

96th General Assembly

First Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**January 24 - 28, 2011**

Prepared by  
Divisions of Research and Computer Information Systems

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

0216S.011

SENATE SPONSOR: Ridgeway

SB 1 - 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), and SB 888 (2010).

CHRIS HOGERTY

12/01/2010 Prefiled

01/05/2011 S First Read--SB 1-Ridgeway (S9)

01/12/2011 Second Read and Referred S General Laws Committee (S85)

02/01/2011 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 2 \*\*\*

0217S.011

SENATE SPONSOR: Ridgeway

SB 2 - This act requires the Missouri Consolidated Health Care Board (beginning with the open enrollment period for the 2012 plan year) to offer a minimum of 3 high deductible plans with differing annual deductibles and annual out-of-pocket expenses, not to exceed the maximum high deductible health plan out-of-pocket amounts established by federal law, with an emphasis of offering high deductible health plans having lower monthly premiums.

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 2-Ridgeway (S9)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S85)

EFFECTIVE: August 28, 2011

\*\*\* SB 3 \*\*\*

0283S.011

SENATE SPONSOR: Stouffer

SB 3 - The act establishes identification requirements for voting. Voters shall produce a nonexpired Missouri driver's license; a nonexpired or nonexpiring Missouri nondriver's license; any identification containing a photograph issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veterans Affairs; or a document issued by the United States or the state of Missouri containing the name of the voter which substantially conforms to the most recent signature in the individual's voter registration records, a photograph, and an expiration date or if expired, the expiration is after the date of the most recent general election.

Those appearing without identification who are unable to obtain one because of a physical or mental disability, an inability to pay for a document necessary to obtain the required identification, a religious belief against forms of identification or the voter was born before January 1, 1941, shall be allowed to vote a provisional ballot, provided the election authority can verify the identity of the individual by comparing the individual's signature to the signature on file with the election authority.

All voters whose identity cannot be established are allowed to cast a provisional ballot which shall not be counted unless the voter returns and provides proper identification.

All costs incurred by the election authority associated with implementing the new identification requirements shall be reimbursed from the general revenue upon appropriation.

The election authority shall provide advance notice of the identification requirements to be included in the election authorities elections notices.

The state shall provide at least one form of identification required to vote at no cost to the voter.

The act requires that provisional ballots be available for all elections except for absentee voting.

This act is contingent on the passage of a constitutional amendment establishing voter photo identification for elections.

This act is similar to SB 1014 (2006), SB 523 (2009), and HB 1966 (2010).  
CHRIS HOGERTY

12/01/2010 Prefiled  
01/05/2011 S First Read--SB 3-Stouffer (S9)  
01/12/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S85)  
01/24/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Contingent

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\*\*\* SB 4 \*\*\*

0272S.011

SENATE SPONSOR: Stouffer

SB 4 - This act repeals the Puppy Mill Cruelty Prevention Act.  
ERIKA JAQUES

12/01/2010 Prefiled  
01/05/2011 S First Read--SB 4-Stouffer (S9)  
01/12/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S85)  
01/26/2011 Hearing Scheduled But Not Heard S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2011

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

0287S.011

SENATE SPONSOR: Stouffer

SB 5 - 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/SBs 607, 602, 615, and 725 (2010).  
ADRIANE CROUSE

12/01/2010 Prefiled  
01/05/2011 S First Read--SB 5-Stouffer (S9)  
01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S85)  
01/25/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 6 \*\*\*

0133S.011

SENATE SPONSOR: Goodman

SB 6 - 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 society in consultation with the Missouri State Medical Association;
- The sponsoring nonprofit organization files an annual report with the secretary of state.

This act also provides that any volunteer or retired volunteer licensed physician, dentist, optometrist, pharmacist, registered nurse, 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 for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such health care provider.

This act is identical to SCS/SB 616 (2010).

ADRIANE CROUSE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 6-Goodman (S9)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S85)

EFFECTIVE: August 28, 2011

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

0131S.011

SENATE SPONSOR: Goodman

SB 7 - 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/SBs 607, 602, 615, and 725 (2010).

ADRIANE CROUSE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 7-Goodman (S9)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S85)

01/25/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

0367S.011

SENATE SPONSOR: Goodman

SB 8 - This act ensures that co-employees shall be released from liability for negligence in performing the non-delegable duty of an employer to provide a safe workplace when the negligence harms another employee unless the negligent employee engaged in purposeful, affirmatively dangerous conduct.

CHRIS HOGERTY

12/01/2010 Prefiled

01/05/2011 S First Read--SB 8-Goodman (S9)

01/12/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S85)

01/24/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

0250S.011

SENATE SPONSOR: Rupp

SB 9 - 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 nearly identical to SB 663 (2010) and 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 JAKUES

12/01/2010 Prefiled

01/05/2011 S First Read--SB 9-Rupp (S9)

01/12/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S85)

EFFECTIVE: August 28, 2011

\*\*\* SB 10 \*\*\*

0243S.011

SENATE SPONSOR: Rupp

SB 10 - Claimants are denied unemployment benefits for any week the claimant has an outstanding overpayment penalty.

This act is identical to SB 1026 (2010).

CHRIS HOGERTY

12/01/2010 Prefiled

01/05/2011 S First Read--SB 10-Rupp (S9)

01/12/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S85)

EFFECTIVE: August 28, 2011

\*\*\* SB 11 \*\*\*

SCS SB 11

0338S.02C

SENATE SPONSOR: McKenna

SCS/SB 11 - 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. 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 (Section 304.820).

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 11-McKenna (S9)

01/12/2011 Second Read and Referred S Transportation Committee (S85)

01/19/2011 Hearing Conducted S Transportation Committee

01/26/2011 SCS Voted Do Pass S Transportation Committee (0338S.02C)

01/27/2011 Reported from S Transportation Committee to Floor w/SCS (S159)

01/31/2011 S Formal Calendar S Bills for Perfection--SB 11-McKenna, with SCS

EFFECTIVE: August 28, 2011

\*\*\* SB 12 \*\*\*

0082S.02I

SENATE SPONSOR: Pearce

SB 12 – This act modifies the elementary and secondary education foundation formula and state aid for summer school.

**FOUNDATION FORMULA MODIFICATIONS:** The phase-in of the SB 287 formula will be extended through the 2013-2014 school year. The phase-in percentages for the new and old formulas are modified, as described in the act. This act contains allowances for the distribution of state aid depending on the amount of available appropriations, as described below.

This act allows the General Assembly to appropriate more funds than required by the phase-in percentages for any particular school year. In such a situation, the Department of Elementary and Secondary Education is required to adjust the phase-in percentages to accommodate appropriations in order to distribute one hundred percent of the total amount of appropriated funds.

During the phase-in, if the foundation formula appropriation is equal or greater than the fiscal year 2010 foundation formula expenditure and the previous fiscal year's appropriation but is insufficient to fully fund the applicable phase-in percentages, the Department of Elementary and Secondary Education must adjust the phase-in percentages to accommodate the total amount of available funds. If the Governor withholds funds, the reduced figure will be used.

In any school year in which the foundation formula appropriation is less than the fiscal year 2010 foundation formula expenditure; less than the previous year's foundation formula expenditure; or reduced from the

current year appropriation by the Governor, as described in the act, the Department of Elementary and Secondary Education must reduce the payment amounts awarded to all school districts, including hold harmless districts. The Department of Elementary and Secondary Education must calculate a uniform proportional reduction percentage based on all available state aid to be applied to the payment amount to which all districts would otherwise be entitled under the applicable phase-in percentages.

In addition, language pertaining to a penalty for a decrease in summer school enrollment, which terminated at the end of the 2008-2009 school year, is repealed.

These provisions are similar to SS/SB 943 (2010) and provisions contained in SS#2/SCS/HCS#2/HB 1543 (2010). (Section 163.031)

SUMMER SCHOOL: Beginning in the 2011-2012 school year, summer school attendance must not be included in a school district's average daily attendance. School districts may operate summer school programs at their own expense or at the expense of the parent.

This provision is similar to SS/SB 943 (2010). (Section 163.036)

This act contains an emergency clause.

MICHAEL RUFF

12/01/2010 Prefiled

01/05/2011 S First Read--SB 12-Pearce (S10)

01/12/2011 Second Read and Referred S Education Committee (S85)

EFFECTIVE: July 1, 2011

\*\*\* SB 13 \*\*\*

0316S.011

SENATE SPONSOR: Pearce

SB 13 - This act requires the Joint Committee on Education to oversee a task force on teacher compensation and effectiveness during the legislative interim between the first and second regular sessions of the ninety-sixth General Assembly. The task force membership will consist of the following: two senators and representatives who serve on the joint committee, appointed by the chair; the commissioner of education or her designee; three active teachers, selected with the advice of the state teacher associations; an academic researcher with expertise in education policy, appointed by the chair; the executive director of the Public School Retirement System of Missouri, or his or her designee; and an expert in human resources or personnel policies from the private sector, appointed by the chair.

The task force must consider options and make recommendations to the General Assembly in the following areas: educator evaluations, at least fifty percent of which must be determined by academic growth of students; opportunities for educators to improve their effectiveness; and the sharing of effective practices with other educators throughout the state.

The task force must submit a final report by December 31, 2011 to the General Assembly and the President of the State Board of Education.

MICHAEL RUFF

12/01/2010 Prefiled

01/05/2011 S First Read--SB 13-Pearce (S10)

01/12/2011 Second Read and Referred S Education Committee (S85)

01/26/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

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

0254S.011

SENATE SPONSOR: Pearce

SB 14 – This act requires the State Board of Education to establish specific criteria for the admission or rejection of nonresident pupils residing in an unaccredited school district who seek admission into an accredited district in the same or an adjoining county. The Board must establish the criteria prior to the beginning of the 2012-2013 school year. Public schools may deny admission of a nonresident pupil unless the criteria are met. The district or the pupil's parent may appeal to the State Board of Education.

MICHAEL RUFF

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 14-Pearce (S10)  
 01/12/2011 Second Read and Referred S Education Committee (S85)

EFFECTIVE: August 28, 2011

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

0221S.011

SENATE SPONSOR: Lembke

SB 15 - This act allows the full deductibility of federal income tax liabilities of corporations and individuals for state income tax purposes for all tax years beginning after January 1, 2012. Under current law, corporations are allowed to deduct 50% of their federal income tax liability, and individuals are limited to deducting no more than of \$5,000 of their federal income tax liability per tax year on a single return or \$10,000 of their federal income tax liability on a combined return.

JASON ZAMKUS

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 15-Lembke (S10)  
 01/12/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S85)

EFFECTIVE: August 28, 2011

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

0165S.011

SENATE SPONSOR: Lembke

SB 16 - This act prohibits political subdivisions from using automated photo red light enforcement systems to enforce red light violations.

This act is identical to SB 637 (2010) and this provision is also contained in SS/SCS/HB 2111 (2010).

STEPHEN WITTE

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 16-Lembke (S10)  
 01/12/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S85)

EFFECTIVE: August 28, 2011

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

0185S.011

SENATE SPONSOR: Lembke

SB 17 - 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 are listed in the act.

Beginning October 1, 2011, 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. This notification shall not apply to physicians providing emergency medical care to a pregnant woman.

This act is identical to HCS/SB 971 (2010).

ADRIANE CROUSE

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 17-Lembke (S10)  
 01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S85)  
 02/01/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

0285S.011



SENATE SPONSOR: Schmitt

SB 18 - This act limits the amount of corporate franchise taxes any corporation must pay to no more than two million dollars annually for all tax years beginning on or after January 1, 2011.

JASON ZAMKUS

12/01/2010 Prefiled

01/05/2011 S First Read--SB 18-Schmitt (S10)

01/12/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S85)

01/26/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 19 \*\*\*

0336S.011

SENATE SPONSOR: Schmitt

SB 19 - Beginning January 1, 2012, the corporate franchise tax rate will be gradually reduced over a five year period until it is completely phased-out. Effective January 1, 2016 no corporate franchise tax will be imposed.

JASON ZAMKUS

12/01/2010 Prefiled

01/05/2011 S First Read--SB 19-Schmitt (S10)

01/12/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S85)

01/26/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 20 \*\*\*

0079S.011

SENATE SPONSOR: Wright-Jones

SB 20 – This act changes the age at which children in the St. Louis City School District must begin attending school from seven years of age to five years of age. This change does not apply to students intending to enroll in a home school. In addition, it increases the compulsory attendance age to eighteen years of age for the St. Louis City School District.

This act is similar to SB 1046 (2010).

MICHAEL RUFF

12/01/2010 Prefiled

01/05/2011 S First Read--SB 20-Wright-Jones (S10)

01/12/2011 Second Read and Referred S Education Committee (S85)

EFFECTIVE: August 28, 2011

\*\*\* SB 21 \*\*\*

0321S.011

SENATE SPONSOR: Wright-Jones

SB 21 – This act requires any child who attains the age of five at any time during the calendar year be enrolled in kindergarten at the beginning of the school year in that calendar year. The parent or guardian of any child who will attain the age of five in the subsequent calendar year may request that the child's school district of residence conduct an assessment program to determine the child's readiness for kindergarten. If the school district determines that the child is ready, he or she may begin kindergarten.

MICHAEL RUFF

12/01/2010 Prefiled

01/05/2011 S First Read--SB 21-Wright-Jones (S10)

01/12/2011 Second Read and Referred S Education Committee (S85)

EFFECTIVE: August 28, 2011

\*\*\* SB 22 \*\*\*

0252S.011

SENATE SPONSOR: Wright-Jones

SB 22 - State-funded buildings over 5,000 square feet constructed after August 28, 2011 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.

This act is identical to SB 952 (2010).

ERIKA JAQUES

12/01/2010 Prefiled

01/05/2011 S First Read--SB 22-Wright-Jones (S10)

01/12/2011 Second Read and Referred S Progress and Development Committee (S85)

02/02/2011 Hearing Scheduled S Progress and Development Committee

EFFECTIVE: August 28, 2010

\*\*\* SB 23 \*\*\*

0112S.021

SENATE SPONSOR: Keaveny

SB 23 – The City of St. Louis may establish a municipal police force. The police force shall provide for the employment of all current officers and employees at their current salaries. Such persons shall also be entitled to all accrued benefits, including vacation time, sick leave, health insurance, life insurance, and pensions. All former employees shall maintain their accrued benefits.

The city shall recognize the designated exclusive bargaining representative of the uniformed members of the municipal police force to the rank of sergeant and shall, to the extent permitted by federal and state law, engage in negotiations with said representative over terms, conditions and benefits of employment in a good faith effort to enter into a binding contract covering such terms, conditions and benefits.

The city shall recognize any residency regulations for officers adopted by the current Board of Police Commissioners. The current state statutes concerning the St. Louis police department shall expire upon the effective date of this act.

Any current police pension system created under Chapter 86 for the benefit of the St. Louis police department shall continue to be governed by Chapter 86 and shall apply to the police force established under this act.

This act modifies the definition of "earnable income" and "police officer" for purposes of the St. Louis police retirement system to remove references to Section 84.160 which will expire upon passage of this act. "Earnable compensation" shall include any compensation for academic work and shift differential that may be provided by any official or board that manages the police force. The act also specifies that any future official or president of a board authorized to manage the police force, or his or her designee, shall be a member of such retirement system board of trustees. The number of members appointed to such board of trustees by the mayor shall be reduced from three to two.

The provisions of this act are effective January 1, 2013.

