCR 35-Stouffer, et al (S101)  
 01/13/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S112)  
 01/19/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 01/26/2010 SCS Voted Do Pass (w/SCS/SCRs 35 & 32) S Rules, Joint Rules, Resolutions and Ethics Committee (4145S.02C)  
 01/27/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor w/SCS (S174-175)  
 01/28/2010 SA 1 to SCS S offered & adopted (Stouffer)--(4145S02.01S) (S180-181)  
 01/28/2010 SCS, as amended, S adopted (S181)  
 01/28/2010 S Third Read and Passed (S181 / H185-186)  
 02/01/2010 H First Read (H185-186)  
 02/02/2010 H Second Read (H195)  
 02/04/2010 Referred H Agri-Business Committee (H236)  
 02/09/2010 Hearing Conducted H Agri-Business Committee  
 02/09/2010 Voted Do Pass H Agri-Business Committee  
 02/09/2010 Reported Do Pass H Agri-Business Committee (H257)

02/09/2010 Referred to Rules Committee pursuant to Rule 25(32)(f) (H257)  
 02/11/2010 Hearing Conducted H Rules Committee  
 02/11/2010 Voted Do Pass H Rules Committee  
 02/11/2010 Reported Do Pass H Rules Committee (H287)  
 02/18/2010 H Third Read and Passed (H342-343 / S373)  
 02/18/2010 Truly Agreed To and Finally Passed (H342-343 / S373)  
 02/25/2010 Reported Duly Enrolled S Rules Committee (S438)  
 02/25/2010 Signed by Senate President (S438)  
 02/25/2010 Signed by House Speaker (H394)

EFFECTIVE: upon approval

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\*\*\* SCR 36 \*\*\*

3702S.011

SENATE SPONSOR: Schmitt

SCR 36 - This concurrent resolution urges Congress to pass a balanced budget amendment to the United States Constitution that would require a balance in the projected revenues and expenditures of the United States federal government when preparing and approving the annual budget.

SUSAN HENDERSON MOORE

01/13/2010 S Offered--SCR 36-Schmitt and Rupp (S108-109)  
 01/19/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S129)  
 01/26/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/02/2010 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/02/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S198)  
 02/08/2010 S adopted (S249 / H259-260)  
 02/09/2010 Reported to the House (H259-260)

EFFECTIVE: upon approval

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\*\*\* SCR 37 \*\*\*

4408S.01P

SENATE SPONSOR: Schmitt

SCR 37 - This concurrent resolution urges Attorney General Koster to join the 13 other state attorneys general from across the nation in thoroughly and immediately reviewing the constitutionality of the deal made by Nebraska Senator Ben Nelson permanently exempting Nebraska from bearing the costs of newly eligible Medicaid enrollees.

ADRIANE CROUSE

01/13/2010 S Offered--SCR 37-Schmitt (S109)  
 01/19/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S129)  
 01/26/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/02/2010 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/02/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S198)  
 02/08/2010 SA 1 S offered (Callahan)--(4408S01.02S) (S248)  
 02/08/2010 SSA 1 for SA 1 S offered & adopted (Schmitt)--(4408S01.03S) (S248)  
 02/08/2010 SCR, as amended, S adopted (S248-249 / H260)  
 02/09/2010 Reported to the House (H260)

EFFECTIVE: upon approval

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\*\*\* SCR 38 \*\*\*

4417S.011

SENATE SPONSOR: Rupp

SCR 38 - This concurrent resolution rescinds Missouri's 1983 call for a constitutional convention.

This concurrent resolution is identical to SCR 10 (2009).  
 JASON ZAMKUS

01/13/2010 S Offered--SCR 38-Rupp (S109-110)  
 01/19/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S129)

EFFECTIVE: upon approval

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\*\*\* SCR 39 \*\*\*

4465S.021

SENATE SPONSOR: Schaefer

SCR 39 - This concurrent resolution urges Congress to designate the Liberty Memorial in Kansas City, Missouri as the National World War I Memorial.

EMILY KALMER

01/19/2010 S Offered--SCR 39-Schaefer (S126)

01/20/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S141)

EFFECTIVE: upon approval

\*\*\* SCR 40 \*\*\*

3087S.011

SENATE SPONSOR: Justus

SCR 40 - This resolution urges ratification of the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 3 (2009), SCR 28 (2008) and SCR 30 (2008).

ADRIANE CROUSE

01/20/2010 S First Read--SCR 40-Justus and Bray (S137-138)

01/25/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S165)

EFFECTIVE: upon approval

\*\*\* SCR 41 \*\*\*

4162S.011

SENATE SPONSOR: Schmitt

SCR 41 - This resolution creates the Joint Committee on Oversight of Federal Stimulus and Stabilization Funds. This committee shall oversee the distribution and utilization of federal stimulus and stabilization funds that are received by the state under the American Recovery and Reinvestment Act of 2009.

JIM ERTLE

01/20/2010 S Offered-SCR 41-Schmitt (S138-139)

01/25/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S165)

02/02/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/16/2010 Motion to vote bill do pass failed S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 42 \*\*\*

4350S.011

SENATE SPONSOR: Bray

SCR 42 - The resolution urges all state departments to provide public education about light pollution and to develop guidelines to address light pollution in state facilities. The resolution also encourages the director of the Department of Natural Resources to convene two stakeholder groups: one to study and report on certain societal impacts of light pollution, and the other to assist willing communities in creating starlight preserves around public lands where stargazing is deemed optimal. ERIKA JAKUES

SCA 1 - THIS AMENDMENT URGES THE DEPARTMENT OF NATURAL RESOURCES, RATHER THAN ALL STATE DEPARTMENTS, TO PROVIDE PUBLIC EDUCATION ON LIGHT POLLUTION AND DEVELOP GUIDELINES TO ADDRESS LIGHT POLLUTION IN NEW AND EXISTING STATE FACILITIES

01/20/2010 S Offered-SCR 42-Bray (S139)

01/25/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S165)

02/09/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/09/2010 Voted Do Pass (w/SCA 1) S Rules, Joint Rules, Resolutions and Ethics Committee (4350S01.01S)

02/09/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor w/SCA 1 (S262)

02/25/2010 Resolutions Calendar--SCR 42-Bray, with SCA 1

EFFECTIVE: upon approval

\*\*\* SCR 43 \*\*\*

4355S.011

SENATE SPONSOR: Schmitt

SCR 43 - This concurrent resolution urges Congress to designate the Liberty Memorial in Kansas City, Missouri as the National World War I Memorial.

EMILY KALMER

01/21/2010 S Offered--SCR 43-Schmitt, et al (S155-156)

01/25/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S165)

EFFECTIVE: upon approval

\*\*\* SCR 44 \*\*\*

4885S.011

SENATE SPONSOR: Justus

SCR 44 - This concurrent resolution expresses the support of the general assembly for the Military Readiness Enhancement Act, which would replace the "Don't Ask, Don't Tell" policy in the United States military with a policy of nondiscrimination on the basis of sexual orientation.

This resolution is similar to SCR 25 (2009).

EMILY KALMER

02/02/2010 S Offered--SCR 44-Justus and Bray (S195-196)

02/03/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S218)

02/09/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 45 \*\*\*

4247S.011

SENATE SPONSOR: Stouffer

SCR 45 - This concurrent resolution urges the United States Congress to continue to support the "Don't Ask Don't Tell" policy of the United States military.

EMILY KALMER

02/02/2010 S Offered--SCR 45-Stouffer (S196)

02/03/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S218)

02/09/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 46 \*\*\*

4739S.011

SENATE SPONSOR: Stouffer

SCR 46 - This resolution urges Congress not to enact cap and trade legislation and instead to develop legislation that encourages states to implement renewable energy portfolio standards.

ERIKA JAQUES

02/08/2010 S Offered--SCR 46-Stouffer (S234-235)

02/10/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S273)

02/16/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

02/23/2010 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

02/23/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S399)

02/25/2010 Resolutions Calendar--SCR 46-Stouffer

EFFECTIVE: upon approval

\*\*\* SCR 47 \*\*\*

4965S.021

SENATE SPONSOR: Engler

SCR 47 - This concurrent resolution authorizes the employment of an independent certified public accountant to perform an audit on the condition and performance of the accounts, functions, programs and management of the State Auditor's office. The independent C.P.A. shall make written report of his or her findings to the General Assembly, the Governor, and the State Auditor.

This resolution is similar to SCR 18 (2007) and SCR 20 (2005).