This act is substantially similar to SS/SCS/SB 643 (2010) and similar to SB 486 (2007), SB 785 (2008), HB 552 (2009), and HB 1601 (2010).

MEGHAN LUECKE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 23-Keaveny (S10-11)

01/12/2011 Second Read and Referred S Progress and Development Committee (S85)

01/26/2011 Hearing Conducted S Progress and Development Committee

EFFECTIVE: January 1, 2013

\*\*\* SB 24 \*\*\*

0352S.011

SENATE SPONSOR: Keaveny

SB 24 - This act increases the fine for a seat belt violation from \$10 to \$50.

This act is identical to SB 822 (2010).

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 24-Keaveny (S11)

01/12/2011 Second Read and Referred S Transportation Committee (S86)

01/26/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 25 \*\*\*

0136L.011

SENATE SPONSOR: Schaaf

SB 25 – This act adds Buchanan County and Andrew County to the list of counties that may enact nuisance abatement ordinances regarding the condition of real property.

This act is identical to HB 1303 (2010).

MEGHAN LUECKE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 25-Schaaf (S11)

01/12/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S86)

EFFECTIVE: August 28, 2011

\*\*\* SB 26 \*\*\*

0191S.011

SENATE SPONSOR: Wasson

SB 26 - This act allows members of the Nixa Education Foundation to obtain special license plates bearing their organization's name and emblem. To obtain this plate, a person must submit an application to the Director of the Department of Revenue accompanied by an emblem-use authorization statement along with an additional \$15 fee. Any person who was previously issued a foundation plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the foundation's emblem.

This act is identical to HB 1638 (2010).

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 26-Wasson (S11)

01/12/2011 Second Read and Referred S Transportation Committee (S86)

01/26/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 27 \*\*\*

0332L.011

SENATE SPONSOR: Brown

SB 27 - This act allows spouses who leave employment to follow their military spouses in the event of a military transfer, to qualify for unemployment compensation.

This act is identical to HB 2318 (2010).

CHRIS HOGERTY

12/01/2010 Prefiled

01/05/2011 S First Read--SB 27-Brown (S11)

01/12/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S86)

EFFECTIVE: August 28, 2011

\*\*\* SB 28 \*\*\*

0330L.011

SENATE SPONSOR: Brown

SB 28 - This act exempts persons 21 years of age or older from wearing protective headgear when operating or riding motorcycles or motortricycles (Section 302.020).

This act is substantially similar to SB 1067 (2008), SB 252 (2007), SB 635 (2006), SB 12 (2005), SB 744 (2004), SB 226 (2003), SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 28-Brown (S11)

01/12/2011 Second Read and Referred S Transportation Committee (S86)

01/19/2011 Hearing Conducted S Transportation Committee

01/26/2011 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 29 \*\*\*

0331L.011

SENATE SPONSOR: Brown

SB 29 - This act modifies the authority of the Board of Pharmacy with regard to certain drugs used in veterinary medicine.

This act also adds a veterinarian to the advisory committee appointed by the Board of Pharmacy to make recommendations to it about rules and regulations dealing with drug distribution and manufacturing. The advisory committee is also required to review and make recommendations to the Board of Pharmacy regarding rules and regulations about veterinary legend drugs.

This act is similar to HB 1814 (2010).

EMILY KALMER

12/01/2010 Prefiled

01/05/2011 S First Read--SB 29-Brown (S11)

01/12/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S86)

EFFECTIVE: August 28, 2011

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

0179S.011

SENATE SPONSOR: Chappelle-Nadal

SB 30 - This act increases the penalty for the crime of harassment from a Class A misdemeanor to a Class D felony. If the crime is committed by a person twenty-one years of age or older against a person seventeen years of age or younger or the person has previously been convicted of harassment, then the act increases the penalty from a Class D felony to a Class C felony.

This act is identical to HB 1338 (2010).

MEGHAN LUECKE

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 30-Chappelle-Nadal (S11)  
 01/12/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S86)

EFFECTIVE: August 28, 2011

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

0180S.011

SENATE SPONSOR: Chappelle-Nadal

SB 31 - This act reduces from 45 to 20 the different types of draft beer that a restaurant bar without an on-site brewery must serve in order to sell 32 fluid ounces or more of such beer to customers for consumption off the premises of such bar.

This act is identical to HB 1355 (2010).

MEGHAN LUECKE

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 31-Chappelle-Nadal (S11)  
 01/12/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S86)

EFFECTIVE: August 28, 2011

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

0189S.011

SENATE SPONSOR: Chappelle-Nadal

SB 32 - This act prohibits any workforce development agency from knowingly omitting from any bidding process an entity with whom it has a contract. An agency must repay an omitted entity 25% of the total cost of the project as recovery for the lost opportunity to bid.

This act is identical to House Bill 1753 (2010).

JASON ZAMKUS

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 32-Chappelle-Nadal (S11)  
 01/12/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S86)  
 01/31/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 33 \*\*\*

0223S.011

SENATE SPONSOR: Stouffer

SB 33 - This act repeals a provision of law which currently requires MoDOT to submit to binding arbitration upon the request of a plaintiff in a negligence action.

STEPHEN WITTE

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 33-Stouffer (S11)  
 01/12/2011 Second Read and Referred S Transportation Committee (S86)  
 01/19/2011 Hearing Conducted S Transportation Committee  
 01/26/2011 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 34 \*\*\*

0301S.011

SENATE SPONSOR: Stouffer

SB 34 - This act allows spouses who leave employment to follow their military spouses in the event of a military transfer, to qualify for unemployment compensation.

This act is identical to HB 2318 (2010).

CHRIS HOGERTY

12/01/2010 Prefiled  
 01/05/2011 S First Read--SB 34-Stouffer (S11-12)

01/12/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S86)

EFFECTIVE: August 28, 2011

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

0186S.011

SENATE SPONSOR: Lembke

SB 35 - 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

12/01/2010 Prefiled

01/05/2011 S First Read--SB 35-Lembke (S12)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S86)

EFFECTIVE: August 28, 2011

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

0164S.011

SENATE SPONSOR: Lembke

SB 36 - 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.

This act has an emergency clause.

This act is similar to the perfected SB 819 (2010).

EMILY KALMER

12/01/2010 Prefiled

01/05/2011 S First Read--SB 36-Lembke (S12)

01/12/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S86)

01/26/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: Emergency Clause

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

0162S.011

SENATE SPONSOR: Lembke

SB 37 – 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 opportunity to seek to participate in interscholastic athletics through his or her school. If the school

does not offer athletics, the student may seek 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. In addition, no school may discriminate against a student seeking to participate in interscholastic athletics based on the student's choice of education program.

This act is similar to SB 788 (2010).

MICHAEL RUFF

12/01/2010 Prefiled

01/05/2011 S First Read--SB 37-Lembke (S12)

01/12/2011 Second Read and Referred S General Laws Committee (S86)

EFFECTIVE: August 28, 2011

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

0086S.011

SENATE SPONSOR: Wright-Jones

SB 38 – This act provides that, subject to securing a cooperative agreement with a non-profit entity for funding of the program, 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. The Department of Health and Senior Services may directly contract with the Missouri Foundation for Health in the delivery of the pilot program. The program shall fund prostate cancer screening and treatment services. The department shall distribute grants to local health departments and federally qualified health centers. This act also requires the program to provide cancer screening, referral services, treatment, and outreach and education activities.

The program is open to uninsured or economically challenged men who are older than 50 years of age and uninsured or economically challenged men between 35 and 50 years of age who are at high risk for prostate cancer. An uninsured man is defined as one for whom services provided by the program are not covered by private insurance, MO HealthNet or Medicare, while an economically challenged man is one who has a gross income up to 150 percent of the federal poverty level. The department shall promulgate rules establishing guidelines regarding eligibility and for implementation of the program.

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

This act is similar to SB 676 (2010).

ADRIANE CROUSE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 38-Wright-Jones (S12)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S86)

EFFECTIVE: August 28, 2011

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

0266S.011

SENATE SPONSOR: Wright-Jones

SB 39 - This act modifies laws regarding hospital patient safety. Under the act, each hospital is required to establish a patient safety committee by January 1, 2012, to design and recommend the process for implementing a safe patient handling program, which shall be implemented by July 1, 2012. 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, 2015, 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, 2013, 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, 2016 and December 1, 2018.

These act is identical to SB 866 (2010) and substantially similar to HB 401 (2009).

ADRIANE CROUSE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 39-Wright-Jones (S12)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S86)

EFFECTIVE: August 28, 2011

\*\*\* SB 40 \*\*\*

0088S.011

SENATE SPONSOR: Wright-Jones

SB 40 - This act provides coverage under the state legal expense fund for any licensed 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 all claims based upon the same act. If the professionals covered by the state legal expense fund under this act have other 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.

This act is similar to SB 951 (2010).

EMILY KALMER

12/01/2010 Prefiled

01/05/2011 S First Read--SB 40-Wright-Jones (S12)

01/12/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S86)

EFFECTIVE: August 28, 2011

\*\*\* SB 41 \*\*\*

0187S.011

SENATE SPONSOR: Chappelle-Nadal

SB 41 - This act provides that subject to appropriations, the Department of Health and Senior Services shall broaden the foods approved under the Women, Infants and Children Special Supplemental Food Program (WIC) to include a wider variety of kosher foods currently excluded from the WIC food list due to such kosher foods failing to meet the established federal criteria for nutrition content and price.

This act is identical to HB 1360(2010).

ADRIANE CROUSE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 41-Chappelle-Nadal (S12)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S86)

EFFECTIVE: August 28, 2011

\*\*\* SB 42 \*\*\*

0182S.011

SENATE SPONSOR: Chappelle-Nadal

SB 42 - This act increases the resource limit for medical assistance eligibility to \$2,500 for a single person and \$5,000 for a married couple. The director of the Department of Social Services must apply to the Secretary of the United States Department of Health and Human Services for an amendment to the home and community-based waiver to extend eligibility for medical assistance to individuals with an income of up to



300 percent of the federal poverty level.

This act is identical to HB 1357 (2010).

ADRIANE CROUSE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 42-Chappelle-Nadal (S12)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S86)

EFFECTIVE: August 28, 2011

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

0183S.011

SENATE SPONSOR: Chappelle-Nadal

SB 43 - This act requires the Department of Health and Senior Services to strongly encourage all long-term care facilities licensed in this state to institute policies that will encourage familial involvement in the well-being and support of residents of long-term care facilities.

This act is identical to HB 1358 (2010).

ADRIANE CROUSE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 43-Chappelle-Nadal (S12)

01/12/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S86)

EFFECTIVE: August 28, 2011

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

0087S.011

SENATE SPONSOR: Wright-Jones

SB 44 - This act requires all health carriers providing health insurance coverage for 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 insuring at least 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.

This act is similar to SB 642 (2010) and SB 475 (2009).

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 44-Wright-Jones (S12)

01/12/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S86)

EFFECTIVE: August 28, 2011

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

0220S.011

SENATE SPONSOR: Wright-Jones

SB 45 - 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 similar to SB 687 (2010) and HB 2588 (2008).

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SB 45-Wright-Jones (S12)

01/12/2011 Second Read and Referred S Transportation Committee (S86)

01/19/2011 Hearing Conducted S Transportation Committee

01/26/2011 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2011

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

0218S.011

SENATE SPONSOR: Wright-Jones

SB 46 - This act allows elected officials to be excused from jury duty during their term of office.

This act is similar to SB 695 (2010), SB 476 (2009), and HB 1091 (2006).

EMILY KALMER

12/01/2010 Prefiled

01/05/2011 S First Read--SB 46-Wright-Jones (S13)

01/12/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S86)

EFFECTIVE: August 28, 2011

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

0242S.011

SENATE SPONSOR: Wright-Jones

SB 47 - This act requires the Office of Administration to study and to implement a plan to increase and maintain the participation of certified socially and economically disadvantaged small business concerns, minority business enterprises and women business enterprises in contracts for supplies, services, and contracts with the state.

The Minority Business Enterprise and Women's Business Enterprise Oversight Review Committee is created to study and make recommendations relating to the participation of socially and economically disadvantaged minority and women's business enterprises in contracting with the state.

This act is similar to HB 1484 (2009) and SB 1066 (2010).

CHRIS HOGERTY

12/01/2010 Prefiled

01/05/2011 S First Read--SB 47-Wright-Jones (S13)

01/12/2011 Second Read and Referred S Progress and Development Committee (S86)

02/02/2011 Hearing Scheduled S Progress and Development Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 48 \*\*\*

0251S.011

SENATE SPONSOR: Wright-Jones

SB 48 - Gas, electric, water, heating, and sewer 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 by the delinquent date during the 12-month period of at least \$75 or 25% of the total outstanding balance.

The act does not apply to customers who owe more than \$300 or to customers making payments as part of an established pay plan with the utility.

This act is identical to SCS/SB 674 (2010) and similar to SCS/SB 474 (2009) and HB 2587 (2008).  
ERIKA JAQUES

12/01/2010 Prefiled  
01/05/2011 S First Read--SB 48-Wright-Jones (S13)  
01/12/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S86)

EFFECTIVE: August 28, 2011

\*\*\* SB 49 \*\*\*

0219S.011

SENATE SPONSOR: Wright-Jones

SB 49 - 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 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).

The provisions contained in this act may also be found in SB 640 (2010) and HCS/SB 716 (2010).

STEPHEN WITTE

12/01/2010 Prefiled  
01/05/2011 S First Read--SB 49-Wright-Jones (S13)  
01/12/2011 Second Read and Referred S Transportation Committee (S86)

EFFECTIVE: August 28, 2010

\*\*\* SB 50 \*\*\*

0271S.021

SENATE SPONSOR: Kehoe

SB 50 - Beginning October 1, 2011, any electric company seeking an Early Site Permit from the U.S. Nuclear Regulatory Commission must submit reports to the Missouri Public Service Commission (PSC) every

6 months. The reports must document the work completed and costs incurred up to that point toward the acquisition of the Early Site Permit as well as the projected amount of work and costs remaining. If the total cost of obtaining the Early Site Permit is expected to exceed \$40 million, the company must also include an explanation in its reports as to why expenditures beyond that amount are prudent.

Once the Early Site Permit is obtained, the electric company may recover the expenditures for the permit from its ratepayers through rates and charges over a period not to exceed 20 years. The company may begin the cost recovery on the effective date of tariffs approved by the PSC at the company's first general rate proceeding following the acquisition of the permit. Other electric companies that also incur expenses toward the Early Site Permit may similarly recover their costs through rates and charges.

If an electric company has recovered costs from its ratepayers for an Early Site Permit but the company's interest in the Early Site Permit is subsequently sold or transferred, the company must refund its ratepayers up to the amount that the company collected from the ratepayers for the permit.

ERIKA JAQUES

12/06/2010 Prefiled

01/05/2011 S First Read--SB 50-Kehoe, et al (S13)

01/12/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S86)

EFFECTIVE: August 28, 2011

\*\*\* SB 51 \*\*\*

0245S.011

SENATE SPONSOR: Cunningham

SB 51 – This act requires public libraries, by January 1, 2012, 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 735 (2010) and SB 450 (2009).