JIM ERTLE



02/11/2010 S Offered--SCR 47-Engler and Callahan (S309)  
 02/15/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S326)  
 02/23/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 48 \*\*\*

4927S.011

SENATE SPONSOR: Shields

SCR 48 - 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.

This resolution is similar to SCR 17 (2010).

JIM ERTLE

02/15/2010 S Offered--SCR 48-Shields (S321-322)  
 02/16/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S342)

EFFECTIVE: upon approval

\*\*\* SCR 49 \*\*\*

5093S.011

SENATE SPONSOR: Wright-Jones

SCR 49 - This resolution requests that the President and Congress take proactive steps to create jobs and provide fiscal relief to state and local governments.

JASON ZAMKUS

02/16/2010 S Offered--SCR 49-Wright-Jones (S330-331)  
 02/17/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S355)

EFFECTIVE: upon approval

\*\*\* SCR 50 \*\*\*

5208S.011

SENATE SPONSOR: Shoemyer

SCR 51 - This resolution urges the President and Congress to lift tariffs on die cast magnesium alloys from China and find a creative solution to protect the nation's lone magnesium producer and the United States die casting industry.

CHRIS HOGERTY

02/25/2010 S Offered--SCR 50-Shoemyer (S428-429)  
 02/25/2010 Resolutions--SCR 50-Shoemyer

EFFECTIVE: upon approval

\*\*\* SCR 51 \*\*\*

5199S.011

SENATE SPONSOR: Stouffer

SCR 51 - This Senate Concurrent Resolution urges Missouri's Congressional delegation to oppose funding the Missouri River Authorized Purposes Study. Under the resolution, the General Assembly further urges the United States Army Corps of Engineers to narrow the scope of the Missouri River Authorized Purposes Study to make it consistent with Congressional authority and to include Mississippi River navigation in any evaluation of the authorized purposes under the Missouri River Authorized Purposes Study.

STEPHEN WITTE

02/25/2010 S Offered--SCR 51-Stouffer (S429-430)  
 02/25/2010 Resolutions--SCR 51-Stouffer

EFFECTIVE: upon approval

\*\*\* SCR 52 \*\*\*

5059S.021

SENATE SPONSOR: Lager

SCR 52 - This resolution recognizes that tax refunds lawfully belong to the people and that the Governor and the Department of Revenue must ensure that income tax refunds are processed and returned in a timely

manner.

JASON ZAMKUS

02/25/2010 S Offered--SCR 52-Lager (S430-431)

02/25/2010 Resolutions--SCR 52-Lager

EFFECTIVE: upon approval

\*\*\* SJR 19 \*\*\*

3573S.011

SENATE SPONSOR: Bartle

SJR 19 - 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 2 (2009), SJR 31 (2008), SJR 1 (2007), SJR 24 (2006), SJR 11 (2005) and SJR 38 (2004)

STEPHEN WITTE

12/01/2009 Prefiled

01/06/2010 S First Read--SJR 19-Bartle (S80)

01/19/2010 Second Read and Referred S Transportation Committee (S132)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 20 \*\*\*

3566S.01P

SENATE SPONSOR: Bartle

SJR 20 - Upon voter approval, this constitutional amendment creates an exception to the prohibition against laws retrospective in operation by allowing any laws requiring persons to provide a DNA sample for analysis and inclusion in the DNA profiling system, to be applied retrospectively.

This act is similar to certain provisions of SS/SCS/SJR 34 & 30 (2008) and SS/SJR 3 (2009).

SUSAN HENDERSON MOORE

12/01/2009 Prefiled

01/06/2010 S First Read--SJR 20-Bartle (S80)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S132)

02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/08/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee

02/11/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S314)

02/17/2010 Perfected (S355)

02/17/2010 Reported Truly Perfected S Rules Committee (S355)

02/18/2010 Referred S Governmental Accountability and Fiscal Oversight Committee (S362)

02/25/2010 S Formal Calendar S Bills for Third Reading--SJR 20-Bartle (In Fiscal Oversight)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 21 \*\*\*

3571S.011

SENATE SPONSOR: Bartle

SJR 21 - 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), SJR 32 (2008), and SJR 1 (2009).

JASON ZAMKUS

12/01/2009 Prefiled  
01/06/2010 S First Read--SJR 21-Bartle (S80)  
01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S132)  
02/11/2010 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE: Upon Voter approval

\*\*\* SJR 22 \*\*\*

3082S.011

SENATE SPONSOR: Callahan

SJR 22 - This proposed constitutional amendment, if approved by voters, would allow for the creation of discrete tax-free or reduced-tax geographic districts for the purpose of promoting small business development to further economic development in such districts. No such district may maintain tax-favored status for a term longer than twenty-three years.

JASON ZAMKUS

12/01/2009 Prefiled  
01/06/2010 S First Read--SJR 22-Callahan (S81)  
01/19/2010 Second Read and Referred S Progress and Development Committee (S132)  
01/27/2010 Hearing Conducted S Progress and Development Committee  
02/03/2010 Voted Do Pass S Progress and Development Committee  
02/04/2010 Reported from S Progress and Development Committee to Floor (S226)  
02/15/2010 Bill Placed on Informal Calendar (S323)  
02/25/2010 S Informal Calendar S Bills for Perfection--SJR 22-Callahan

EFFECTIVE: Upon Voter approval

\*\*\* SJR 23 \*\*\*

3198S.021

SENATE SPONSOR: Ridgeway

SJR 23 - Upon voter approval, this constitutional amendment provides for a penalty for political subdivisions participating in a public health insurance option sponsored by the federal government. If a political subdivision does so, such political subdivision shall be ineligible to receive any state funds, including any state funds otherwise constitutionally dedicated toward such political subdivision.

Beginning the first calendar quarter following adoption of this amendment, and annually thereafter, each political subdivision that provides health insurance to its employees shall verify with the commissioner of the office of administration whether or not it participates in the public option. The commissioner shall collect and compile the information and make it available to the public.

ADRIANE CROUSE

12/01/2009 Prefiled  
01/06/2010 S First Read--SJR 23-Ridgeway (S81)  
01/19/2010 Second Read and Referred S General Laws Committee (S132)  
01/26/2010 Hearing Conducted S General Laws Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 24 \*\*\*

3065S.011

SENATE SPONSOR: Wilson

SJR 24 - 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 14 (2009) and SJR 47 (2008).  
JASON ZAMKUS

12/01/2009 Prefiled  
01/06/2010 S First Read--SJR 24-Wilson (S81)  
01/19/2010 Second Read and Referred S Ways and Means Committee (S132)

EFFECTIVE: Upon voter approval

\*\*\* SJR 25 \*\*\*

3206S.011

SENATE SPONSOR: Cunningham

SCS/SJR 25 - Upon voter approval, this constitutional amendment provides that no law shall compel a patient, employer, or health care provider to participate in any government or privately run health care system, nor prohibit a patient or employer from paying directly for legal health care services.

This amendment does not affect laws or regulations in effect as of January 1, 2010, affect which health care services a health care provider is required to perform, affect which health care services are provided by law, or prohibit care provided under worker's compensation.

ADRIANE CROUSE

12/01/2009 Prefiled  
01/06/2010 S First Read--SJR 25-Cunningham, et al (S81)  
01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S132)  
01/28/2010 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee  
02/04/2010 SCS Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee (3206S.02C)

EFFECTIVE: Upon voter approval

\*\*\* SJR 26 \*\*\*

3705S.011

SENATE SPONSOR: Cunningham

SJR 26 - 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) and SJR 18 (2009).  
JASON ZAMKUS

12/01/2009 Prefiled  
01/06/2010 S First Read--SJR 26-Cunningham (S81)  
01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S132)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 27 \*\*\*

3092S.011

SENATE SPONSOR: Lembke

SJR 27 - This constitutional amendment, if approved by the voters, would modify the way in which Missouri supreme court judges, appellate judges, and circuit court and associate circuit court judges in certain counties are selected. These judges would be appointed by the Governor, but have no authority to act until confirmed by the Senate. If the Senate is in session when the Governor appoints the prospective judge and it is more than sixty days before the end of session, the Senate is required to vote on the appointment within sixty days. If the appointment is made in the last sixty days of the regular session, or prior to the veto session, the senate shall vote on the appointment at the veto session in September. If the appointment is

made after the September session, the senate shall vote on the appointment at the next regular session.

In addition to the retention election after the first year of each judge's term, each judge under this plan would be subject to a retention election after ten years in office.

EMILY KALMER

12/01/2009 Prefiled

01/06/2010 S First Read--SJR 27-Lembke (S81)

01/19/2010 Second Read and Referred S General Laws Committee (S132)

EFFECTIVE: Upon voter approval

\*\*\* SJR 28 \*\*\*

3091S.011

SENATE SPONSOR: Lembke

SJR 28 - Upon passage of this amendment, the Missouri Citizens' Commission on Compensation for Elected Officials" would no longer consider the issue of judicial compensation. Beginning January 1, 2011, Missouri supreme court judges shall receive seventy-five percent of the salary of an associate justice of the United States supreme court. Appellate judges would receive seventy-five percent of the salary of a United States circuit court judge. A circuit court judge and an associate circuit court judge would receive seventy-five percent of the salary of a United States district judge.

EMILY KALMER

12/01/2009 Prefiled

01/06/2010 S First Read--SJR 28-Lembke (S81)

01/19/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S132)

EFFECTIVE: Upon voter approval

\*\*\* SJR 29 \*\*\*

SCS SJR 29

4139S.03C

SENATE SPONSOR: Purgason

SCS/SJR 29 - Upon voter approval, this proposed constitutional amendment replaces the state individual and corporate income tax, the corporate and bank franchise tax and state sales and use tax with a tax on the sale, use, or consumption of taxable property and services equal to five and eleven-one hundredths percent beginning January 1, 2012. Component parts or ingredients of a new tangible personal property to be sold at retail, federal government purchases, and business-to-business transactions including agriculture will be exempt from the new tax while all other exemptions and tax credits will be eliminated. The enactment of any new exemptions will require a two-thirds affirmative vote by the General Assembly and approval by the Governor. The conservation sales tax, the soil and parks sales tax, and local sales taxes will be recalculated to produce substantially the same amount of revenue. Each qualified family will receive a sales tax rebate based on the federal poverty level guidelines to offset the sales tax on basic necessities.

The Tax Adjustment Commission is created to recommend a one-time adjustment to the new sales tax rate to ensure revenue-neutrality. A rate adjustment may only be recommended to the General Assembly upon a unanimous vote of the Commission. A concurrent resolution, offered in the house of representatives, must be adopted by both houses and sent to the Governor in order to make the one-time rate adjustment recommended by the Commission.

This act is similar to HJR 56 (2010).

JASON ZAMKUS

01/12/2010 S First Read--SJR 29-Purgason and Cunningham (S103)

01/19/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S132)

01/28/2010 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee

02/11/2010 SCS Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee (4139S.03C)

02/18/2010 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor w/SCS (S364)

02/24/2010 Bill Placed on Informal Calendar (S406)

02/25/2010 S Informal Calendar S Bills for Perfection--SJR 29-Purgason and Cunningham, with SCS

EFFECTIVE: Upon voter approval

\*\*\* SJR 30 \*\*\*

3904S.011

SENATE SPONSOR: Bartle

SCS/SJR 30 - This constitutional amendment, if approved by voters, would require that all state and local ballot measures seeking to create a new, or increase an existing, tax which are placed before voters during any other election than a general election receive approval by no less than sixty percent of the voters in order for such tax or increase to become effective.

JASON ZAMKUS

01/13/2010 S First Read--SJR 30-Bartle (S112)

01/19/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S132)

02/15/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

02/22/2010 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (3904S.02C)

EFFECTIVE: upon voter approval

\*\*\* SJR 31 \*\*\*

3472S.011

SENATE SPONSOR: Scott

SJR 31 - 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, clergy persons, and other individuals 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. Students shall not be compelled to participate in academic assignments that violate their religious beliefs. All public schools are required to display the Bill of Rights of the United States Constitution.

This section of the constitution shall not be construed to expand the rights of prisoners in state or local custody beyond those afforded by the laws of the United States.

This act is similar to SCS/SJR 12 (2009), SS/HJR 11 (2009), HJR 55 (2008), and HJR 19 (2007).

EMILY KALMER

01/13/2010 S First Read--SJR 31-Scott (S112)

01/19/2010 Second Read and Referred S General Laws Committee (S132)

01/26/2010 Hearing Conducted S General Laws Committee

02/09/2010 Voted Do Pass S General Laws Committee

02/11/2010 Reported from S General Laws Committee to Floor (S315)

02/22/2010 Taken up for Perfection (S381)

02/22/2010 Bill Placed on Informal Calendar (S381)

02/25/2010 S Informal Calendar S Bills for Perfection--SJR 31-Scott

EFFECTIVE: upon voter approval

\*\*\* SJR 32 \*\*\*

3988S.011

SENATE SPONSOR: Schmitt

SJR 32 - This constitutional amendment, if approved by voters, would require a two-thirds majority vote of both houses of the General Assembly to pass legislation which would create a new, or increase an existing,

state tax.

JASON ZAMKUS

01/20/2010 S First Read--SJR 32-Schmitt (S140)

01/25/2010 Second Read and Referred S Ways and Means Committee (S167)

EFFECTIVE: upon voter approval

\*\*\* SJR 33 \*\*\*

3453S.011

SENATE SPONSOR: Bartle

SJR 33 - Upon voter approval, this constitutional amendment would allow, in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age, evidence of prior criminal acts, whether charged or uncharged, to be admissible for the purpose of corroborating the victim's testimony or demonstrating the defendant's propensity to commit the crime with which he or she is presently charged.

SUSAN HENDERSON MOORE

01/20/2010 S First Read--SJR 33-Bartle (S140)

01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S167)

02/01/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/08/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee

02/11/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S314)

02/17/2010 SA 1 S offered (Callahan)--(3453S01.01F) (S355)

02/17/2010 Bill Placed on Informal Calendar (S355)

02/25/2010 S Informal Calendar S Bills for Perfection--SJR 33-Bartle, with SA 1 (pending)

EFFECTIVE: upon voter approval

\*\*\* SJR 34 \*\*\*

4524S.021

SENATE SPONSOR: Goodman

SJR 34 - Upon approval of the voters, this constitutional amendment requires the attorney general to seek appropriate relief on behalf of the state when the attorney general determines that a lawsuit is necessary and proper, or when the attorney general is directed to seek relief by the governor, the general assembly, or by a petition of the voters that expresses the belief that the federal government has taken steps that require the state or a state officer to enforce a federal law that is outside Congress's power and intrudes on state sovereignty.

The amendment also sets forth the procedure for the petition process for voter-directed lawsuits.

EMILY KALMER

01/21/2010 S First Read--SJR 34-Goodman, et al (S156)

01/25/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S167)

02/08/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

02/22/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 35 \*\*\*

4602S.011

SENATE SPONSOR: Lager

SJR 35 - 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 13 (2009) and SJR 50 (2008).

JASON ZAMKUS

01/21/2010 S First Read--SJR 35-Lager (S157)

01/25/2010 Second Read and Referred S Ways and Means Committee (S167)

EFFECTIVE: Upon voter approval

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\*\*\* SJR 36 \*\*\*

4399S.011

SENATE SPONSOR: Lager

SJR 36 - 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 6 (2009) and SJR 19 (2007).

JIM ERTLE

01/21/2010 S First Read--SJR 36-Lager (S157)

01/25/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S167)

EFFECTIVE: Upon voter approval

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\*\*\* SJR 37 \*\*\*

4214S.011

SENATE SPONSOR: Ridgeway

SJR 37 - Upon voter approval, this proposed constitutional amendment replaces the state individual and corporate income tax, the corporate and bank franchise tax and state sales and use tax with a tax on the sale, use, or consumption of new tangible personal property and taxable services equal to five and eleven-one hundredths percent beginning January 1, 2012. Component parts or ingredients of a new tangible personal property to be sold at retail, federal government purchases, and business-to-business transactions including agriculture will be exempt from the new tax while all other exemptions and tax credits will be eliminated. The enactment of any new exemptions will require a two-thirds affirmative vote by the General Assembly and approval by the Governor. The conservation sales tax, the soil and parks sales tax, and local sales taxes will be recalculated to produce substantially the same amount of revenue. Each qualified family will receive a sales tax rebate based on the federal poverty level guidelines to offset the sales tax on basic necessities.

The Tax Adjustment Commission is created to recommend a one-time adjustment to the new sales tax rate to ensure revenue-neutrality. A rate adjustment may only be recommended to the General Assembly upon a unanimous vote of the Commission. A concurrent resolution, offered in the house of representatives, must be adopted by both houses and sent to the Governor in order to make the one-time rate adjustment recommended by the Commission.