MICHAEL RUFF

12/08/2010 Prefiled

01/05/2011 S First Read--SB 51-Cunningham (S13)

01/20/2011 Second Read and Referred S General Laws Committee (S124)

EFFECTIVE: August 28, 2011

\*\*\* SB 52 \*\*\*

0222S.011

SENATE SPONSOR: Cunningham

SB 52 - This act requires county assessors to consider foreclosures, bank sales, and the average time homes remain on the market when establishing the value of parcels of real property for property tax purposes.

This act is similar to provisions contained within Senate Bill 671 (2010).

JASON ZAMKUS

12/08/2010 Prefiled

01/05/2011 S First Read--SB 52-Cunningham (S13)

01/20/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S124)

EFFECTIVE: August 28, 2011

\*\*\* SB 53 \*\*\*

0286S.011

SENATE SPONSOR: Cunningham

SB 53 - The act adds automated phone calls to the types of calls prohibited to individuals who sign up on the state do-not-call list. Certain exceptions are provided, such as calls for emergency alerts and messages from schools or employers.

This act contains provisions similar to provisions in SB 633 (2010), SB 663 (2010) and SCS/SBs 65 & 43 (2009).

ERIKA JAQUES

12/08/2010 Prefiled

01/05/2011 S First Read--SB 53-Cunningham (S13)

01/20/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S124)

EFFECTIVE: August 28, 2011

\*\*\* SB 54 \*\*\*

0248S.011

SENATE SPONSOR: Cunningham

SB 54 – 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 school employee who is required to report to the Children's Division, the employee and the school district superintendent must forward the allegation to the Children's Division within twenty-four hours. Any reports made to the Children's Division must be investigated by the Division in accordance with Division procedures. The school district must not conduct an investigation for purposes of determining whether the allegations should be substantiated. A district may investigate the allegations for purposes of making a decision regarding the accused employee's employment. This act also requires the investigating officers to review the report using a preponderance of evidence standard.

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.

SECTION 160.262 - This act authorizes the Office of the Child Advocate to offer mediation services when requested by both parties when child abuse allegations arise in a school setting. No student, parent of a student, school employee, or school district will be required to enter into mediation. If either party does not wish to enter into mediation, mediation will not occur. 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 - By July 1, 2012, every school district must adopt a written policy on information that the district may provide about former employees to other public schools.

The act grants civil immunity to school district employees who are permitted to respond to requests for information regarding former employees under a school district policy and who communicates only the information that the policy directs and who acts in good faith and without malice. If an action is brought against the employee, he or she may request that the Attorney General defend him or her in the suit, except 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 as a result of such allegations or as a result of such allegations being substantiated by the Child Abuse and Neglect Review Board 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 or when responding to a potential employer's request for information regarding such employee, the district will be liable for damages and have third-party liability for any legal liability, legal fees, costs, and expenses incurred by the employing district caused by the failure to disclose such information to the employing district.

When a school district employs a person who has been investigated by the Children's Division and for whom there has been a finding of substantiated from such investigation, the district must immediately suspend the person's employment. The district may return the person to his or her employment if the Child Abuse and Neglect Review Board's finding that the allegation is substantiated is reversed by a court on appeal. Nothing shall preclude a school district from otherwise lawfully terminating the employment of an employee about whom there has been a finding of unsubstantiated from such an investigation.

A school district that has employed a person for whom there was a finding of substantiated from a Children's Division investigation must disclose the finding of substantiated to any other public school that contacts it for a reference.

SECTION 162.069 - By January 1, 2012, 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, 2012, 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 - School districts are responsible for conducting the criminal background check on bus drivers they employ. For drivers employed by a pupil transportation company under contract with the district, the criminal background check must be conducted through the Highway Patrol's criminal record review and must conform to the requirements of the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. A school district's criminal background check on school employees must include a search of publicly available information in an electronic format that displays information through a public index or single case display.

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, 2012, 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.

A school district may conduct a new criminal background check and fingerprint collection for a newly hired employee.

SECTION 210.135 - Third-party reporters of child abuse who report an alleged incident to any employee of a school district 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. 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 one time at the request of the Office of the Child Advocate if the Child Advocate has reasonable suspicion of wrongdoing. However, the Children's Division must not reopen an investigation if a court of law has entered a final judgment on the matter.

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 modifies the current statute of limitations for the prosecution of unlawful sexual offenses involving a person eighteen years of age or younger so that such a prosecution must be commenced within thirty years after the victim reaches the age of eighteen.

This act is substantially similar to the perfected version of SCS/SB 631 (2010) and is similar to SB 41 (2009), HCS/HB 1314 (2008), SB 1212 (2008) and contains provisions similar to HB 1911 (2010), HB 2334 (2008) and HB 2579 (2008).

MICHAEL RUFF

12/08/2010 Prefiled

01/05/2011 S First Read--SB 54-Cunningham (S13)

01/20/2011 Second Read and Referred S Education Committee (S124)

EFFECTIVE: August 28, 2011

\*\*\* SB 55 \*\*\*

0329L.011

SENATE SPONSOR: Brown

SB 55 - This act classifies sawmills and planing mills as defined in the United States Department of Labor's Standard Industrial Classification Manual as agricultural and horticultural property instead of commercial property for property taxation purposes.

This act is identical to House Bill 1207 (2010).

JASON ZAMKUS

12/09/2010 Prefiled

01/05/2011 S First Read--SB 55-Brown (S13)

01/20/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S124)

EFFECTIVE: August 28, 2011

\*\*\* SB 56 \*\*\*

0334S.021

SENATE SPONSOR: Rupp

SB 56 - This act requires on or before December 31, 2012, the Department of Mental Health to submit a plan for transitioning the provision of services for residents of state developmental disabilities facilities, including intermediate care facilities for the mentally retarded, to the most integrated settings appropriate to their needs. Upon completion, the plan shall be submitted to the Governor, the Senate Appropriations Committee, the House Health, Mental Health and Social Services Appropriations Committee, the House Budget Committee and the Developmental Disabilities Advisory Council.

While developing the plan, the department shall contract with a reputable independent third party to conduct a study and develop a plan identifying mechanisms to serve persons currently living in state institutions in the community. The plan shall also make certain recommendations and identify items as outlined in this act including containing recommendations for each resident identifying:

- (1) Services in the most integrated setting appropriate for each resident in the community of his or her choice;
- (2) The cost of providing necessary services in community settings for each individual;
- (3) Barriers that prohibit the individual from being served in the community; and
- (4) A timetable for making the transition.

The plan shall include recommendations for permanent full time state employees working at such facilities and alternative uses for state-owned facility property. The plan shall also include a proposed schedule for implementation of the plan with the goal of shifting provision of services to the community for every resident by January 1, 2018.

All long term admissions to state run intermediate care facilities for the mentally retarded shall cease upon the effective date of this act. Any plans started after August 28, 2011, to build or renovate state-owned facilities shall not be implemented, entered into contract to construct, or put out for bid until the completion of the plan.

This act is similar to HB 2306 (2010).

ADRIANE CROUSE

12/14/2010 Prefiled

01/05/2011 S First Read--SB 56-Rupp (S13)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S124)

EFFECTIVE: August 28, 2011

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

0115S.021

SENATE SPONSOR: Callahan

SB 57 - This act allows a public administrator to request the court to transfer any guardianship or conservatorship case to another county. If the other county meets the venue requirements and the public administrator of the other county consents to the transfer, the court is required to transfer the case. The court with jurisdiction over the other county is required to appoint the public administrator of that county as the person's new guardian or conservator without holding a hearing.

The public administrator is required to file a final settlement of their conservatorship within thirty days of the court transferring the case. This final settlement will be filed in the court with jurisdiction over the original conservatorship and forwarded to the receiving county upon audit and approval.

This act is similar to HB 1676 (2010).

EMILY KALMER

12/15/2010 Prefiled

01/05/2011 S First Read--SB 57-Callahan (S13-14)

01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S124)

01/31/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

0108S.031

SENATE SPONSOR: Stouffer

SB 58 - This act modifies various provisions relating to the regulation of household goods movers.

**EXEMPTING HOUSEHOLD GOODS MOVERS FROM FILING RATES WITH THE COMMISSION-** Under the terms of this act, household goods movers will no longer have to file their schedule of rates, fares and charges with the state Highways and Transportation Commission. Under current law, only household goods movers operating exclusively within commercial zones are not required to file their schedule of rates with the Commission. Household goods movers, however, will still have to file a tariff or schedule with the Commission that includes the classifications, rules, and other terms and conditions unrelated to rates that govern the transportation of household goods. A household goods mover must maintain and publish its schedules of rates, fares and charges in its stations and offices. Such rates shall be available for inspection by the Commission, shippers, and the public (§387.040).

**PROHIBITION OF JOINT TARIFFS -** This act prohibits household goods movers from participating in joint tariffs. The act allows joint tariffs relating to the transportation of household goods over through routes or in interline service involving two or more separate motor carriers. Carriers of household goods participating in through routes or interline service shall file and publish joint tariffs or individual tariffs for each participating carrier (§387.080 and 390.116).



**ALLOW RATES IN COMMERCIAL ZONES TO BE DIFFERENT THAN THOSE IMPOSED IN RURAL AREAS OF THE STATE** - Under current law, household goods carriers are prohibited from using schedules of rates that divide the state into territorial rate areas. This act eliminates this prohibition. In addition, a common carrier may reasonably apply specific rates for the transportation of household goods between points located wholly within a commercial zone or between points located wholly within another contiguous geographic area defined in the carrier's tariff schedules, which differ from the rates the carrier applies to similar transportation of household goods between points that are not located wholly within that commercial zone or defined contiguous area, if the carrier has incurred or reasonably expects to incur different costs of providing such transportation exclusively within that commercial zone or other defined contiguous area, as compared to the relevant costs that the carrier has incurred or reasonably expects to incur in providing similar transportation in other geographic areas, and this cost difference reasonably justifies the carrier's application of such differing rates to such similar transportation (§387.110).

**MISDEMEANOR FOR CHAPTER 387 VIOLATIONS**- This act explicitly provides that persons who violate a provision of Chapter 387 are guilty of a misdemeanor. The misdemeanor penalty provision shall not affect any damage claim resulting from a motor carrier's accidental or negligent damage to household goods (§387.135).

**CONSUMER PROTECTION REQUIREMENTS** - This act requires the Commission to establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce (§387.137).

**VACATION OF MINIMUM/MAXIMUM COMMISSION RATE ORDERS** - Under this act, all rate orders issued by the Commission affecting the transportation of household goods, to the extent such rate orders prescribe any minimum or maximum rates for the transportation of such goods, shall be vacated. Other provisions contained in the rate orders unrelated to prescribing maximum or minimum rates shall not be vacated. Nothing in this provision shall prohibit the Commission from issuing future rate orders that prescribe minimum or maximum rates (§387.355).

**AUTHORITY FOR COMMISSION TO FILE ENFORCEMENT SUITS DIRECTLY IN CIRCUIT COURT** - The act authorizes the Commission to file enforcement suits against motor carriers directly in the circuit court, without a prior Administrative Hearing Commission complaint or hearing (§387.365, 390.205, and 622.560).

**ELIMINATE PROOF OF NEED FOR SERVICE** - The act eliminates the requirement of contract carriers transporting household goods to demonstrate that the service proposed will serve a useful present or future public purpose when applying for a certificate of authority or permit. Concomitantly, an applicant for household goods moving authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit will have to show that they are fit, willing, and able to perform the service, and that they will conform to other standards established by law. Only noncharter passenger services will have to demonstrate that the service proposed will serve a present or future public purpose when applying for a certificate or permit.

Under this act, the Commission shall not restrict any certificate or permit authorizing the transportation of household goods or passengers in charter service with reference to any route or routes (§390.051 and 390.061).

**ELIMINATION OF TEMPORARY HOUSEHOLD GOODS MOVER PERMITS** - Under this act, the issuance of temporary permits to household goods common carriers is eliminated. The issuance of a temporary authority permits is restricted to carriers transporting passengers other than in charter service (§390.081).

**DISCONTINUANCE OF SERVICE NOTICE ELIMINATED** - Under this act, a common carrier of household goods will no longer have to seek authorization from the Commission to discontinue service. Only common carriers of passengers other than in charter service must seek authorization from the Commission in order to discontinue service (§390.101).

Under the federal Uniform Carrier Registration Act, a state cannot require an annual renewal of the intrastate authority if the motor carrier is registered under the Uniform Registration Carrier Program except for motor carriers transporting non charter passenger service, waste or recyclable materials, non-consensual tows or household goods. This act requires the intrastate annual renewal only for waste or recyclable materials and eliminates any dual regulatory license requirement for household goods carriers, non charter passengers and non-consensual tows when those carriers are combination interstate and intrastate operators and fall under

Missouri's intrastate jurisdiction (§390.136).

STATEWIDE OPERATING AUTHORITY - Under this act, any geographic restriction or provision limiting a household goods carrier's scope of authority to particular routes within this state contained in a certificate or permit, or both, which was issued prior to August 28, 2011, and any similar provision contained in a carrier's tariff schedule filed prior to such date, shall be deemed void. In lieu of the geographic restrictions expressed in such certificates, permits, or tariff schedules, a motor carrier shall be authorized to provide intrastate transportation of household goods between all points and destinations within the state until such time the certificates, permits, and tariff schedules are reissued or amended to reflect the motor carrier's statewide operating authority (§390.280).

PROOF OF COMPLIANCE WITH WORKERS COMPENSATION LAW - Beginning January 1, 2012, and continuing thereafter, every household goods carrier and every applicant seeking a certificate or permit to transport household goods in intrastate commerce shall file with the Commission one of the following:

- (1) A certificate of workers' compensation insurance coverage that complies with Missouri law for all its employees;
- (2) A certification issued by the division of workers' compensation that the carrier or applicant is qualified to self-insure under Missouri law; or
- (3) A statement under penalty of perjury, stating that, in its operations as a household goods carrier, it does not employ any person in any manner so as to become subject to the workers' compensation laws of this state (§390.054).

STEPHEN WITTE

12/15/2010 Prefiled  
 01/05/2011 S First Read--SB 58-Stouffer and Lembke (S14)  
 01/20/2011 Second Read and Referred S Transportation Committee (S125)  
 01/26/2011 Hearing Cancelled S Transportation Committee  
 02/02/2011 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 59 \*\*\*

0491S.011

SENATE SPONSOR: Keaveny

SB 59 - This act modifies the Uniform Trust Code.

The act allows certain trustees to move trust assets from the original trust to another trust. By moving the trust assets to a new trust, the trust can be modified without a court's approval. This second trust may only have beneficiaries that were eligible to receive property under the first trust, or may in the future receive property from the first trust. Generally, a trustee may not move the trust assets to the second trust if the trustee is a beneficiary of the first trust, or if the trustee of the first trust can be replaced by a beneficiary with a person who is related to that beneficiary. Generally, a trustee is prohibited from moving the trust assets to a second trust if it would increase the distributions to the trustee or to a beneficiary who could replace the trustee, or if it would remove restrictions that were in the document creating the first trust. The act also restricts how the second trust can operate for certain types of property and trusts, based on federal tax law. A provision in the original trust document that prohibits amendment or revocation of the trust will not prevent the trustee from moving the trust assets to a new trust.

The trustee is required to notify people who might get property from the second trust of the decision to distribute the property to the second trust.