This act is identical to HJR 56 (2010).

JASON ZAMKUS

01/21/2010 S First Read--SJR 37-Ridgeway (S157)

01/25/2010 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee (S167)

EFFECTIVE: Upon voter approval

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\*\*\* SJR 38 \*\*\*

4179S.021

SENATE SPONSOR: Ridgeway

SJR 38 - Upon voter approval, the proposed constitutional amendment would require the legislative session to end in late March rather than the middle of May.

SUSAN HENDERSON MOORE

01/25/2010 S First Read--SJR 38-Ridgeway (S165)

01/28/2010 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S185)



02/22/2010 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 39 \*\*\*

4462S.011

SENATE SPONSOR: Crowell

SJR 39 – This constitutional amendment, if approved by voters, would modify the composition of the State Board of Education. The State Board of Education would consist of nine members, instead of the current eight. Six would be lay members with the remaining three consisting of one active classroom teacher, one active building principal, and one active school superintendent. No more than three of the lay members may be from the same political party. Their term of office will be four years, instead of the current eight, with one reappointment possible. The teacher, principal, and superintendent members would be eligible to serve one four-year term only.

MICHAEL RUFF

01/25/2010 S First Read--SJR 39-Crowell (S165)

01/28/2010 Second Read and Referred S Education Committee (S185)

02/10/2010 Hearing Conducted S Education Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 40 \*\*\*

4718S.011

SENATE SPONSOR: Goodman

SJR 40 - This constitutional amendment, if approved by the voters, would ensure the right of individuals to vote by secret ballot when state or federal law requires public elections for public office or on initiatives or referenda, or where state or federal law requires designations or authorizations of employee representation.

This resolution is identical to HJR 37 (2009).

CHRIS HOGERTY

SA 1 - REQUIRES A VOTE BY SECRET BALLOT FOR ANY VOTE TAKEN BY A BOARD OF DIRECTORS OF A CORPORATION.

01/27/2010 S First Read--SJR 40-Goodman (S174)

02/04/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S231)

02/09/2010 Hearing Conducted S Small Business, Insurance and Industry Committee

02/16/2010 Voted Do Pass S Small Business, Insurance and Industry Committee

02/18/2010 Reported from S Small Business, Insurance and Industry Committee to Floor (S365)

02/24/2010 SA 1 S offered (Callahan)--(4718S01.01F) (S406)

02/24/2010 Bill Placed on Informal Calendar (S406)

02/25/2010 S Informal Calendar S Bills for Perfection--SJR 40-Goodman, with SA 1 (pending)

EFFECTIVE: Upon voter approval

\*\*\* SJR 41 \*\*\*

4747S.011

SENATE SPONSOR: Lembke

01/27/2010 S First Read--SJR 41-Lembke (S174)

01/27/2010 Bill Withdrawn (S174)

\*\*\* SJR 42 \*\*\*

4790S.011

SENATE SPONSOR: Lembke

SJR 42 - 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.

This joint resolution is similar to SJR 11 (2009).

JASON ZAMKUS

02/01/2010 S First Read--SJR 42-Lembke (S189)

02/04/2010 Second Read and Referred S General Laws Committee (S231)

02/16/2010 Hearing Cancelled S General Laws Committee

EFFECTIVE: Upon voter approval

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\*\*\* SR 1400 \*\*\*

SENATE SPONSOR: Engler

01/20/2010 S Offered--SR 1400-Engler (S136-137)

01/21/2010 S adopted (S157)

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\*\*\* SR 1668 \*\*\*

1003SR.01

SENATE SPONSOR: Vogel

SR 1668 - This resolution allows the Jefferson City Rotary Club to the Senate Chamber.

JIM ERTLE

02/18/2010 S First Read (S360)

02/18/2010 S adopted (S360)

EFFECTIVE: upon approval

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\*\*\* SR 1669 \*\*\*

1001SR.01

SENATE SPONSOR: Vogel

SR 1669 - This resolution allows the Missouri Catholic Conference to use the Senate Chamber.

JIM ERTLE

02/18/2010 S First Read (S360)

02/18/2010 S adopted (S360)

EFFECTIVE: upon approval

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HCS/HBs 1311 & 1341 - This act enacts several provisions of law relating to the diagnosis and treatment of autism spectrum disorders.

LICENSING OF BEHAVIOR ANALYSTS, ASSISTANT BEHAVIOR ANALYSTS AND LINE THERAPISTS - The act establishes the Behavior Analyst Advisory Board under the State Committee of Psychologists within the Department of Insurance, Financial Institutions and Professional Registration to establish licensure and registration requirements for behavior analysts, assistance behavior analysts, and line therapists who provide applied behavior analysis therapies for children with autism spectrum disorders. The board shall consist of the following 7 members:

- 1) 3 licensed behavior analysts;
- 2) 1 licensed behavior analyst holding a doctoral degree;
- 3) 1 licensed behavior analyst;
- 4) 1 professional member of the committee; and
- 5) 1 public member.

Board members shall be appointed by the Governor with the advice and consent of the Senate. Board members shall serve 5 year terms. Board members must be residents of Missouri for a period of 1 year and be a registered voter. A board member must have been a licensed behavior analyst or licensed assistant behavior analyst in Missouri for at least 3 years prior to his or her appointment (does not apply to original board members).

The board must meet quarterly. Each member of the board shall receive compensation for their duties not to exceed \$50 a day.

The board is authorized to review licensure applications for behavior analysts, assistant behavior analysts, and line therapists. The board is authorized to review all complaints made relating to the practice of behavior analysis and make recommendations to the committee regarding any investigation of the complaint, referral for discipline, or other resolution of the complaint. The board may make recommendations to the committee rules pertaining to licensure, establishment of fees, grievance procedures, investigation procedures, and any other policies or procedures necessary to implement the licensure of behavior analysts. The committee shall make all final decisions regarding the board's recommendations on licensing, registration, complaint resolution, and other rules. Until the board is appointed, the committee shall review and resolve all applications for licensure as a licensed behavior analyst or licensed assistant behavior analyst.

The act establishes standards for an applied behavior analysis intervention. An applied behavior analysis intervention shall produce socially significant improvements in human behavior through skill acquisition, increase or decrease in behaviors under specific environmental conditions and the reduction of problematic behavior. An applied behavior analysis intervention shall:

- (1) Be based on empirical research and the identification of functional relations between behavior and environment, contextual factors, antecedent stimuli and reinforcement operations through the direct observation and measurement of behavior, arrangement of events and observation of effects on behavior, as well as other information gathering methods such as record review and interviews; and
- (2) Utilize changes and arrangements of contextual factors, antecedent stimuli, positive reinforcement, and other consequences to produce behavior change.

The act sets forth the requirements for persons desiring to practice as licensed behavior analysts (application form, fees, fingerprinting, examination requirements. The act sets forth similar requirements for persons wishing to practice as licensed assistant behavior analysts and line therapists.

The act authorizes the committee to issue temporary licenses to applicants for a behavior analyst licenses or assistant behavior analyst licenses upon receipt of complete applications for behavior analysts or assistant behavior analysts or a showing of valid licensure as behavior analysts in other states, only if such applicants have submitted fingerprints and no disqualifying criminal history appears on the family care safety

registry. Temporary licenses shall expire upon issuance of a license or denial of the application but no later than 90 days from issuance of the temporary license.

The act establishes various grounds for which the committee may refuse to issue or renew a license (controlled substance abuse, fraud, etc.). The act establishes the administrative hearing procedures for disciplining a person licensed under the act.

The act establishes procedures for obtaining provisional licenses for behavioral analysts, assistant behavioral analysts, and line therapists.

HEALTH INSURANCE COVERAGE FOR AUTISM - Under this act, health carriers that issue or renew group health benefit plans on or after January 1, 2011, must provide coverage for the diagnosis and treatment of autism spectrum disorders. The act painstakingly demarcates what constitutes an autism spectrum disorder and that which does not.

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 because the individual is diagnosed with an autism spectrum disorder (subsection 4).

The act sets forth the coverage limits for autism spectrum disorders. Coverage is limited to medically necessary treatment 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 pay claims. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment and goals.

Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to review the treatment plan not more than once every 3 months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary.

Coverage provided by the act for applied behavior analysis is subject to a maximum benefit of \$36,000 per year for individuals through 18 years of age (no coverage for applied behavior analysis is afforded to those 18 years of age or older).

Coverage under the act shall not be subject to any limits on the number of visits an individual may make to an autism service provider.

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. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, such as coordination of benefits, services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to the autism service providers except for line therapists; the person who is supervising an autism service provider who is also certified as a board certified behavior analyst and licensed by the state of Missouri; or any entity or group for whom such supervising person, who is certified as a board certified behavior analyst by the Behavior Analyst Certification Board, works or is associated.

If a request for qualifications is made by a health carrier of a person who is not licensed as an autism service provider, such person shall provide documented evidence of education and professional training, if any, in applied behavior analysis.

The provisions of act shall not automatically apply to health benefit plan individually underwritten, but shall be offered as an option to any such plan.

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, 2011:

- (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 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, 2011.

Under this act, health carriers are not be required to provide reimbursement for the services delivered by any school-based service.

Under the act, the director of the department of insurance must grant a small employer with a group health plan a waiver from the autism insurance mandate if the small employer demonstrates to the director by actual experience over any consecutive 12 month period that compliance with the autism mandate has increased the cost of the health insurance policy by an amount that results in a 2.5% over the period of a calendar year, in premium costs to the small employer.

The provisions of this act do not apply to the MO HealthNet program.

The act requires the department of insurance to submit a n annual report to the General Assembly regarding the implementation of the autism insurance mandate. The report shall include:

- (1) The total number of insureds diagnosed with autism spectrium disorder;
- (2) The total cost of all claims paid out in the immediately preceding calendar year for PDD;
- (3) The cost of such coverage per insured per month; and
- (4) The average cost per insured for coverage of applied behavior analysis.

The autism insurance mandate provisions of the act are similar to provisions contained in SB 618 (2010), SB 167 (2009), HB 2351 (2008), SB 1229 (2008), and SB 1122 (2008).

STEPHEN WITTE

12/02/2009 Prefiled (H)  
 01/06/2010 Read First Time (H) (H18)  
 01/07/2010 Read Second Time (H) (H41)  
 01/07/2010 Referred: Special Standing Committee on Health Insurance (H) (H42)  
 01/19/2010 Public Hearing Completed (H)  
 02/03/2010 Executive Session Completed (H)  
 02/03/2010 HCS Voted Do Pass (H)  
 02/03/2010 HCS Reported Do Pass (H) (H222)  
 02/03/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H222)  
 02/08/2010 Rules - Executive Session Completed (H)  
 02/08/2010 Rules - Voted Do Pass (H)  
 02/08/2010 Rules - Reported Do Pass (H) (H245)  
 02/16/2010 Taken Up for Perfection (H) (H310)  
 02/16/2010 Laid Over (H) (H310)  
 02/16/2010 Taken Up for Perfection (H) (H311)  
 02/16/2010 HCS Adopted (H) (H320)  
 02/16/2010 Perfected with Amendments (H) (H320)  
 02/17/2010 Referred: Fiscal Review (H)  
 02/18/2010 Voted Do Pass H Fiscal Review  
 02/18/2010 Reported Do Pass H Fiscal Review (H342)  
 02/18/2010 Third read and passed (H) (H344-345 / S374)  
 02/18/2010 S First Read--HCS for HBs 1311 & 1341 (S374)

EFFECTIVE: August 28, 2010

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\*\*\* HB 1377 \*\*\*

HCS HB 1377

3936L.05P

HOUSE HANDLER: Bandom

HCS/HB 1377 - This act relates to drug testing of state elected officials and work-eligible applicant and recipients of temporary assistance for needy families benefits.

This act requires all state elected officials to submit to chemical testing for determining drug content of the blood before taking office and once every two years thereafter. The person tested shall be responsible for the cost of the test, and upon request, will have access to the results.

To be considered valid, the test shall be administered according to methods approved by the Department of Health and Senior Services and shall be performed by licensed medical personnel. Refusal to take a drug test will be considered an admission of guilt, and the elected official will be subject to sanctions authorized by law. An official who tests positive for illegal drugs shall participate in a drug treatment program or face sanctions. Any state elected official who tests positive for drugs under this act shall be subject to any sanction authorized by law or rule of the respective official.

This act requires the Department of Social Services to develop a program to screen each work-eligible applicant or recipient of temporary assistance for needy families (TANF) benefits and then to test such applicant or recipient when the department has reasonable suspicion to believe, based on the screening, that such person engages in illegal use of controlled substances. Any applicant or recipient who refuses to participate in the testing process shall be declared ineligible for TANF benefits one year. 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 TANF benefits for a period of one year from the date of the administrative hearing decision.

Other members of a household which includes a person who has been declared ineligible for TANF benefits shall, if otherwise eligible, continue to receive TANF benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

By September 30, 2010, the department shall develop and begin enforcement of a policy regarding employees who fail to report suspected illegal drug use under the program or fraudulent reporting of total household size or income under TANF. Such employees in violation of the policy shall be subject to immediate termination of employment.

By July 1, 2011, the department shall promulgate rules to develop the screening and testing provisions of this section.

By July 1, 2011, the department shall track and report to the general assembly the total number of reported incidents of suspected illegal drug use, suspected fraudulent reporting of total household size and income, and total number of fraud TANF prosecutions.

This act is similar to SCS/SB 607 (2010), SCS/SB 73 (2009), similar to SB 1259 (2008).

ADRIANE CROUSE

12/15/2009 Prefiled (H)  
 01/06/2010 Read First Time (H) (H22)  
 01/07/2010 Read Second Time (H) (H41)  
 01/11/2010 Referred: Healthcare Transformation (H) (H48)  
 01/13/2010 Public Hearing Completed (H)  
 01/13/2010 Executive Session Completed (H)  
 01/13/2010 HCS Voted Do Pass (H)  
 01/14/2010 HCS Reported Do Pass (H) (H79)  
 01/14/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H79)  
 01/25/2010 Rules - Executive Session Completed (H)  
 01/25/2010 Rules - Voted Do Pass (H)  
 01/25/2010 Rules - Reported Do Pass (H) (H137)  
 02/02/2010 Taken Up for Perfection (H) (H201)  
 02/02/2010 Laid Over (H) (H201)  
 02/03/2010 Taken Up for Perfection (H) (H219)  
 02/03/2010 Laid Over (H) (H219)  
 02/04/2010 Taken Up for Perfection (H) (H234)  
 02/04/2010 HCS Adopted (H) (H234)

02/04/2010 Perfected with Amendments (H) (H235)  
 02/08/2010 Referred: Fiscal Review (H) (H244)  
 02/10/2010 Public Hearing Completed (H)  
 02/10/2010 Executive Session Completed (H)  
 02/10/2010 Reported Do Pass (H)  
 02/11/2010 Third read and passed (H) (H283-285 / S317)  
 02/11/2010 S First Read--HCS for HB 1377 (S317)

EFFECTIVE: August 28, 2010

\*\*\* HB 1442 \*\*\*

3380L.01P

SENATE SPONSOR: Nodler

HOUSE HANDLER: Jones

HB 1442 - Under current law the general city sales tax law allows cities to impose a 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. This act specifies that the combined rate of sales taxes adopted under the city sales tax law cannot exceed 2%.

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 act provides that the combined rate of sales taxes adopted under the capital improvement city sales tax law cannot exceed 1%.

The changes to the general city sales tax and capital improvements city sales tax law are 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. 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.

The act allows City of North Kansas City to seek voter approval to impose a transient guest tax of one-half of 1% per room, per night for the promotion of tourism and infrastructure improvements. The City of Grandview is authorized to impose, upon voter approval, a transient guest tax not to exceed 5% per room, per night for the promotion of tourism. The act also allows Montgomery County and the cities of Ashland and Sugar Creek to seek voter approval to impose a transient guest tax of between 2% and 5% per room, per night for the promotion of tourism.