The act specifies that a trustee does not have a duty to move trust assets to a second trust. (Section 456.4-419)

The act specifies that creditors of a person who creates a trust may not reach the person's interest in that trust, regardless of whether the person retains the ability to dispose of their interest through a testamentary power of appointment. (Section 456.5-505)

The act also prohibits creditors of certain beneficiaries of a trust from reaching certain property of the trust to satisfy the beneficiary's debts. (Section 456.5-508)

EMILY KALMER

12/15/2010 Prefiled  
 01/05/2011 S First Read--SB 59-Keaveny (S14)

01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S125)  
01/31/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 60 \*\*\*

0085S.041

SENATE SPONSOR: Keaveny

SB 60 - This act modifies provisions regarding power of attorneys, the Uniform Trust Code, and the Uniform Principal and Income Act, which governs part of the accounting for trusts.

Currently, a document giving a person power of attorney needs to specifically authorize the person with power of attorney to amend or revoke a person's trust agreement. This act would make it unnecessary for the power of attorney to include this specific language, if the trust agreement itself specifically allows a person with power of attorney to amend or revoke it.

The act updates references to the Uniform Anatomical Gift act to refer to the Revised Uniform Anatomical Gift Act and specifies that a power of attorney must include specific language to give a person with power of attorney the authority to decide how to dispose of another person's body.

This act also specifies that a power of attorney must state that a person with power of attorney has the authority to exercise and give consent to a do-not-resuscitate order for the person they have power of attorney over. (Section 404.710)

Currently, a person who represents another person may give their consent to actions with regard to trusts, unless the person represented objects to being represented. This act makes the consent of the representative binding on certain types of people, regardless of whether the person objects to being represented. (Section 456.3-301)

This act increases from 60 to 120 days the amount of time a trustee has to notify the beneficiaries of a trust of the existence of the trust, the trustee's contact information, and the beneficiaries' right to a copy of the trust document and a report from the trustee. (Section 456.8-813)

This act requires that when a deed for real estate is transferred into a trust created by someone who is still alive, that the title insurance be unaffected by the transfer. The trustee of the trust will be considered insured when the transfer of the property to the trust takes effect. This act also requires that if a property owner transfers property into a trust while they are alive, and the person is also a beneficiary of that trust, then transferring the property to the trust shall not cause terms of their mortgage requiring them to pay the amount due-on-sale to take effect, or affect the person's ability to pay off the amount due to avoid foreclosure. (Section 456.11-1107)

This act modifies how the unitrust amount for trusts is calculated. The act also requires that the unitrust amount be paid from certain sources in a particular order. (Section 469.411)

This act requires trustees of trusts that qualify for a marital deduction under federal tax law to take certain actions toward retirement plans that make payments to the trust, when requested to do so by the surviving spouse. (Section 469.437).

The act also modifies the requirements for how a trustee is to pay taxes from trust income and principal and allows a trustee to adjust income receipts to the extent the trust's taxes are reduced because the trust receives a deduction for payments made to a beneficiary. (Section 469.459)

EMILY KALMER

12/15/2010 Prefiled

01/05/2011 S First Read--SB 60-Keaveny (S14)

01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S125)

01/31/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

0529S.021

SENATE SPONSOR: Keaveny

SB 61 - This act requires that in St. Louis City, St. Louis County, and Jackson County 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.

This act is similar to SB 776 (2010) and HB 1973 (2010).

EMILY KALMER

12/17/2010 Prefiled

01/05/2011 S First Read--SB 61-Keaveny (S14)

01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S125)

01/31/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 62 \*\*\*

0521L.011

SENATE SPONSOR: Schaaf

SB 62 - Current law allows a health care provider to condition the furnishing of medical records on the payment of a fee to cover costs of copying, postage and notary services. This act allows the fee to also include any retrieval fee charged by an outsourced records storage service with which the health care provider has contracted for off-site records storage and management.

ADRIANE CROUSE

12/20/2010 Prefiled

01/05/2011 S First Read--SB 62-Schaaf (S14)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 63 \*\*\*

0525S.011

SENATE SPONSOR: Mayer

SB 63 - This act prohibits large water consumers from taking and transporting water from within the Southeast Missouri Regional Water District to locations outside the District, if such taking and transporting interferes with the normal water usage of certain other large water consumers. If such interference occurs, the Attorney General or the affected parties may seek an injunction. No injunction may be issued if it would harm public health or safety.

The act is similar to SB 604 (2010) and SB 556 (2009).

ERIKA JAQUES

12/22/2010 Prefiled

01/05/2011 S First Read--SB 63-Mayer (S14)

01/20/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 64 \*\*\*

0613S.011

SENATE SPONSOR: Parson

SB 64 – This act prohibits brewers or beer manufacturers as well as their officers, directors, agents, employees or affiliates, from having any direct or indirect interest in the license, business, assets or corporate stock of a wholesaler.

Exceptions are made for security interests in products sold to the wholesalers and interests resulting from a default judgement against the wholesaler. Also, the brewer may acquire title to the business, assets or corporate stock upon the written request of the wholesaler for a ninety-day period to transfer the business to an owner not affiliated with the brewer.

MEGHAN LUECKE

12/29/2010 Prefiled

01/05/2011 S First Read--SB 64-Parson (S14)

01/20/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S125)

EFFECTIVE: August 28, 2011

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

0511S.021

SENATE SPONSOR: Mayer

SB 65 - This act modifies provisions relating to abortion.

The definition of "viability" is amended to mean the stage of fetal development when it is the physician's judgment according to accepted obstetrical or neonatal medical standards of care and practice that there is a reasonable likelihood that the life of the unborn child can be sustained outside the mother's womb with or without artificial support.

Except in the case of a medical emergency, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function or the pregnant woman. For purposes of this act, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

#### GESTATIONAL AGE AND VIABILITY

This act provides that, except in the case of a medical emergency, prior to performing or inducing an abortion upon any woman, the physician shall determine the gestational age of the unborn child. If the physician determines the unborn child is 20 weeks or more, the physician shall determine if the unborn child is viable. The standards and practices required to determine both gestational age and viability are prescribed under the act.

If the physician determines that the gestational age of the unborn child is 20 weeks or more and is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function of the woman.

#### UNBORN CHILD WHO IS VIABLE

This act prescribes the reporting and certification requirements a physician must follow when performing or inducing an abortion when the unborn child is viable. In addition, before such abortion, the physician shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion.

The requirements regarding the method or techniques to be used on a viable unborn child and regarding a second physician in attendance are the same as under current law and are prescribed under the act.

#### UNBORN CHILD WHO IS NOT VIABLE

If the physician determines that the gestational age of the unborn child is 20 weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the State Board of Registration for the Healing Arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the Department of Health and Senior Services.

#### PENALTIES

Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this act shall be guilty of a Class C felony, and upon conviction, shall be imprisoned for a term of not less than one year and shall be fined not less than ten thousand nor more than fifty thousand dollars.

Any physician who pleads guilty to or is convicted of performing or inducing an abortion of an unborn child in violation of this act shall have his or her license to practice medicine in the state of Missouri

suspended for a period of three years.

Any hospital or ambulatory surgical center in which an abortion of an unborn child is performed or induced in violation of this act shall be subject to suspension or revocation of its license.

A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

Nothing in this act shall be construed as creating or recognizing a right to abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful. The General Assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this act in his or her official capacity, to intervene as a matter of right in any case in which the constitutionality of this law is challenged.

ADRIANE CROUSE

12/30/2010 Prefiled

01/05/2011 S First Read--SB 65-Mayer, et al (S14)

01/20/2011 Second Read and Referred S General Laws Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 66 \*\*\*

0129S.011

SENATE SPONSOR: Stouffer

SB 66 - This act reinstates the Motorist Insurance Identification Database program which expired on June 30, 2007. Under the terms of the reinstated database program, the Department of Revenue may by, January 1, 2012, enter into a contract with a designated agent to establish a motorist insurance identification database program to verify compliance with the motor vehicle financial responsibility laws (section 303.406). The designated agent must, no later than June 20, 2012, develop, deliver, and maintain a computer database to verify compliance with Missouri's vehicle financial responsibility law.

Under the terms of the act, insurance companies will be required to provide information to the designated agent. Beginning March 1, 2013, insurance companies shall provide specified policy information to the designated agent (Section 303.412). The Department of Insurance may assess a fine (not to exceed \$1,000 per day of noncompliance) against any insurer who fails to comply with the reporting requirements.

Once the database is operational, the designated agent shall, at least monthly, update the database with information provided by insurers and the department, and compare then-current motor vehicle registrations against the database to see if individuals are maintaining insurance.

Any person knowingly disclosing information from the database for an unauthorized purpose will be guilty of a Class A misdemeanor.

If the database indicates that the owner of a motor vehicle has failed to maintain financial responsibility for 2 consecutive months, the designated agent will notify the owner that the department will suspend the owner's registration if the owner does not present proof of insurance within 30 days of the notification. The notice of suspension shall also notify the owner's right to request a hearing. The act also sets forth the periods of suspension (including increased reinstatement fees for repeat violators)(Section 303.409).

The act requires motor vehicle owners to pay an annual fee of one dollar when the person registers or renews the registration of a motor vehicle. These fees shall be deposited in the motorist identification database fund and shall be used solely for operating the program (Section 303.406).

STEPHEN WITTE

12/30/2010 Prefiled

01/05/2011 Bill Withdrawn (S14)

EFFECTIVE: August 28, 2011

\*\*\* SB 67 \*\*\*

0635S.021

SENATE SPONSOR: Cunningham

SB 67 – This act prohibits school districts from becoming a member of, or retaining membership in, a statewide activities association that prohibits athletic or activity eligibility for a student whose parents maintain

residences and physically reside in different school districts, who changes residences to live with either parent for any reason, and who enrolls in a school in a district in which either parent physically resides. In addition, school districts may not become a member of, or retain membership, in a statewide activities association that prohibits athletic or activity eligibility for a student who owns and maintains his or her own residence or otherwise lives alone.

MICHAEL RUFF

01/03/2011 Prefiled

01/05/2011 S First Read--SB 67-Cunningham (S14)

01/20/2011 Second Read and Referred S General Laws Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 68 \*\*\*

SCS SB 68

0565S.03P

SENATE SPONSOR: Mayer

SCS/SB 68 - Currently, subpoenas for witnesses issued at the request of a member of the General Assembly are issued under the hand of the President or the Speaker of the House. This act provides that the subpoenas shall be issued under the hand of President Pro tem of the Senate or the Speaker of the House. This act also authorizes the issuance of subpoenas for the production of records.

This act contains an emergency clause.

JIM ERTLE

01/04/2011 Prefiled

01/05/2011 S First Read--SB 68-Mayer (S14)

01/20/2011 Second Read and Referred S Governmental Accountability Committee (S125)

01/26/2011 Hearing Conducted S Governmental Accountability Committee

01/26/2011 SCS Voted Do Pass S Governmental Accountability Committee (0565S.03C)

01/26/2011 Reported from S Governmental Accountability Committee to Floor w/SCS (S148)

01/27/2011 SCS S adopted (S158)

01/27/2011 Perfected (S158)

01/27/2011 Reported Truly Perfected S Rules Committee (S159)

01/31/2011 S Formal Calendar S Bills for Third Reading--SCS for SB 68-Mayer

EFFECTIVE: Emergency Clause

\*\*\* SB 69 \*\*\*

0677S.011

SENATE SPONSOR: Schaefer

SB 69 – This act modifies various provisions relating to pornography.

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.

This act is similar to SB 806 (2010).

MEGHAN LUECKE

01/04/2011 Prefiled

01/05/2011 S First Read--SB 69-Schaefer (S14-15)

01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S125)

EFFECTIVE: August 28, 2011

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

0089S.031

SENATE SPONSOR: Schaefer

SB 70 - This act revises the provisions establishing the Missouri Family Trust and its Board of Trustees, a non-profit organization established for the purpose of administering special needs trusts. Special needs trusts are trusts designed specifically for individuals with disabilities that, if established as prescribed by law, do not affect an individual's eligibility for various public assistance programs such as Medicaid services.

This act revises current law by:

(1) Amending the declaration of policy and intent;

Adding the words "beneficiary", "co-trustee", "Missouri family trust", "remainder beneficiary", and "restricted account" as well as adding to the definitions of "board of trustees", "disability", and "trustees";

(2) Adding a provision that the Board may establish and collect fees for administering trust accounts; and

(3) Repealing sections 402.210 to 402.225 and enacting sections 402.201 to 402.208 in their place.

The new sections break up the establishment of various types of accounts under the Missouri Family Trust into trust accounts, restricted trust accounts and the charitable trust. These accounts are maintained in trust as separate accounts, but may be pooled for purposes of investment and management. SECTION 402.202

#### TRUST ACCOUNTS

This act also names the two types of trust accounts and prescribes the duties, restrictions, distribution of assets and procedures for such accounts. "First party trust accounts" are accounts to which the assets of a beneficiary are contributed and administered in trust for the benefit of the beneficiary. Either the beneficiary, parent, grandparent or legal guardian of the beneficiary, or a court shall be the settlor of the account. At the death of the beneficiary, the Board shall provide notice that the trust has terminated to each state, in addition to the State of Missouri, of which the Board has knowledge that such state has provided Medicaid services to the individual. This act prescribes the procedures for distributing the assets, including to any of the states with claims on the proceeds. SECTION 402.203

"Third party trust accounts" are accounts to which any person as settlor, except a beneficiary or beneficiary's spouse, may contribute assets in the trust to the Board of Trustees for the benefit of the beneficiary. At the death of the beneficiary, the Board shall determine the principal balance of the account and after payment of expenses of the beneficiary as the Board may authorize and all fees and expenses of the Board, shall distribute to the persons, entities, or organizations designated by the settlor as remainder beneficiaries. SECTION 402.204

Under both first party and third party trusts, the settlor of the account may designate a co-trustee to act together with the Board of Trustees acting in its capacity as trustee. This act revises current law by providing that if the Board determines, in its good faith judgment, that a co-trustee has breached his or her fiduciary duties, then the Board may by written notice to such co-trustee, remove him or her and appoint a successor co-trustee or serve as the sole trustee. SECTIONS 402.203.3 AND 402.204.3

#### REVOCABLE TRUST ACCOUNT

If authorized by the settlor in the trust documents, the settlor or the co-trustee of a revocable trust account, upon written notice to the board and with the board's consent, may withdraw such part of the trust account as the settlor or co-trustee may determine. There are restrictions as to the amount that may be withdrawn. The settlor and co-trustee under the same conditions may also revoke and terminate the trust account. Upon receipt of such notice of termination or revocation, the board shall promptly determine the principal balance of the trust account and follow the prescribed procedure for distribution of the assets. SECTION 402.205



**THE CHARITABLE TRUST ACCOUNT**

This act requires the Board to establish a charitable trust account for the benefit of individuals with disabilities. The Board shall accept contributions to the trust at the termination of trust accounts and other contributions from donors. The Board shall determine the amount of income and principal of the charitable trust to be used to provide benefits for individuals with disabilities. Benefits provided shall only be those that do not have a negative effect on the individual's public assistance benefits. SECTION 402.206

**RESTRICTED TRUST ACCOUNTS**

Any person with the consent of the Board may establish a restricted account within the charitable trust and may determine, with the consent of the Board, the class of individuals eligible to be recipients of funds from the restricted accounts, so long as such individuals meet the definition for disabled under this act. SECTION 402.208

**ADRIANE CROUSE**

01/04/2011 Prefiled  
 01/05/2011 S First Read--SB 70-Schaefer (S15)  
 01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S125)  
 01/31/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

0661S.011

SENATE SPONSOR: Parson

SB 71 - Currently, certain banks, savings institutions, and credit unions are required to file a notice with the Missouri Real Estate Appraisers Commission that includes some of the same information and certifications that real estate appraisal management companies must file. This act eliminates the requirement that these banks, savings institutions, and credit unions file this notice.