JASON ZAMKUS

12/21/2009 Prefiled (H)  
 01/06/2010 Read First Time (H) (H26)  
 01/07/2010 Read Second Time (H) (H41)  
 01/11/2010 Referred: Special Standing Committee on General Laws (H) (H48)  
 01/20/2010 Public Hearing Completed (H)  
 01/20/2010 Executive Session Completed (H)  
 01/20/2010 Voted Do Pass (H)  
 01/20/2010 Reported Do Pass (H) (H116)  
 01/20/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H116)  
 01/25/2010 Rules - Executive Session Completed (H)  
 01/25/2010 Rules - Voted Do Pass (H)  
 01/25/2010 Rules - Reported Do Pass (H) (H137)  
 01/27/2010 Perfected with Amendments (H) (H166)  
 02/02/2010 Third Read and Passed (H) (H195-196 / S198)  
 02/02/2010 S First Read--HB 1442-Jones (89), et al (S198)  
 02/15/2010 Second Read and Referred S Ways and Means Committee (S326)

EFFECTIVE: August 28, 2010

\*\*\* HB 1497 \*\*\*

HCS HB 1497

4103L.03P

SENATE SPONSOR: Goodman

HOUSE HANDLER: Smith

HCS/HB 1497 - Currently, the Governor has statutory authority to fill vacancies until successors are elected for the office of United States Senator; various state and county offices filled by election; circuit attorney, prosecuting attorney, and assistant prosecuting attorney offices; and all statewide offices excluding

Lieutenant Governor. This act requires the Governor to fill all vacated statewide offices and the office of United States Senator by special election for the remainder of each respective term.

In the case of vacancies for Lieutenant Governor, Secretary of State, and Treasurer, the Governor shall take charge of the vacated office and superintend business until the successor is elected by special election. In the case of a vacancy in the office of Auditor and Attorney General, the Governor shall appoint an acting Auditor and Attorney General who shall take charge of the vacated office and superintend business until the successor is elected by special election.

If the Lieutenant Governor, Attorney General, Auditor, or Treasurer are impeached, such individuals shall be suspended until the impeachment is determined. If convicted, the Governor shall fill the vacancy by special election. Currently, in the case of the impeachment of the Secretary of State, the office shall be filled by appointment until impeachment is determined. If convicted, the Governor shall then fill the vacancy by special election.

This act is similar to SB 253 (2009) and HB 681 (2009).

CHRIS HOGERTY

01/04/2010 Prefiled (H)  
 01/06/2010 Read First Time (H) (H30)  
 01/07/2010 Read Second Time (H) (H41)  
 01/11/2010 Referred: Elections (H) (H48)  
 01/26/2010 Public Hearing Completed (H)  
 02/02/2010 Executive Session - No Action Taken  
 02/04/2010 Executive Session Completed (H)  
 02/04/2010 HCS Voted Do Pass (H)  
 02/04/2010 HCS Reported Do Pass (H) (H236)  
 02/04/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H236)  
 02/08/2010 Rules - Executive Session Completed (H)  
 02/08/2010 Rules - Reported Do Pass (H) (H245)  
 02/10/2010 HCS Adopted (H) (H269)  
 02/10/2010 Perfected (H) (H270)  
 02/10/2010 Referred: Fiscal Review (H) (H270)  
 02/15/2010 Public Hearing Completed (H)  
 02/15/2010 Executive Session Completed (H)  
 02/15/2010 Voted Do Pass (H)  
 02/15/2010 Reported Do Pass (H) (H298)  
 02/15/2010 Third Read and Passed (H) (H298-299 / S325)  
 02/15/2010 S First Read--HCS for HB 1497 (S325)

EFFECTIVE: August 28, 2010

\*\*\* HB 1498 \*\*\*

HCS HB 1498

3347L.03P

HOUSE HANDLER: Jones

HCS/HB 1498 - This act modifies Missouri's prompt pay law. The act provides a definition for the term "clean claim." The term clean claim is defined as a claim that has no defect, impropriety, lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment.

Under the proposed act, the definition of health carrier is modified to include self-insured health plans, to the extent allowed by federal law. Under the act, third-party contractors are also considered health carriers. The act also amends the definition of "request for additional information" to mean a health carrier's electronic or facsimile 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" and the use of such term in the prompt pay provision.

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 carrier or a third-party contractor within 48 hours. Within 30 processing days (current law allows 10 working days) after receipt of a filed claim by a health carrier, the carrier must send an electronic or facsimile notice of the status of the claim. The notice shall notify the claimant if the claim is a clean claim or whether the claim requires additional information from the claimant. If the claim is a clean claim, then the health carrier shall pay or deny the claim.



If the health carrier requests additional information, then the health carrier, within 10 processing days (current law is 15 days) must pay the claim, deny the claim, or make a final request for additional information. Within 5 processing days (current law is 15 days) after the day on which the health carrier receives the additional requested information in response to a final request for information, the health carrier shall pay the claim or deny 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% interest per month (current law) and a penalty in an amount equal to one percent of the claim per day. A health carrier may combine interest payments and make payment once the aggregate amount reaches \$100 (current law is \$5).

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 liability.

The act has an effective date of January 1, 2011. This act is similar to SB 636 (2010).

STEPHEN WITTE

01/04/2010 Prefiled (H)  
 01/06/2010 Read First Time (H) (H30)  
 01/07/2010 Read Second Time (H) (H41)  
 01/21/2010 Referred: Health Care Policy (H) (H125)  
 01/27/2010 Public Hearing Completed (H)  
 02/16/2010 Executive Session Completed (H)  
 02/16/2010 HCS Voted Do Pass (H)  
 02/16/2010 HCS Reported Do Pass (H) (H321)  
 02/16/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H321)  
 02/22/2010 Rules - Executive Session Completed (H)  
 02/22/2010 Rules - Voted Do Pass (H)  
 02/22/2010 Rules - Reported Do Pass (H) (H358)  
 02/24/2010 HCS Adopted (H)  
 02/24/2010 Perfected (H)  
 02/25/2010 Third Read and Passed (H) (S443)  
 02/25/2010 S First Read--HCS for HB 1498 (S443)

EFFECTIVE: January 1, 2011

\*\*\* HB 1540 \*\*\*

HCS HB 1540

4191L.06T

HOUSE HANDLER: Lipke

HCS/HB 1540 - This act modifies provisions relating to infractions.

This act makes various motor vehicle violations misdemeanor offenses of varying degrees, rather than infractions.

An infraction shall not constitute a crime and shall not give rise to any disability or legal disadvantage based upon conviction. The judicial procedure followed for infractions shall be the same as that followed for misdemeanors.

Under this act, if a defendant fails to appear in court for an infraction or fails to respond to notice of an infraction from the Central Violations Bureau, the court may issue a default judgment for court costs and fines unless the court finds good cause or excusable neglect for the failure to appear. The default judgment, along with the amount of fines and costs imposed, shall be sent to the defendant by first class mail. The default judgment may be set aside for good cause if the defendant files a motion to have the judgement set aside

within 30 days of the mailing. The judgement against the defendant shall include a fine and court costs authorized by law. Under any circumstance, a court may issue a warrant for failure to appear for any infraction violation.

Sections 556.021 and 556.022 shall become effective on January 1, 2012, and contain an emergency clause for certain provisions.

This act is identical to SCS/SB 738 (2010).

SUSAN HENDERSON MOORE

01/06/2010 Introduced and Read First Time (H) (H33)  
 01/07/2010 Read Second Time (H) (H41)  
 01/14/2010 Referred: Crime Prevention (H) (H79)  
 01/20/2010 Public Hearing Completed (H)  
 01/27/2010 Executive Session Completed (H)  
 01/27/2010 HCS Voted Do Pass (H)  
 02/03/2010 HCS Reported Do Pass (H) (H221)  
 02/03/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H221)  
 02/08/2010 Rules - Executive Session Completed (H)  
 02/08/2010 Rules - Voted Do Pass (H)  
 02/08/2010 Rules - Reported Do Pass (H) (H245)  
 02/10/2010 HCS Adopted (H) (H267)  
 02/10/2010 Perfected (H) (H268)  
 02/11/2010 Third read and passed (H) (H281-282 / S317)  
 02/11/2010 S First Read--HCS for HB 1540 (S317)  
 02/15/2010 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S326)  
 02/15/2010 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/15/2010 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/18/2010 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S363)  
 02/23/2010 SA 1 S offered (Rupp)--(4191L06.01S) (S394)  
 02/23/2010 Bill Placed on Informal Calendar (S395)  
 02/23/2010 SA 1 S adopted (S395)  
 02/23/2010 S Third Read and Passed, as amended - EC adopted (S395-396 / H385)  
 02/25/2010 H refuses to concur in SA 1 (H393 / S442)  
 02/25/2010 H requests S recede & take up and pass bill (H393 / S442)  
 02/25/2010 S recedes on SA 1 (S442 / H393)  
 02/25/2010 S Third Read and Passed - EC adopted (S442 / H393)  
 02/25/2010 Truly Agreed To and Finally Passed (w/EC) (S442 / H393)  
 02/25/2010 Signed by House Speaker (H393)  
 02/25/2010 Signed by Senate President (S447)  
 02/25/2010 Delivered to Governor (H393)  
 02/25/2010 Signed by Governor (H402-403)

EFFECTIVE: Varies

\*\*\* HB 1544 \*\*\*

SCS HCS HB 1544

4246S.04C

HOUSE HANDLER: Fisher

SCS/HCS/HB 1544 - This act would allow the state to continue to receive extended federal unemployment benefit funds until the week ending 4 weeks before the last week of unemployment for which one hundred percent federal sharing is available under federal law or March 3, 2011, whichever occurs first.