**EMILY KALMER**

01/04/2011 Prefiled  
 01/05/2011 S First Read--SB 71-Parson (S15)  
 01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S125)  
 01/31/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

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

0457S.021

SENATE SPONSOR: Kraus

SB 72 - Upon voter approval, the Attorney General shall be required to seek appropriate relief to compel the federal government to enforce federal immigration laws. The Attorney General shall also take such action after the passage of the act when he or she determines that the federal government is not enforcing federal immigration laws or when directed by the Governor, the General Assembly, or voters to do so.

**CHRIS HOGERTY**

01/04/2011 Prefiled  
 01/05/2011 S First Read--SB 72-Kraus (S15)  
 01/20/2011 Second Read and Referred S Governmental Accountability Committee (S125)

EFFECTIVE: Contingent

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

0490S.021

SENATE SPONSOR: Kraus

SB 73 - This act requires any fine collected for a motor vehicle violation detected through the use of an automated traffic enforcement system to go to the local school district where the violation occurred. The fines distributed to the school districts shall not be distributed through the school funding formula. Under the act, automated traffic enforcement systems also include automated speed enforcement systems.

**STEPHEN WITTE**

01/04/2011 Prefiled  
 01/05/2011 S First Read--SB 73-Kraus (S15)

01/20/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 74 \*\*\*

0643S.011

SENATE SPONSOR: Kraus

SB 74 - 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 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.

This act is substantially similar to HB 1377 (2010).

ADRIANE CROUSE

01/04/2011 Prefiled

01/05/2011 S First Read--SB 74-Kraus (S15)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S125)

01/25/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 75 \*\*\*

0562S.021

SENATE SPONSOR: Kraus

SB 75 - The act bars political fund-raising activities to be held in buildings owned by the state or political subdivisions.

Statewide elected officials and legislators shall not campaign for other statewide elected officials or legislators or act as a paid political consultant for another statewide elected official or legislator or for a campaign committee, candidate committee, political action committee, or political party committee.

Legislators shall not lobby until two years after leaving office.

Those who offer anything of value to any elected or appointed public official or employee of the state in exchange for an action affecting legislation or rulemaking and those who accept such value in such instances are guilty of a Class D felony.

This act establishes campaign contribution limits for individuals and political party committees. The limits are as follows for contributions made by or accepted from any person other than the candidate in an election:

- \$2,000 for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, or Attorney General.
- \$1,000 for Senators.
- \$500 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.

The limits are as follows for contributions made by or accepted from a political party committee in an election:

- \$2,000 for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, or Attorney General.
- \$1,000 for Senators.
- \$500 for Representatives.
- 10 times the allowable contribution limit for any other office.
- 50% of the amount of the allowable limit in unopposed primaries.

This act is similar to HB 633 (2009), HB 687 (2009), SB 389 (2009), SB 270 (2009), HCS/SS#2/SCS/SB 577 (2010), SB 800 (2010), HCS#2/SB 844 (2010), SB 648 (2010), HB 1322 (2010), HB 1326 (2010), HB 1337 (2010), HB 1727 (2010), HB 1846 (2010), HB 2039 (2010), and HCS/HB 2300 (2010).

CHRIS HOGERTY

01/04/2011 Prefiled

01/05/2011 S First Read--SB 75-Kraus (S15)

01/20/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 76 \*\*\*

0581L.011

SENATE SPONSOR: Schaaf

SB 76 - This act prohibits health carriers from denying reimbursement for providing or interpreting diagnostic imaging services based solely on the speciality or professional board certification of a licensed physician.

STEPHEN WITTE

01/05/2011 S First Read--SB 76-Schaaf (S16)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 77 \*\*\*

0675S.011

SENATE SPONSOR: Stouffer

SB 77 - Under current law, no outdoor advertising may be erected or maintained within 660 feet of certain federal highway right-of-ways. Directional signs, on premise signs, and outdoor advertising signs located in areas zoned commercial or industrial are exempt from this ban. This act would expand the types of directional signs which may be erected and maintained to include signs pertaining to cultural (including agricultural activities or attractions), scientific, educational, and religious sites.

STEPHEN WITTE

01/05/2011 S First Read--SB 77-Stouffer (S16)

01/20/2011 Second Read and Referred S Transportation Committee (S125)

01/26/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 78 \*\*\*

0684L.011

SENATE SPONSOR: Brown

SB 78 - This act extends the sunset on the military family relief fund income tax check-off from August 28, 2011, to December 31, 2017.

JASON ZAMKUS

01/05/2011 S First Read--SB 78-Brown (S16)

01/20/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 79 \*\*\*

0437S.011

SENATE SPONSOR: Justus

SB 79 - This 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.

This act is similar to the Introduced Version of Senate Bill 895 (2010).

JASON ZAMKUS

01/06/2011 S First Read--SB 79-Justus (S62)

01/20/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 80 \*\*\*

0561S.011

SENATE SPONSOR: Justus

SB 80 - This act extends the sunset date for the Missouri RX prescription drug program from August 28, 2011 to August 28, 2016.

ADRIANE CROUSE

01/06/2011 S First Read--SB 80-Justus (S62)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 81 \*\*\*

0657S.011

SENATE SPONSOR: Pearce

SB 81 – Beginning in fiscal year 2013, the Division of School Improvement within the Department of Elementary and Secondary Education may ensure that each Regional Professional Development Center provide professional development educational assistance for fine arts.

The emphasis for fine arts assistance may include the following: 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 substantially similar to a provision contained in the perfected version of SCS/SB 734 (2010) and is similar to HB 1274 (2010), HB 870 (2009) and SB 854 (2008).

MICHAEL RUFF

01/06/2011 S First Read--SB 81-Pearce (S62)

01/20/2011 Second Read and Referred S Education Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 82 \*\*\*

0656S.011

SENATE SPONSOR: Pearce

SB 82 – 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. In addition, any conveyance or transfer must be done at fair market value.

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 similar to SB 778 (2010) and HB 1494 (2010).  
MICHAEL RUFF

01/06/2011 S First Read--SB 82-Pearce (S62)

01/20/2011 Second Read and Referred S Governmental Accountability Committee (S125)

EFFECTIVE: August 28, 2011

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\*\*\* SB 83 \*\*\*

0372S.011

SENATE SPONSOR: Pearce

SB 83 - 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 777 (2010) and SB 243 (2009).

STEPHEN WITTE

01/06/2011 S First Read--SB 83-Pearce (S62)

01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S125)

01/31/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

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

0488S.011

SENATE SPONSOR: Wright-Jones

SB 84 - 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), SB 145 (2009), and SB 694 (2010).

CHRIS HOGERTY

01/06/2011 S First Read--SB 84-Wright-Jones (S62-63)  
 01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S125)  
 01/24/2011 Hearing Scheduled But Not Heard S Financial and Governmental Organizations and Elections Committee  
 01/31/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee  
 EFFECTIVE: August 28, 2011

\*\*\* SB 85 \*\*\*

0257S.011

SENATE SPONSOR: Lembke

SB 85 – This act requires a federal agent serving a warrant issued by a federal court to personally notify the sheriff of the county where the warrant is to be served.

MEGHAN LUECKE

01/06/2011 S First Read--SB 85-Lembke (S63)  
 01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 86 \*\*\*

0527S.011

SENATE SPONSOR: Lembke

SB 86 - This act repeals the certificate of need law and certain statutory references to the law.

This act is identical to SB 90 (2009).

ADRIANE CROUSE

01/06/2011 S First Read--SB 86-Lembke and Schaaf (S63)  
 01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S125)  
 02/01/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

0710S.011

SENATE SPONSOR: Parson

SB 87 – Current law exempts peace officers, jailers, members of the military, members of the judiciary, persons executing process, probation and parole officers, federal probation officers, federal flight deck officers, corporate security advisors, coroners, prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys from provisions prohibiting certain uses of a weapon so long as their acts are associated, with or necessary to, their official duties. Such acts include: 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 act removes the requirement that the otherwise unlawful uses of a weapon be reasonably associated with, or necessary to, fulfill a person's official duties in order for such uses to be exempted from the law.

MEGHAN LUECKE

01/06/2011 S First Read--SB 87-Parson (S63)  
 01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S125)

EFFECTIVE: August 28, 2011

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

0756S.011

SENATE SPONSOR: Schaaf

SB 88 – 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. In addition, any conveyance or transfer must be

done at fair market value.

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 identical to SB 82 (2011) and is similar to SB 778 (2010) and HB 1494 (2010).

MICHAEL RUFF

01/10/2011 S First Read--SB 88-Schaaf (S67)

01/20/2011 Second Read and Referred S Governmental Accountability Committee (S125)

EFFECTIVE: August 28, 2011

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

0526S.011

SENATE SPONSOR: Lembke

SB 89 – This act abolishes the Office of State Public Defender and the Public Defender Commission. Under this act, each circuit court is required to provide legal services to those determined by the court to be eligible for indigent defense.

Each circuit must establish an indigent defense system. A system may include the use of assigned counsel, contract counsel and public defenders. This act defines assigned counsel as private attorneys appointed by the courts on a case by case basis and contract counsel as attorneys, firms, associations, corporations or partnerships under a contract to provide indigent defense. The circuit court may also hire public defenders.

In circuits with two or fewer judges, the presiding circuit judge determines which types of counsel the court will use. In circuits with more than two judges, a majority of the judges makes that determination.

The presiding circuit judge is authorized to administer the indigent defense system, contract with and employ staff, make expenditures and determine compensation with approval from the state courts administrator, adopt rules, enforce liens and accept funds on behalf of the indigent defense system.

The circuit courts may request disbursements from the legal defense and defender fund and the fund may be used to train the personnel of any indigent defense system and other authorized lawful expenses.

MEGHAN LUECKE

01/10/2011 S First Read--SB 89-Lembke (S67)

01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S125)

EFFECTIVE: August 28, 2011

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

0752S.011

SENATE SPONSOR: Dempsey

SB 90 - 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 provided substantially similar benefits provided to 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.

This act is substantially similar to SB 894 (2010).

STEPHEN WITTE

01/11/2011 S First Read--SB 90-Dempsey (S73)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S125)

EFFECTIVE: August 28, 2011

\*\*\* SB 91 \*\*\*

0460S.011

SENATE SPONSOR: Engler

SB 91 - This act modifies criminal provisions regarding picketing or engaging in other protest activities in

front of or about any location at which a funeral is held, or within three hundred feet of or about any location at which a funeral is held. This act specifies that the purpose of these statutes is to protect the privacy of grieving families. The act also eliminates restrictions on protesting at funeral processions and specifies that the protest activity must be disruptive or undertaken to disrupt or disturb the funeral.

EMILY KALMER

01/11/2011 S First Read--SB 91-Engler (S73)

01/20/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S126)

EFFECTIVE: August 28, 2011

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

0758S.011

SENATE SPONSOR: Schaaf

SB 92 - Under current law, the Director of the Department of Insurance, after consultation with health care providers, their licensing boards, and various health insurers (accident and health, HMOs, and health service corporations) is to prescribe a uniform claim form for reporting by health care providers. This act removes the respective health insurers from the consultation process. The act also requires the director, after consultation with health insurers and a public hearing, to establish by rule uniform insurance application forms to be used by all insurers for group health insurance policies, except small employer health plans. This provision was contained in HB 1495 (2010).

STEPHEN WITTE

01/11/2011 S First Read--SB 92-Schaaf (S73)

01/20/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S126)

EFFECTIVE: August 28, 2011

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

0676S.021

SENATE SPONSOR: Kraus

SB 93 - All fees that new businesses are required to pay the Secretary of State to begin operating shall be waived for the first year of operation as long as the new business employs at least 10 employees.

Political subdivisions shall not take more than 60 days to issue business permits, licenses, or other certification required for businesses to begin operating. If at the end of that period, the political subdivision determines that the business has not adhered to the requirements for the respective issuance, the political subdivision shall notify the applying entity in writing explaining the deficiency.

CHRIS HOGERTY

01/11/2011 S First Read--SB 93-Kraus (S73)

01/20/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S126)

EFFECTIVE: August 28, 2011

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

0653S.011

SENATE SPONSOR: Munzlinger

SB 94 - This act adds businesses seeking to make energy improvements as an additional eligible recipient of the low-interest loans available through the State Treasurer's linked deposit loan program. The act directs the Environmental Improvement and Energy Resources Authority (EIERA) to carry out some of the administrative duties, in cooperation with the State Treasurer's office, which include processing applications and determining participant eligibility. The act lists several criteria the EIERA must use in determining eligibility, including economic conditions of the project area and potential energy savings to be gained by the project. Loans are limited to \$200,000 per project.

The act also directs the EIERA to administer an interest buy-down program, where it makes interest payments amounting to the difference between the going interest rate and 3% for loans made to businesses for energy improvements. Participants in the interest buy-down program must meet the same criteria as for participation in the linked deposit loan program, however, no participant can receive both the interest buy-down and a reduced-rate loan for the same project. The maximum interest buy-down per project is \$30,000.



Energy audits are required to determine participant eligibility for both of the programs in the act.

ERIKA JAQUES

01/12/2011 S First Read--SB 94-Munzlinger (S78)

01/20/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S126)

01/26/2011 Hearing Scheduled But Not Heard S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

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

0672S.03I

SENATE SPONSOR: Munzlinger

This bill has been combined with SB 113

01/12/2011 S First Read--SB 95-Munzlinger (S79)

01/20/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S126)

01/26/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

01/27/2011 Bill Combined w/(SCS SBs 113 & 95)

EFFECTIVE: August 28, 2011

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

0487S.02I

SENATE SPONSOR: Engler

SB 96 - This act authorizes the Governor to convey certain state property located in the city of Farmington to St. Francois County and to Habitat for Humanity of St. Francois County, Inc.

MEGHAN LUECKE

01/12/2011 S First Read--SB 96-Engler (S79)

01/20/2011 Second Read and Referred S Governmental Accountability Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 97 \*\*\*

0810S.01I

SENATE SPONSOR: Engler

SB 97 - This act authorizes the Governor to convey certain state property located at the South East Missouri Mental Health Center to the city of Farmington.

This act is similar to HB 2317 (2010).

MEGHAN LUECKE

01/12/2011 S First Read--SB 97-Engler (S79)

01/20/2011 Second Read and Referred S Governmental Accountability Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 98 \*\*\*

0760S.02I

SENATE SPONSOR: Schaaf

SB 98 - This act prohibits any agreement between a health carrier and a participating licensed health care provider from containing a provision which:

- (1) Prohibits a provider from contracting with another health carrier to provide health care services at a lower price than the payment specified in the agreement;
- (2) Requires the provider to accept a lower reimbursement from the carrier in the event the provider agrees to provide health care services to another health carrier at a lower price;
- (3) Requires or allows the health carrier to terminate or renegotiate an existing agreement if the participating provider agrees to provide health care services to another health carrier at a lower price; or

(4) Requires the participating provider to disclose his or her reimbursement rates with other health providers.

A violation of any of these provisions will make an agreement void and unenforceable.

STEPHEN WITTE

01/12/2011 S First Read--SB 98-Schaaf (S79)

01/20/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S126)

EFFECTIVE: August 28, 2011

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\*\*\* SB 99 \*\*\*

0648S.041

SENATE SPONSOR: Chappelle-Nadal

SB 99 – This act modifies provisions relating to elementary and secondary education.

**SUPERINTENDENT EVALUATIONS:** By June 30, 2012, the Department of Elementary and Secondary Education must develop an evaluation instrument to be provided to school districts to evaluate superintendent performance. (Section 161.380)

**CHANGES IN SCHOOL DISTRICT COMPOSITION & MSIP REVIEW:** When school districts consolidate, the Department of Elementary and Secondary Education must grant the new district a waiver from Missouri School Improvement Program review for three years. When a district undergoes an annexation or has a boundary line change that results in an increase in the number of enrolled pupils by ten percent, the Department of Elementary and Secondary Education must grant the district a waiver from Missouri School Improvement Program review for three years. (Section 162.1115)

**REDUCTION IN FORCE:** Current law allows the board of education of a school district to reduce the number of teachers in a school district under certain circumstances. This act requires a school board, when utilizing reduction in force, to reduce administrative costs in the same amount as the cost savings achieved by the reduction in force. (Sections 168.124 & 168.221)

**SUPERINTENDENT COMPENSATION REDUCTION:** A school board may reduce the compensation of its superintendent of schools based on a comparison of student performance of non-district Missouri students possessing similar characteristics, as described in the act, and a finding that the district's students have underperformed as compared. This provision only applies to unaccredited or provisionally accredited school districts or districts that, for any three years, have obtained a score on their annual performance review consistent with a classification of unaccredited or provisionally accredited.

A reduction in compensation may only occur for a superintendent after the board has employed him or her for four consecutive years. (Sections 168.211, 168.214)

**SCHOOL PERSONNEL COMPENSATION:** This act places limits on the amount of compensation a board of education may provide to certain school district personnel. A superintendent, assistant superintendent, administrator, or central office personnel may not receive a total compensation package, as described in the act, that exceeds the amount of the district's total average salary for tenured teachers by two and one-half times. In addition, the average administrator salary must not exceed twice the amount of the district's average salary for tenured teachers. Any district that violates these limitations will have an amount equal to one percent of school funding provided through the foundation formula withheld. (Sections 168.107 & 168.223)

MICHAEL RUFF

01/12/2011 S First Read--SB 99-Chappelle-Nadal (S79)

01/20/2011 Second Read and Referred S Education Committee (S126)

EFFECTIVE: August 28, 2011

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

0725S.011

SENATE SPONSOR: Stouffer

SB 100 - 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.

This act is similar to Senate Bill 608 (2010) and contains provisions similar to those in Senate Bill 71 (2009) and Senate Bill 1274 (2008).

JASON ZAMKUS

01/12/2011 S First Read--SB 100-Stouffer (S79)

01/20/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 101 \*\*\*

0733S.011

SENATE SPONSOR: Parson

SB 101 - Under the act, contractors who perform roof or other residential exterior work are prohibited from offering to pay, in any monetary form, a homeowner's insurance deductible as an incentive to encourage the homeowner to hire the contractor.

When a holder of property and casualty insurance enters into a contract for home exterior work but is notified by the insurer that part or all of the work under contract will not be covered by the policy, the act allows the insurance holder to cancel the work contract within 5 business days of receiving the notification. The act provides procedures for how the insurance holder may cancel the contract. The act requires that certain notices regarding cancellation be included by home exterior contractors in their contracts. If a contract is cancelled, home exterior contractors must refund any payments or deposits made by an insurance holder within 10 days, except when the contractor performed agreed-upon necessary emergency services, in which case, the contractor is entitled to payment for services rendered.

Home exterior contractors may not represent or negotiate on behalf of any insurance holder regarding insurance claims for the related home exterior work.

Violations of the act by home exterior contractors shall be considered an unlawful merchandising practice and may be prosecuted as such.

ERIKA JAQUES

01/12/2011 S First Read--SB 101-Parson (S79)

01/20/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 102 \*\*\*

0530S.011

SENATE SPONSOR: Green

SB 102 – Current law provides that a child between fourteen and sixteen years of age may be employed with a work certificate. This act specifies that a work certificate will permit the employment of a child fourteen or fifteen years of age.

MICHAEL RUFF

01/12/2011 S First Read--SB 102-Green (S79)

01/20/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 103 \*\*\*

0455S.011

SENATE SPONSOR: Green

SB 103 - 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.

This act is identical to SB 610 (2010).  
CHRIS HOGERTY

01/12/2011 S First Read--SB 103-Green (S79)

01/20/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S126)

EFFECTIVE: August 28, 2011

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

0442S.011

SENATE SPONSOR: Green

SB 104 - 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. Fees and damages for violations of this act go to the Crane Safety Enforcement Fund.

This act is similar to SB 764 (2010).

EMILY KALMER

01/12/2011 S First Read--SB 104-Green (S79)

01/20/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 105 \*\*\*

0456S.011

SENATE SPONSOR: Green

SB 105 - 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, 2012.

This act is similar to SB 859 (2006), SB 37 (2007), SB 1251 (2008), SB 523 (2009), SB 21 (2009), and SB 651 (2010).

CHRIS HOGERTY

01/12/2011 S First Read--SB 105-Green, et al (S79)

01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S126)

01/24/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: January 1, 2012

\*\*\* SB 106 \*\*\*

0504S.011

SENATE SPONSOR: Green

SB 106 - This act allows persons who have been awarded the combat action badge to obtain specialized license plates bearing the words "COMBAT ACTION" and an image of the combat action badge.

This act is identical to SB 909 (2010).

STEPHEN WITTE

01/12/2011 S First Read--SB 106-Green (S79)

01/20/2011 Second Read and Referred S Transportation Committee (S126)

01/26/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 107 \*\*\*

0503S.011

SENATE SPONSOR: Green

SB 107 - 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.

This act is virtually identical to SB 762 (2010).

STEPHEN WITTE

01/12/2011 S First Read--SB 107-Green (S80)

01/20/2011 Second Read and Referred S Transportation Committee (S126)

EFFECTIVE: Emergency Clause

\*\*\* SB 108 \*\*\*

0204S.011

SENATE SPONSOR: Schmitt

SB 108 - Currently, provisions of law concerning the installation of fire sprinklers in certain home dwellings are set to expire on December 31, 2011. This act removes the expiration date as well as a doubly enacted section regarding this provision.

JIM ERTLE

01/12/2011 S First Read--SB 108-Schmitt, et al (S80)

01/20/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S126)

02/02/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 109 \*\*\*

0241S.021

SENATE SPONSOR: Crowell

SB 109 - Upon voter approval, 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 similar to HB 877 (2005), and SB 888 (2010).

CHRIS HOGERTY

01/13/2011 S First Read--SB 109-Crowell (S91)

01/20/2011 Second Read and Referred S General Laws Committee (S126)

EFFECTIVE: Upon Voter Approval

\*\*\* SB 110 \*\*\*

0150S.021

SENATE SPONSOR: Crowell

SB 110 - Upon voter approval, this act prevents the Missouri minimum wage from exceeding the federal minimum wage.

This act is similar to SB 889 (2010).

CHRIS HOGERTY

01/13/2011 S First Read--SB 110-Crowell (S91)

01/20/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 111 \*\*\*

0893S.011

SENATE SPONSOR: Schaaf

SB 111 - Under this act, each health carrier shall provide each contracted provider with access to the health carrier's standard fee schedule, specific to the provider's geographic area, through a secure website. Such fee schedule shall reflect the current payment rates for all goods and services pertinent to the provider's practice or business, defined by procedure codes, diagnosis related groups, or defined by another payment mechanism, and all contracted providers in such geographic area shall be paid for the goods and services provided at such rates, unless different rates have been specifically agreed upon contractually with an individual provider. In no case shall the standard fee schedule include a rate for a specific good or service that is less than the lowest rate individually contracted for by the providers of such good or service in the applicable geographic area if all the providers in such area have individually contracted to be paid at different

rates for such good or service.

Under the act, no health carrier shall refuse to contract with any Missouri provider who is located within the geographic coverage area of a health benefit plan and who is willing to meet the terms and conditions for provider participation established for such health benefit plan if the provider is willing, as a term of such contract, to be paid at rates equal to 99% of the standard rates established pursuant to this act.

STEPHEN WITTE

01/13/2011 S First Read--SB 111-Schaaf (S91)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S126)

EFFECTIVE: August 28, 2011

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

0840S.011

SENATE SPONSOR: Kraus

SB 112 - This act provides immunity from any civil or criminal liability to any person who reports a case of suspected child abuse, neglect or assault to the proper authorities of a medical institution, school facility, or public or private agency. Such immunity shall be from any action taken by any of the above listed entities as a result of notification of suspected abuse.

This act is identical to HB 532 (2009).

ADRIANE CROUSE

01/13/2011 S First Read--SB 112-Kraus (S91)

01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 113 \*\*\*

0178S.061

SENATE SPONSOR: Parson

SCS/SBs 113 & 95 - This act modifies the Puppy Mill Cruelty Prevention Act.

Current law prohibits anyone from having more than 50 dogs when the purpose is to breed them and sell the resulting puppies. The act removes this prohibition.

The act modifies many of the act's definitions.

Under current law, anyone subject to the act's provisions who violates the act commits the crime of puppy mill cruelty, which is a class C misdemeanor. The act gives breeders who are properly licensed a grace period of between 30 and 180 days in which to correct serious violations of the act before being charged with the crime. The act also requires the Department of Agriculture to conduct two follow-up inspections on any properly licensed breeder who is found to have committed a serious violation of the act. The department may revoke the commercial breeder's license of a breeder who fails to correct a serious violation after the second inspection.

The act contains an emergency clause.

ERIKA JAQUES

01/13/2011 S First Read--SB 113-Parson and Engler (S91)

01/20/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S126)

01/26/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

01/27/2011 SCS Voted Do Pass (w/SCS SBs 113 & 95) S Agriculture, Food Production and Outdoor Resources Committee (0178S.08C)

EFFECTIVE: Emergency Clause

\*\*\* SB 114 \*\*\*

0276S.011

SENATE SPONSOR: Justus

SB 114 – 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, 2011, or upon the Governor's signature, whichever occurs later.

This act is identical to SB 783 (2010) and is substantially similar to SB 331 (2009) and similar to SB 1109 (2004).

MICHAEL RUFF

01/13/2011 S First Read--SB 114-Justus (S91)

01/20/2011 Second Read and Referred S Education Committee (S126)

EFFECTIVE: July 1, 2011

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\*\*\* SB 115 \*\*\*

0538S.011

SENATE SPONSOR: Justus

SB 115 – 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.

For a member who leaves employment with an employer in the retirement system to perform qualified military service and dies during such service, the retirement system must count the qualified military service as creditable service for purposes of vesting. Qualified military service in this circumstance will not be counted as creditable service for purposes of benefits. (Section 169.301)

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 or 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)

This act is substantially similar to SB 938 (2010), HB 2221 (2010) and is similar to provisions also contained in SS/HCS/HB 2357 (2010), HCS/SS/SCS/SB 580 (2010), and SS/SB 714 (2010).

MICHAEL RUFF

01/13/2011 S First Read--SB 115-Justus (S91)  
01/20/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs  
Committee (S126)

EFFECTIVE: August 28, 2011

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\*\*\* SB 116 \*\*\*

0606S.011

SENATE SPONSOR: Justus

SB 116 - This act updates the Uniform Interstate Family Support Act (UIFSA). 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 of the updated UIFSA shall become effective and the repeal of the current UIFSA shall become effective upon the United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007.

This act is identical to HCS/HB 1799 (2010).  
ADRIANE CROUSE

01/13/2011 S First Read--SB 116-Justus (S91)  
01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S126)

EFFECTIVE: Contingent

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\*\*\* SB 117 \*\*\*

0835S.021

SENATE SPONSOR: Engler

SB 117 - This act authorizes hospital districts located within Iron County to abolish their existing property tax levies and, upon voter approval, impose a sales tax of up to one percent to fund the district. The hospital district sales tax will be imposed upon all retail sales made within the district and all sales of metered water services, electricity, electrical current and natural, artificial or propane gas, wood, coal, or home heating oil for domestic use.

JASON ZAMKUS

01/13/2011 S First Read--SB 117-Engler (S91)  
01/20/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S126)

EFFECTIVE: August 28, 2011

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\*\*\* SB 118 \*\*\*

0839S.011

SENATE SPONSOR: Stouffer

SB 118 - Current law requires long-term care facilities to install and maintain an approved sprinkler system by December 31, 2012. This act allows the 2012 implementation date requirement to toll if funds are not available in the sprinkler loan program. Facilities have six months to apply for the loan once funds are available and twelve months to install the system once the loan is awarded.

ADRIANE CROUSE

01/13/2011 S First Read--SB 118-Stouffer (S91)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S126)

02/01/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 119 \*\*\*

0730S.011

SENATE SPONSOR: Schaefer

SB 119 - 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 870 (2010) and SB 381 (2009).

ERIKA JAQUES

01/18/2011 S First Read--SB 119-Schaefer (S97)

01/20/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S126)

EFFECTIVE: August 28, 2011

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\*\*\* SB 120 \*\*\*

0897S.011

SENATE SPONSOR: Stouffer

SB 120 - This act modifies various provisions relating to the regulation of outdoor advertising.

**LOCAL OUTDOOR ADVERTISING REGULATIONS** - 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).

**BILLBOARD MORATORIUM DURING PERIODS OF HIGHWAY CONSTRUCTION** - Under this act, on the date the commission approves funding for any phase or portion of construction or reconstruction of any street or highway, 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 highway, 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.

The act requires all signs to be subject to biennial inspection fees.

STEPHEN WITTE

01/18/2011 S First Read--SB 120-Stouffer (S98)

01/20/2011 Second Read and Referred S Transportation Committee (S126)

02/02/2011 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 121 \*\*\*

0889S.011

SENATE SPONSOR: Stouffer

SB 121 - This act specifies how duty-related death benefits will be funded for the Missouri Local Government Employees' Retirement System (LAGERS). In the same way as when a disability benefit is due to a member of the LAGERS system, when a duty-related death benefit is due to a beneficiary, the accrued service pension reserve will be calculated, as of the effective date of the disability benefit. Contributions from political subdivisions for duty-related death benefits will be held in the Casualty Reserve Fund. Political subdivisions that participate in LAGERS will have a portion of their contributions for duty-related death benefits determined on a one-year term basis in the same way that their contribution for a portion of disability benefits is determined.

EMILY KALMER

01/18/2011 S First Read--SB 121-Stouffer (S98)

01/20/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 122 \*\*\*

0757S.011

SENATE SPONSOR: Schaaf

SB 122 - Under this act, if the co-payment applied by a HMO or health insurer exceeds the usual and customary retail price of a prescription drug, the enrollee shall only be required to pay the usual and customary retail price of the prescription drug and there will be no further charge to the enrollee or plan sponsor for the prescription (Sections 354.535 and 376.387).

STEPHEN WITTE

01/18/2011 S First Read--SB 122-Schaaf (S98)

01/20/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S126)

EFFECTIVE: August 28, 2011

\*\*\* SB 123 \*\*\*

0988S.011

SENATE SPONSOR: Keaveny

SB 123 – 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 1st 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 1st and October 1st 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.

This act is identical to SB 956 (2010).