Individuals are allowed to participate in the shared work program for 52 weeks instead of the current cap of 26 weeks during the 12-month period of the shared work plan.

This act contains an emergency clause.

CHRIS HOGERTY

01/06/2010 Introduced and Read First Time (H) (H33)  
 01/07/2010 Read Second Time (H) (H41)  
 01/12/2010 Refer: Spec Stand Com on Workforce Dev & Workplace Safety(H) (H56)  
 01/19/2010 Public Hearing Completed (H)  
 01/19/2010 Executive Session Completed (H)  
 01/19/2010 HCS Voted Do Pass (H)

01/20/2010 HCS Reported Do Pass (H) (H116)  
 01/20/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H116)  
 01/25/2010 Rules - Executive Session Completed (H)  
 01/25/2010 Rules - Voted Do Pass (H)  
 01/25/2010 Rules - Reported Do Pass (H) (H137)  
 02/01/2010 HCS Adopted (H) (H183)  
 02/01/2010 Perfected (H) (H183)  
 02/02/2010 Third Read and Passed (H) (H196-197 / S198)  
 02/02/2010 Emergency Clause Adopted (H) (H197-198 / S198)  
 02/02/2010 S First Read--HCS for HB 1544 (S198)  
 02/08/2010 Second Read and Referred S Small Business, Insurance and Industry Committee (S247)  
 02/09/2010 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/16/2010 SCS Voted Do Pass S Small Business, Insurance and Industry Committee (4246S.04C)  
 02/25/2010 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS (S441)  
 02/25/2010 S Formal Calendar H Bills for Third Reading--HCS for HB 1544, with SCS

EFFECTIVE: Emergency Clause

\*\*\* HB 1675 \*\*\*

HCS HB 1675

4083L.03P

HOUSE HANDLER: Nolte

HCS HB 1675 Nolte, Jerry Nance, Bob et al

P E R F E C T E D

HCS HB 1675 -- MANUFACTURING JOBS ACT (Nolte)

COMMITTEE OF ORIGIN: Committee on International Law and Immigration

This substitute establishes the Manufacturing Jobs Act which provides incentives for qualified suppliers or manufacturing facilities that create or retain Missouri jobs. In its main provisions, the substitute:

(1) Defines a "qualified manufacturing facility" as a business which:

- (a) Manufactures goods in Missouri;
- (b) Derives more than 10% of its total sales revenues from goods produced at the facility which are ultimately exported outside the United States or that derives more than 20% of its total sales revenues from goods produced at the facility which are exported outside of Missouri;
- (c) Makes an additional capital investment of at least \$50,000 per full-time employee equivalent retained at the facility;
- (d) Manufactures a new product that has not been manufactured in Missouri by the company that owns the facility at any time prior to the date of the notice of intent; and
- (e) Continues to manufacture these goods for a period of at least five years from the date of the notice of intent;

(2) Defines "qualified supplier" as a company which:

- (a) Derives more than 10% of its total annual revenues from sales to a qualified manufacturing facility;
  - (b) Adds five or more new jobs;
  - (c) Pays wages for new jobs that are equal to or exceed the industry average wage for Missouri as determined by the Department of Economic Development using the National American Industry Classification System (NAICS) industry classifications; and
  - (d) Provides health insurance to employees and pays at least 50% of the insurance premiums;
- (3) Allows a qualified manufacturing facility, upon approval of a notice of intent by the department, to retain 50% of the withholding taxes from retained jobs for 10 years and also remain eligible to participate in the Missouri Quality Jobs Program if it meets its requirements. Qualified manufacturing facilities cannot simultaneously receive benefits from:

- (a) New or expanded business facilities (Sections 135.100 - 135.150, RSMo);
- (b) Enterprise zones (Sections 135.200 - 135.286);
- (c) Relocation of a business to a distressed community (Section 135.535); or
- (d) Rural empowerment zones (Sections 135.900 - 135.906);

(4) Specifies that if the facility is utilizing withholding taxes from the new jobs for any other state program, the taxes will first be credited to the other state program before they will begin to accrue to this program. If the facility is participating in the New Jobs Training Program, it cannot retain any withholding taxes that are already allocated for use in that program;

(5) Allows a qualified supplier, upon approval of a notice of intent by the department, to retain 100% of the withholding taxes from new jobs for three years. If the qualified supplier pays wages for the new jobs that are equal to or greater than 120% of the industry average wage for Missouri as determined by the department using NAICS industry classifications, it can retain the withholding taxes for five years;

(6) Requires the department to respond with an approval or rejection within 30 days to a qualified

manufacturing facility or qualified supplier who provides a notice of intent to receive benefits under this program. Failure of the department to respond will result in the notice of intent being deemed an approval;

(7) Specifies that any taxpayer who is awarded benefits under this program and knowingly hires individuals who are not allowed to work legally in the United States will immediately forfeit these benefits and repay the state an amount equal to any withholding taxes already retained;

(8) Requires a qualified manufacturing facility or qualified supplier that fails to comply with the provisions of the program to repay all benefits previously obtained from the state with an interest of 5% per year from the date the benefit was originally received;

(9) Requires the department to submit an annual report by March 1 to the General Assembly with information on the participating facilities and suppliers, the amount of benefits provided, the net state fiscal impact, and the number of new and retained jobs;

(10) Limits the aggregate amount of retained withholding taxes authorized under the program to \$35 million per year; and

(11) Specifies that taxpayers awarded benefits under the program will not be required to obtain affidavits from subcontractors regarding the employment of illegal immigrants.

The provisions of the substitute will expire six years from the effective date.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$99,259 to \$35,099,259 in FY 2011, \$108,949 to \$35,108,949 in FY 2012, and \$112,217 to \$35,112,217 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

01/14/2010 Introduced and Read First Time (H) (H83)  
 01/19/2010 Read Second Time (H) (H90)  
 01/21/2010 Referred: International Trade and Immigration (H) (H125)  
 01/27/2010 Public Hearing Completed (H)  
 02/04/2010 Executive Session Completed (H)  
 02/04/2010 HCS Voted Do Pass (H)  
 02/08/2010 HCS Reported Do Pass (H) (H245)  
 02/08/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H245)  
 02/11/2010 Rules - Executive Session Completed (H)  
 02/11/2010 Rules - Voted Do Pass (H)  
 02/11/2010 Rules - Reported Do Pass (H) (H287)  
 02/16/2010 HCS Adopted (H) (H309)  
 02/16/2010 Perfected with Amendments (H) (H309)  
 02/16/2010 Referred: Fiscal Review (H) (H321)  
 02/18/2010 Third read and passed (H) (H343-344 / S373)  
 02/18/2010 S First Read--HCS for HB 1675 (S373)

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\*\*\* HB 1741 \*\*\*

4526L.01P

HOUSE HANDLER: Pratt

HB 1741 - This act allows actions required to be taken at corporate committee meetings to be taken without a meeting if all of the board or committee members consent by electronic transmission. Such transmissions shall be filed with the minutes of the corporate meetings.

This act is identical to SB 833 (2010).

CHRIS HOGERTY

01/20/2010 Introduced and Read First Time (H) (H119)  
 01/21/2010 Read Second Time (H) (H124)  
 01/26/2010 Referred: Special Standing Committee on General Laws (H) (H146)  
 02/02/2010 Public Hearing Completed (H)  
 02/09/2010 Executive Session Completed (H)  
 02/09/2010 Voted Do Pass (H)  
 02/10/2010 Reported Do Pass (H) (H272)  
 02/10/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H272)  
 02/22/2010 Rules - Executive Session Completed (H)  
 02/22/2010 Rules - Voted Do Pass (H)  
 02/22/2010 Rules - Reported Do Pass (H) (H358)  
 02/24/2010 Perfected (H)  
 02/25/2010 Third Read and Passed (H) (S443)  
 02/25/2010 S First Read--HB 1741-Pratt (S443)

EFFECTIVE: August 28, 2010

\*\*\* HB 1750 \*\*\*

HCS HB 1750

4386L.04P

HOUSE HANDLER: Jones

HCS/HB 1750 - Incumbent local exchange telecommunications companies (ILECs) must reduce their intrastate exchange access rates in annual 5% increments over a period of ten years, so that as of December 31, 2019, the difference between each ILEC's intrastate and interstate access rates will be 50% less than the difference was between the rates at the beginning of the ten-year period.