MICHAEL RUFF

01/18/2011 S First Read--SB 123-Keaveny (S98)

01/20/2011 Second Read and Referred S Education Committee (S127)

EFFECTIVE: August 28, 2011

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

0637S.011

SENATE SPONSOR: Keaveny

SB 124 – Any parent or guardian who chooses to send his or her child to a public, private, parochial, parish school, or combination thereof, in the St. Louis City School District must do as at age five. This change will begin in the 2012-2013 school year. This change will not apply to any parent or guardian who intends to enroll his or her child in a home school.

MICHAEL RUFF

01/18/2011 S First Read--SB 124-Keaveny (S98)

01/20/2011 Second Read and Referred S Education Committee (S127)

EFFECTIVE: August 28, 2011

\*\*\* SB 125 \*\*\*

0791S.011

SENATE SPONSOR: Keaveny

SB 125 - This act modifies the law relating to title loans.

This act specifies that the title loan laws apply to those who should be licensed as title lenders including those selling disguised title loans and those engaged in subterfuge for the purposes of evading title lender regulations.

This act caps the duration of a title loan agreement at 45 days.

Persons shall not use the terms "title loans", "title lending", or other designations indicating the person is a title lender.

Those in violation of the title lending laws are also guilty of an unlawful merchandising practice under Chapter 407, RSMo.

CHRIS HOGERTY

01/18/2011 S First Read--SB 125-Keaveny (S98)

01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S127)

EFFECTIVE: August 28, 2011

\*\*\* SB 126 \*\*\*

0605S.011

SENATE SPONSOR: Wasson

SB 126 - This act provides that the MO HealthNet Division shall not discriminate between licensed marital family therapists and licensed professional counselors when promulgating rules or when requiring or recommending services that legally may be performed by licensed marital family therapists and licensed professional counselors.

ADRIANE CROUSE

01/18/2011 S First Read--SB 126-Wasson (S98)

01/27/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S160)

EFFECTIVE: August 28, 2011

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

0190S.011

SENATE SPONSOR: Chappelle-Nadal

SB 127 - This act requires all state elected officials, state executive branch managerial staff, and all officers and leadership staff of the House and Senate to submit to drug tests before taking office and every two years thereafter.

General Assembly members arrested two times during the members' term shall vacate their office.

This act is identical to HB 1754 (2010).

CHRIS HOGERTY

01/18/2011 S First Read--SB 127-Chappelle-Nadal (S98)

01/27/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S160)

EFFECTIVE: August 28, 2011

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

0891S.011

SENATE SPONSOR: Lembke

SB 128 – This act allows the mayor of the City of St. Louis to be a charter school sponsor.

This act is identical to a provision contained in SB 64 (2009).

MICHAEL RUFF

01/18/2011 S First Read--SB 128-Lembke (S98)

01/27/2011 Second Read and Referred S Education Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 129 \*\*\*

0732S.021

SENATE SPONSOR: Lembke

SB 129 - Current law requires the board of education of an unaccredited school district to pay the tuition and transportation of resident students who attend an accredited school in the same or an adjoining county. This act exempts the St. Louis City School District from this requirement when the district is governed by a special administrative board of the transitional school district.

MICHAEL RUFF

01/18/2011 S First Read--SB 129-Lembke (S98)

01/27/2011 Second Read and Referred S Education Committee (S160)

EFFECTIVE: August 28, 2011

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

0318S.021

SENATE SPONSOR: Rupp

SB 130 – 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 two different types of scholarships to students who graduate early from public high school in Missouri.

A student who graduates from high school in no more than thirty-six months and meets certain other requirements will be offered a scholarship in an amount, as described in the act. The student's high school will be offered a grant in an amount equal to ten percent of the district's state aid payments, divided by the district's average daily attendance for the year immediately preceding the student's graduation. A student can use the scholarship for tuition, mandatory fees, or both, if attending a public or private institution of higher education in Missouri. A student who has participated in a dual-credit or dual-enrollment program through his or her high school and an institution of higher education may also use the scholarship funds to pay any fees to receive official post-secondary credit for work completed through the program. 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.

A student who graduates from high school in no more than forty-one months will be offered a scholarship in an amount as described in the act. A student who receives such a scholarship must use the funds to

participate in a dual enrollment program or to pay any fees necessary to receive official post-secondary credit for work completed through such program.

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.

This act creates two separate funds in the State Treasury. The Department of Elementary and Secondary Education must place an amount equal to the total of the scholarship and grant amounts in one of the funds, depending on how early a student graduates from high school. The Department of Higher Education will use these funds to distribute the scholarships and grants. After distributing the grant moneys, the Department will determine the scholarship amount for each student by dividing the remaining moneys in the fund by the number of eligible students.

The Department of Elementary and Secondary Education must confirm the student's graduation and higher education enrollment with the high school and institution of higher education, in cooperation with the Department 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, 2012, 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.

This act is similar to SB 907 (2010).

MICHAEL RUFF

01/18/2011 S First Read--SB 130-Rupp (S98)

01/27/2011 Second Read and Referred S Education Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 131 \*\*\*

0996S.021

SENATE SPONSOR: Rupp

SB 131 - This act exempts qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program. The act defines a qualified plug-in electric drive vehicle mean a four-wheeled motor vehicle that:

- (1) Is made by a manufacturer;
- (2) Is manufactured primarily for use on public streets, roads, and highways;
- (3) Has not been modified from original manufacturer specifications;
- (4) Is acquired for use or lease by the motor vehicle owner and not for resale;
- (5) Is rated at not more than 8,500 pounds unloaded gross vehicle weight;
- (6) Has a maximum speed capability of at least 55 miles per hour; and
- (7) Is propelled to a significant extent by an electric motor that draws electricity from a battery that has a

capacity of not less than 4 kilowatt hours and is capable of being recharged from an external source of electricity.

STEPHEN WITTE

01/18/2011 S First Read--SB 131-Rupp (S98)

01/27/2011 Second Read and Referred S Transportation Committee (S160)

02/02/2011 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 132 \*\*\*

0896S.011

SENATE SPONSOR: Rupp

SB 132 - This act modifies the law regarding motor vehicle extended service contracts.

**DELIVERY OF MOTOR VEHICLE EXTENDED SERVICE CONTRACTS** - This act makes it unlawful for a motor vehicle extended service contract provider to fail to deliver a fully executed motor vehicle extended service contract to the consumer within a commercially feasible time period (no more than 30 days), from the date of purchase. The act also makes it unlawful for any provider, administrator, or motor vehicle extended service contract producer who sell such contracts to fail to deliver a copy of an unsigned copy of the contract to the consumer, if requested, prior to the sale. Sellers may also direct the consumer to a website containing an unsigned copy of the service contract. (Section 385.205).

**LICENSING** - The act also modifies who may sell motor vehicle extended service contracts. Licensed motor vehicle dealers holding an organizational credit entity license may sell such products along with their employees who are properly licensed as credit insurance producers when such service contracts are sold in connection with the sale of a motor vehicle or vehicle services. Business entity producers or individual producers licensed as insurance producers for the limited line of motor vehicle extended service contracts may sell such contracts. Individual producers selling motor vehicle extended service contracts must obtain a resident or nonresident insurance producer license for either a personal lines property and casualty license or the limited line of motor vehicle extended service contracts. The act further delineates the application and testing requirements for obtaining a license for a limited line of motor vehicle extended service contracts license.

**FREE LOOK PERIOD** - The act modifies the free look period provision for reviewing a motor vehicle extended service contract. Under the act, motor vehicle extended service contracts shall contain a free look period that allows the purchaser to return the contract to the provider within at least 20 business days of the mailing date of the contract or the purchase date if the contract is executed and delivered at the time of sale. If a claim is made under the contract during the free look period, the provider shall refund to the contract holder the full purchase price less any claims that have been paid. The act further provides that a motor vehicle extended service contract shall state that a service contract holder may cancel the contract after the free look period at any time and the provider must refund 100% of the unearned pro rata provider fee, less any claims paid. A reasonable administrative fee may be surcharged by the provider in an amount not to exceed \$50.

**DECEPTIVE PRACTICES** - The act modifies the law regarding what constitutes a deceptive practice under the motor vehicle extended service contract act. The act forbids providers, administrators, and other sellers of such contracts from using the word "warranty" in their materials. In addition, such entities shall not represent in any manner a false or deceptive statement with respect to:

- (1) An affiliation with a motor vehicle manufacturer or dealer;
- (2) Possession of information regarding a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;
- (3) The expiration of a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;
- (4) A requirement that such motor vehicle owner register for a new motor vehicle extended service contract with such provider in order to maintain coverage under the motor vehicle owner's current motor vehicle extended service contract or manufacturer's original equipment warranty; or
- (5) Any term or provision of a motor vehicle extended service contract, including by requesting or processing a consumer's payment information before the material terms of the motor vehicle service contract are adequately explained to the consumer and the consumer confirms understanding of those terms (Section 385.208).

**SUSPENSION AND REVOCATION OF LICENSE** - The act establishes the statutory reasons for which the director may suspend or revoke a license to sell motor vehicle extended service contracts. For example, the director may suspend an individual's license for having been convicted of a felony or a crime involving moral turpitude. The act also establishes the appeals process an aggrieved license holder may follow if the holder's license is suspended or revoked. Appeals shall made to the administrative hearing commission. The act also requires motor vehicle extended service contract producers to notify the director of address changes and adverse administrative or civil proceedings within 30 days. In addition, producers must report to the director any criminal proceedings initiated by any state or the federal government within 30 days of the initial pretrial hearing date (Section 385.209).

**REGISTRY OF MOTOR VEHICLE EXTENDED SERVICE PRODUCERS** - Under the act, a provider registered to issue motor vehicle extended service contracts must maintain a register of appointed motor vehicle extended service contract producers who are authorized to sell such contracts in this state. Within 30



days of a provider authorizing a producer to sell motor vehicle extended service contracts, the provider shall enter the name and license number of the producer in the company registry of appointed motor vehicle extended service contract producers. Within 30 days of a provider terminating a producer's appointment to sell motor vehicle extended service contracts, the provider shall update the registry with the effective date of the termination. No fee shall be charged for adding a producer to or removing a producer from the registry.

Under the act, providers having information relating to any cause for discipline under the act must notify the director of this information in writing.

STEPHEN WITTE

01/18/2011 S First Read--SB 132-Rupp and Kehoe (S98)

01/27/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 133 \*\*\*

0709S.011

SENATE SPONSOR: Rupp

SB 133 - This act authorizes the State Highways and Transportation Commission to enter into an additional design-build contract for the improvement of the bridge on US40/I-64 located in St. Louis County and St. Charles County.

STEPHEN WITTE

01/18/2011 S First Read--SB 133-Rupp (S98)

01/27/2011 Second Read and Referred S Transportation Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 134 \*\*\*

0939S.011

SENATE SPONSOR: Rupp

SB 134 - This act modifies provisions relating to termination of parental rights as it relates to parents with disabilities. The act specifies that the disability of a parent shall not constitute a basis for a determination that a child is in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability and harm to the child. In such cases involving termination of parental rights, the court shall consider the availability and use of accommodations for the disability of the parent, including assistive technology and support services.

ADRIANE CROUSE

01/18/2011 S First Read--SB 134-Rupp (S98)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 135 \*\*\*

0583S.021

SENATE SPONSOR: Schaefer

SB 135 - Under current law, the state statutes regarding dry-cleaning facility environmental remediation, including payments into the Dry-Cleaning Environmental Response Trust Fund, expire on August 28, 2012. The act extends the expiration date to August 28, 2022.

By August 28, 2012, the Board of Trustees of the Petroleum Storage Tank Insurance Fund must hold at least one public hearing to determine if it should create an underground storage tank operator training program. In making its decision, the Board must consider: input from the Departments of Natural Resources and Agriculture, the Board's advisory committee, and relevant portions of the private sector; federal financial ramifications; and other training programs already in use.

If the Board decides that a training program is necessary, the act lists requirements for the program. The program must meet federal requirements, be developed in collaboration with certain entities, be offered at no cost to individuals who are required to attend, specify certain standards and documentation requirements, and be developed by rule. The Board may contract with third parties to provide the training. The Board may modify or eliminate the program by rule. Records for the program must be made readily available to the Department of Natural Resources.

State and local governments 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 motor fuel mandate or 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.

Only the Department of Natural Resources may set Stage 1 and Stage 2 motor fuel vapor recovery fees and such fees may not be modified by local governments or local enforcement agencies.

This act contains provisions similar to SB 1040 (2010) and SB 885 (2010).

ERIKA JAQUES

01/19/2011 S First Read--SB 135-Schaefer (S105)

01/27/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 136 \*\*\*

1006S.011

SENATE SPONSOR: Schaaf

SB 136 – This act prohibits a hospital from requiring a physician to agree to make patient referrals to the hospital-affiliated facility as a condition of receiving medical staff membership or medical staff privileges at the hospital. This act also prohibits a hospital from refusing to grant medical staff membership or privileges or participatory status in the hospital because the physician or his or her partner, associate, employee, or family member provides medical or health care services at, has ownership interest in, or has a leadership position on the medical staff of another hospital, hospital system, or health care facility.

This act is identical to HB 1855 (2010).

ADRIANE CROUSE

01/19/2011 S First Read--SB 136-Schaaf (S105)

01/27/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S160)

EFFECTIVE: August 28, 2011

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

0873L.031

SENATE SPONSOR: Brown

SB 137 – After August 28, 2011, all hospitals and health care facilities shall require all newly hired personnel providing services in such facilities to wear identification badges prominently displaying the employee's photograph, name, title and employer. The title of the employee shall include whether the employee is a physician, registered nurse, licenced practical nurse, or other titles as determined by the Department of Health and Senior Services. Personnel shall not be required to wear the badge while delivering direct care if not clinically feasible. Also, the last name of the personnel on the badge may be concealed when delivering care to an irrational or violent consumer.

Compliance with this act for all current personnel may occur when any badges are issued or replaced within a reasonable time after August 28, 2011, but no later than by August 28, 2016. Nothing in this act requires the immediate replacement of identification badges worn by current personnel.

ADRIANE CROUSE

01/19/2011 S First Read--SB 137-Brown (S105)

01/27/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 138 \*\*\*

0048S.061

SENATE SPONSOR: Keaveny

SB 138 - This act creates the Nonhuman Primate Act.

No person in the state may own, keep, breed, or otherwise possess certain non-human primates (baboon, chimpanzee, orangutan, gorilla, etc.) without a permit for such animals issued by the Department of Agriculture. Permits must be sought within 30 days of acquisition of such an animal. Certain organizations are exempt from the act's provisions as listed.

Permit applicants must be at least 21 years of age. The act requires certain information on the permit application to help locate and identify the animal. The department may only issue a permit to a person who meets all of the requirements of the act. Permits are valid for up to 5 years and are renewable. The department may charge reasonable fees for an original permit and a renewal permit. The department may deny anyone a permit, or revoke a permit, if a person fails at any time to meet or comply with the act's requirements. The department may revoke a permit for a non-human primate if a permit holder pleads guilty to or is found guilty of the crime of animal abuse, abandonment, or animal neglect. Denied or revoked permits may be appealed.

Under the act, if a person can no longer care for a non-human primate in his or her possession, the person can transfer the primate to another person who has a valid permit or the person can contact the department or a wildlife sanctuary.