The act does not apply to small ILECs that served less than 25,000 access lines as of January 1, 2010 or to rural alternative local exchange telecommunications companies (rural ALECs), as rural ALEC is defined in the act.

This act is similar to provisions in SB 698 (2010), SS/SCS/HCS/HB 495 (2009) and SS/SCS/SB 555 (2009).

ERIKA JAQUES

01/21/2010 Introduced and Read First Time (H) (H127)  
 01/25/2010 Read Second Time (H) (H136)  
 01/26/2010 Referred: Utilities (H) (H146)  
 02/02/2010 Public Hearing Completed (H)  
 02/09/2010 Executive Session - No Action Taken  
 02/11/2010 Executive Session Completed (H)  
 02/11/2010 HCS Voted Do Pass (H)  
 02/11/2010 HCS Reported Do Pass (H) (H286)  
 02/11/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H286)  
 02/15/2010 Rules - Executive Session Completed (H)  
 02/15/2010 Rules - Voted Do Pass (H)  
 02/15/2010 Rules - Reported Do Pass (H) (H299)  
 02/17/2010 Perfected (H)  
 02/18/2010 Third read and passed (H) (H345-346 / S373)  
 02/18/2010 S First Read--HCS for HB 1750 (S373)

EFFECTIVE: August 28, 2010

\*\*\* HCR 1 \*\*\*

4275L.011

HOUSE HANDLER: Tilley

HCR 1 Tilley, Steven

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/06/2010 Offered (H) (H8)  
 01/06/2010 Adopted (H) (H8 / S91-92)  
 01/11/2010 Reported to the Senate (S91-92)  
 01/12/2010 S adopted (S103 / H71)  
 01/19/2010 S Escort Committee appointed: Shields, Engler, Mayer, Bartle, Nodler, Callahan, Green, Barnitz, Days, Keaveny (S129 / H97)  
 01/20/2010 H Escort Committee appointed: Allen, Bruns, Faith, Hobbs, Kingery, Lipke, Schlottach, Sutherland, Wallace, Wasson, Roorda, Rucker, Jones (63), Scavuzzo, Schupp, Still, Swinger, Talboy, Walsh, Zimmerman (H103 / S142)

EFFECTIVE: upon approval

\*\*\* HCR 2 \*\*\*

4276L.011

HOUSE HANDLER: Tilley

HCR 2 Tilley, Steven

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/06/2010 Offered (H) (H8)  
 01/06/2010 Adopted (H) (H8 / S92)  
 01/11/2010 Reported to the Senate (S92)  
 01/12/2010 S adopted (S103 / H71)  
 02/01/2010 S Escort Committee appointed: Bartle, Schmitt, Goodman, Griesheimer, Pearce, Justus, Days, Keaveny, Bray, Shoemyer (S193 / H195)

02/02/2010 H Escort Committee appointed: Stevenson, Cox, Bringer, Burnett, Diehl, Flook, Grill, Jones (89), Kelly Leara, Lipke, Low, Smith (150), Vogt, Pratt, Colona, Storch, Calloway, Kander, Talboy (H195 / S198)

\*\*\* HCR 7 \*\*\*

HCS HCR 7, 3 &amp; 17

4102L.02C

HOUSE HANDLER: Munzlinger

HCS/HCRs 7, 3 & 17 - This resolution disapproves new values for agricultural and horticultural property filed with the Secretary of State's Office on December 21, 2009, by the State Tax Commission. The State Tax Commission is required to set the value for each of the eight grades of agricultural land based upon productive capability for use by county assessors to determine property tax liabilities.

Section 137.021, RSMo, authorizes the General Assembly to disapprove any regulation containing new agricultural land values by a concurrent resolution adopted within the first sixty calendar days of the session following promulgation of such regulation.

JASON ZAMKUS

01/06/2010 Introduced and Read First Time (H) (H9)  
 01/07/2010 Read Second Time (H) (H41)  
 01/11/2010 Referred: Agri-Business (H) (H48)  
 01/20/2010 Public Hearing Completed (H)  
 01/21/2010 Executive Session Completed (H)  
 01/21/2010 HCS Voted Do Pass (H)  
 01/21/2010 HCS Reported Do Pass (H) (H125)  
 01/21/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H)  
 01/25/2010 Rules - Executive Session Completed (H)  
 01/25/2010 Rules - Voted Do Pass (H)  
 01/25/2010 Rules - Reported Do Pass (H) (H137)  
 01/28/2010 HCS Adopted (H)  
 01/28/2010 Third read and passed (H) (S181-182)  
 01/28/2010 S First Read (S181-182)  
 02/01/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S193)

EFFECTIVE: upon approval

\*\*\* HCR 18 \*\*\*

HCS HCR 18

4336L.05C

SENATE SPONSOR: Rupp

HOUSE HANDLER: Diehl

HCS/HCR 18 - This resolution urges the Missouri Congressional delegation to vote against H.R. 3200, the federal health care reform legislation.

ADRIANE CROUSE

01/11/2010 Offered (H) (H47)  
 01/11/2010 Referred: Special Standing Committee on General Laws (H) (H48)  
 01/12/2010 Public Hearing Completed (H)  
 01/12/2010 Executive Session Completed (H)  
 01/12/2010 HCS Voted Do Pass (H)  
 01/13/2010 HCS Reported Do Pass (H) (H66)  
 01/13/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H66)  
 01/14/2010 Executive Session Completed (H)  
 01/14/2010 Voted Do Pass (H)  
 01/14/2010 Reported Do Pass (H) (H79)  
 01/19/2010 HCS Adopted (H) (H93-94 / S142-143)  
 01/20/2010 Reported to the Senate (S142-143)  
 01/25/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S165)  
 02/02/2010 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/16/2010 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/16/2010 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S342)  
 02/25/2010 Resolutions--HCS for HCR 18 (Rupp)

EFFECTIVE: upon approval

\*\*\* HCR 34 \*\*\*

HCS HCR 34 &amp; 35

4497L.02P

HOUSE HANDLER: Icet

HCS/HCRs 34 & 35 - This resolution submits to Congress a proposed federal balanced budget amendment to the United States Constitution.

JIM ERTLE

01/21/2010 Introduced and Read First Time (H) (H127)  
 01/25/2010 Read Second Time (H) (H136)  
 01/25/2010 Referred: Budget (H) (H137)  
 01/27/2010 Public Hearing Completed (H)  
 01/27/2010 Executive Session Completed (H)  
 01/27/2010 HCS Voted Do Pass (H)  
 01/27/2010 HCS Reported Do Pass (H) (H167)  
 01/27/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H167)  
 02/01/2010 Rules - Executive Session Completed (H)  
 02/01/2010 Rules - Voted Do Pass (H)  
 02/01/2010 Rules - Reported Do Pass (H) (H184)  
 02/09/2010 HCS Adopted (H) (H255-256)  
 02/09/2010 Third Read and Passed (H) (H256-257 / S270-271)  
 02/10/2010 S First Read--HCS for HCRs 34 & 35 (S270-271)  
 02/11/2010 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S316)

EFFECTIVE: upon approval

\*\*\* HCR 38 \*\*\*

4507L.011

HOUSE HANDLER: Icet

HCR 38 - This resolution requests the United States Congress to cease and desist from imposing unfunded mandates on the states.

JIM ERTLE

01/21/2010 Offered (H) (H124)  
 01/25/2010 Referred: Budget (H) (H137)  
 01/27/2010 Public Hearing Completed (H)  
 01/27/2010 Executive Session Completed (H)  
 01/27/2010 Voted Do Pass (H)  
 01/27/2010 Reported Do Pass (H) (H168)  
 01/27/2010 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H168)  
 02/01/2010 Rules - Executive Session Completed (H)  
 02/01/2010 Rules - Voted Do Pass (H)  
 02/01/2010 Rules - Reported Do Pass (H) (H184)  
 02/11/2010 Adopted (H) (H286 / S325)  
 02/15/2010 Reported to The Senate--HCR-Icet, et al (S325)  
 02/16/2010 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S342)

EFFECTIVE: Upon approval

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