The act lists certain requirements for non-human primates. They shall be spayed or neutered and secured in a vehicle during transport. They shall not be allowed to run loose, mistreated or deprived of basic needs, brought to a public place or place of business, or released or allowed to escape. Owners of non-human primates must have certain signs posted on their property to notify the public of the animal's presence.

Owners of non-human primates must notify law enforcement immediately if the primate escapes and will be responsible for the costs involved in capture. Owners of non-human primates must allow enforcement agents reasonable access to the animal's premises to ensure the animal is being kept in compliance with the act. The department may confiscate any animal not kept in compliance with the act. The animal may be returned to the owner under certain conditions and may not be returned to the owner if the owner has had a primate previously confiscated. The act provides for disposition of a non-human primate if the department cannot return the animal to its owner.

A violation of the act is a Class A misdemeanor, except if a person intentionally releases a non-human primate, which is a Class D felony.

Cities and counties may enact laws that are more restrictive than the requirements of the act.

ERIKA JAQUES

01/19/2011 S First Read--SB 138-Keaveny (S105)

01/27/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S160)

EFFECTIVE: August 28, 2011

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\*\*\* SB 139 \*\*\*

0563S.011

SENATE SPONSOR: Crowell

SB 139 - This act modifies every state tax credit program in existence by limiting the amount of tax credits available for authorization in each fiscal year beginning FY 2013 based upon an appropriations made by the General Assembly in the appropriation bill for public debt.

The act creates a procedure for the appropriation of tax credit authorizations after June 30, 2012. The act establishes separate funds to receive appropriations for each tax credit program in existence. Unless specifically appropriated, no tax credits may be authorized after June 30, 2012. 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 appropriations. Where Missouri law allows the issuance of tax credits to a recipient over the course of several years, such tax credit authorization must be appropriated in the aggregate, and subsequent issuance of such tax credits will not be used in calculating any statutory limitation on the fiscal year authorization appropriation of tax credits. Fiscal year appropriations 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. Appropriated funds for tax credits which remain unauthorized

at the end of the fiscal year, along with an interest earned on moneys within the funds, will be transferred to the general revenue fund on the last day of such fiscal year. As tax credits are redeemed, transfers from the various tax credit funds will be made to the general revenue fund to offset such redemptions.

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 954 (2010).

JASON ZAMKUS

01/19/2011 S First Read--SB 139-Crowell (S105)

01/27/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S160)

EFFECTIVE: August 28, 2011

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

0692S.011

SENATE SPONSOR: Crowell

SB 140 - This act repeals provisions of the Missouri property tax credit, commonly referred to as the circuit breaker tax credit, which allow renters to receive the property tax credit for rent constituting taxes paid.

JASON ZAMKUS

01/19/2011 S First Read--SB 140-Crowell (S105)

01/27/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 141 \*\*\*

0458S.011

SENATE SPONSOR: Crowell

SB 141 - This act requires applicants to provide statements, that such applicant has not made a contribution to a state or federal campaign committee within the two years prior to application and will not make such a contribution for the two year period following receipt of tax credits, with all applications for:

1. Agricultural product utilization contributor tax credits;
2. New generation cooperative incentive tax credits;
3. Low-income housing tax credits;
4. Business facility tax credits;
5. Enterprise zone tax benefits;
6. Business use incentives for large-scale development tax credits (BUILD);
7. Development tax credits;
8. Rebuilding communities tax credits;
9. Film production tax credits;
10. Enhanced enterprise zone tax benefits;
11. Quality jobs tax benefits;
12. Capital tax credits;
13. Certified capital company tax credits;
14. Seed capital tax credits;
15. New enterprise creation tax credits;
16. Research tax credits;
17. Small business incubator tax credits;
18. Guarantee fee tax credits;
19. New generation cooperative tax credits;
20. Historic preservation tax credits;
21. Brownfield redevelopment program tax credits;
22. Community development corporations tax credits;
23. Missouri Development Finance Board (MDFB) infrastructure tax credits;
24. MDFB bond guarantee tax credits;
25. Disabled access tax credits;
26. New markets tax credits;
27. Distressed areas land assemblage tax credits; and
30. Any tax credits authorized under any tax credit program established by law after August 28, 2011.

The act prohibits recipients of such tax credits from making campaign contributions for the two years immediately following application for such credits. Any recipient of such tax credits who 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.

Administering agencies must provide the Attorney General with annual reports containing all tax credit applications received. The Attorney General will commence legal proceedings to require the recapture and repayment of tax credits by tax credit recipients found to have made campaign contributions in violation of this act.

This act is similar to Senate Bill 1054 (2010).

JASON ZAMKUS

01/19/2011 S First Read--SB 141-Crowell (S105)

01/27/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 142 \*\*\*

0153S.021

SENATE SPONSOR: Crowell

SB 142 - This act removes all statewide elected officials from the Missouri Development Finance Board and the Missouri Housing Development Commission.

Board and commission members are barred from being employed by or having a business relationship with the respective board or commission for two years after serving.

Members of the General Assembly and statewide elected officials are barred from being employed by or having a business relationship with the respective board or commission for five years after serving.

This act is similar to SB 1053 (2010).

CHRIS HOGERTY

01/19/2011 S First Read--SB 142-Crowell (S106)

01/27/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 143 \*\*\*

0695S.011

SENATE SPONSOR: Crowell

SB 143 - This act prohibits the approval of new applications under the Missouri Downtown and Rural Stimulus Act after August 28, 2011.

JASON ZAMKUS

01/19/2011 S First Read--SB 143-Crowell (S106)

01/27/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S160)

EFFECTIVE: August 28, 2011

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

0992S.011

SENATE SPONSOR: Crowell

SB 144 - 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.

This act is identical to Senate Bill 890 (2010).

JASON ZAMKUS

01/19/2011 S First Read--SB 144-Crowell (S106)

01/27/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S160)

EFFECTIVE: Emergency Clause

\*\*\* SB 145 \*\*\*

0990S.011

SENATE SPONSOR: Dempsey

SB 145 - 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 \$1,000 or more. Current law requires an inventory of county property with an original value of \$250 or more.

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

MEGHAN LUECKE

01/19/2011 S First Read--SB 145-Dempsey (S106)

01/27/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S160)

02/02/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 146 \*\*\*

0568S.011

SENATE SPONSOR: Schmitt

SB 146 - This act creates a corporate income tax exemption for business income and phases it in over a five-year period. For the 2011 tax year, corporations will be allowed to exempt ten percent of business income from corporate income tax. Once fully phased-in, corporations will be allowed to exempt fifty percent of business income from corporate income tax for the 2015 tax year and all subsequent tax years.

The act also creates an individual income tax deduction for business income and phases it in over a five-year period. Taxpayers will be allowed to deduct ten percent of business income for the 2011 tax year and, once fully phased-in, will be allowed a fifty percent deduction for all tax years after the 2014 tax year. Shareholders of S corporations and partners in partnerships will be allowed a proportional deduction based their share of ownership.

JASON ZAMKUS

01/19/2011 S First Read--SB 146-Schmitt (S106)

01/27/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S160)

02/02/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

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

1033S.011

SENATE SPONSOR: Schaefer

SB 147 – This act requires school districts to include in their annual school accountability report card whether the school district currently has a state-approved gifted education program and the percentage and number of students being served by the program.

This act is similar to provisions contained in HB 1295 (2010), SB 962 (2010), SB 498 (2009), and HB 2542 (2008).

MICHAEL RUFF

01/20/2011 S First Read--SB 147-Schaefer (S123)

01/27/2011 Second Read and Referred S Education Committee (S160)

EFFECTIVE: August 28, 2011

\*\*\* SB 148 \*\*\*

1007S.011

SENATE SPONSOR: Schaefer

SB 148 - Under this act, reimbursement amounts and copays paid by health carriers for any particular health care service or procedure rendered by a physical therapist shall be in the same amount as reimbursements paid by health carriers to any other licensed physical therapist performing the same or similar procedures. Such uniform reimbursement requirement shall apply regardless of the setting or venue in which the health care services or procedures are rendered.

STEPHEN WITTE

01/20/2011 S First Read--SB 148-Schaefer (S123)

01/27/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S160)

EFFECTIVE: August 28, 2011

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\*\*\* SB 149 \*\*\*

1002S.021

SENATE SPONSOR: Schaaf

SB 149 - This act prohibits an expert witness from testifying about the appropriate medical standard of care in a case against a physician alleging improper health care services, unless the witness is a licensed physician and was actively engaged in the clinical practice of medicine and devoting at least three-fourths of their professional time to active clinical practice of substantially the same specialty as the defendant. The court shall not permit an expert in one medical specialty to testify against a physician in another medical specialty, unless the expert shows that both standards of care and practice in the two specialties are substantially the same and the expert has substantial familiarity between the specialties.

The act also specifies that a physician licensed in another state who testifies as an expert witness in a lawsuit against a physician alleging improper health care shall be considered to have a temporary license to practice medicine in this state and shall be subject to the authority of the Board of Registration for the Healing Arts notwithstanding provisions of law to the contrary.

The act makes evidence inadmissible in cases against physicians alleging improper health care services, if the evidence was obtained under an agreement with a third party who receives a contingency fee for certain actions, or if the medical expert witness has agreed to provide testimony on a contingency fee basis.

Medical expert witnesses may have their license disciplined if they provide expert testimony on a contingency fee basis or knowingly provide expert testimony that they know or should have known is false, misleading, or without medical foundation.

This act is similar to HB 597 (2007).

EMILY KALMER

01/20/2011 S First Read--SB 149-Schaaf (S123)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2011

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\*\*\* SB 150 \*\*\*

1032S.011

SENATE SPONSOR: Munzlinger

SB 150 - The act allows hand fishing for carp and catfish during the months of June and July in all the same waters of the state where hook-and-line fishing for carp and catfish is allowed by the Conservation Commission. Anyone hand fishing for carp or catfish must only use bare hands and may not use any spearing or capturing device, nor may use any artificial breathing apparatus. Persons engaging in hand fishing may not place any artificial structure in the water or raise or alter any natural or artificial structure in pursuit of the fish.

A violation of the act is a Class A misdemeanor.

This act is similar to SB 350 (2009) and the perfected SB 1107 (2006).

ERIKA JAKUES

01/20/2011 S First Read--SB 150-Munzlinger (S123)

01/27/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S160)

EFFECTIVE: August 28, 2011

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\*\*\* SB 151 \*\*\*

0754S.011

SENATE SPONSOR: Callahan

SB 151 - This act specifies that risk coverages procured by certain political subdivision associations shall

not require the solicitation of competitive bids.

This act is identical to HB 2098 (2010).

STEPHEN WITTE

01/20/2011 S First Read--SB 151-Callahan and Stouffer (S123-124)

01/27/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S160)

EFFECTIVE: August 28, 2011

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

0567S.011

SENATE SPONSOR: Crowell

SB 152 - This act modifies provisions of the retirement plan of the Police Retirement System of St. Louis to refer to federal tax law requirements, including provisions regarding annuity distributions, rollovers to individuals' retirement accounts and from other retirement plans and accounts, and the annual amount allowed to be distributed to a member.

The act also requires that if a member of the retirement system dies in qualified military service, then the member's surviving spouse or other dependents will be entitled to the benefits that would have been provided if the member had died while a police officer.

This act is similar to SA 1 to HB 2357 (2010).

EMILY KALMER

01/20/2011 S First Read--SB 152-Crowell (S127)

01/27/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S160)

EFFECTIVE: August 28, 2011

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

1046S.021

SENATE SPONSOR: Schaaf

SB 153 - Under this act, health carriers are required, by July 1, 2012, to utilize a web-based estimating system or other mechanism, by which covered individuals, or their parents or guardians, will be able to enter, provide, or select from menus, the procedures, tests, or services the individual is considering having, and based upon the individual's benefit plan and the health carrier's internal data, receive estimates of the total cost and total out-of-pocket cost of the procedures, test, or services specific to all available contracted providers or facilities for which such estimates are requested. The estimates shall take into account any known unmet deductible obligation and shall be based upon assumptions of typical utilization and an assumption that, in the provision of the procedures, tests, or services, no complications or unexpected events would occur necessitating other expenses. The estimates shall include related estimates of typically needed and expected ancillary costs such as those for radiology, pathology, or anesthesiology services, and shall indicate when no contracted providers of such services are available under the individual's benefit plan at a selected health care facility or provider. Any estimate given shall not be a guarantee of coverage and the health carrier shall not be held liable for differences between the estimated costs and the ultimate charges to the individual. The provision of estimates under this act shall not be construed as violating any provider contract provisions with a health carrier that prohibits disclosure of a provider's fee schedule to third parties.

STEPHEN WITTE

01/24/2011 S First Read--SB 153-Schaaf (S131)

01/27/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S160)

EFFECTIVE: August 28, 2011

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

1089S.011

SENATE SPONSOR: Schaaf

SB 154 - Currently, a member of the Missouri Local Government Employees' Retirement System (LAGERS) may choose to receive a partial lump-sum payment of some of their retirement benefits. If the LAGERS member chooses the partial lump-sum payment their monthly benefit is reduced. The amount the person's monthly benefit is reduced varies based on the age of the person at retirement. This act prohibits a



person who retires before sixty and chooses the partial-lump sum payment from receiving a monthly benefit of more than ninety percent of the amount of their unreduced monthly benefit.

This act is similar to HB 263 (2011).

EMILY KALMER

01/24/2011 S First Read--SB 154-Schaaf (S131)

01/27/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S160)

EFFECTIVE: August 28, 2011

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

1041S.011

SENATE SPONSOR: Rupp

SB 155 - Under current law, a municipality desiring to approve a tax increment financing project, which has received a recommendation in opposition from the tax increment finance commission, may do so only by a two-thirds majority vote of the governing body of such municipality. This act would prohibit the governing body of municipality from approving a tax increment finance project if the tax increment finance commission makes a recommendation in opposition to such project. For the purpose of receiving comment on regional benefits, the act requires tax increment finance commissions to provide a copy of proposed tax increment finance projects to the designated metropolitan planning organization, the regional chamber of commerce, and any regional consortium of chief executive officers representing at least eighty percent of the region's largest mid-cap companies within fifteen days of the commission's receipt of such plan with a request for a public hearing from a municipality.

JASON ZAMKUS

01/24/2011 S First Read--SB 155-Rupp (S131)

01/27/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S160)

EFFECTIVE: August 28, 2011

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

1038S.011

SENATE SPONSOR: Rupp

SB 156 – Under this act, a suspended imposition of sentence or a suspended execution of sentence may not be granted to a person found guilty of or pleading guilty to:

- First or second degree statutory rape;
- An attempt to commit first or second degree statutory rape;
- First or second degree statutory sodomy; or
- An attempt to commit first or second degree statutory sodomy.

This act is similar to SB 869 (2006).

MEGHAN LUECKE

01/24/2011 S First Read--SB 156-Rupp (S131-132)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2011

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

1019S.021

SENATE SPONSOR: Schaefer

SB 157 – Under current law, a person who inflicts cruel and inhuman punishment on a child commits the crime of child abuse. This act removes "inhuman" from the current language and adds the word "excessive" in its place.

A person also commits the crime of child abuse when a person knowingly causes physical injury to a child by any means, including torturing, shaking, slamming, kicking, or neglecting the child.

Child abuse is a Class B felony if the physically injured child is under the age of two otherwise physically injuring a child is a Class C felony.

MEGHAN LUECKE

01/24/2011 S First Read--SB 157-Schaefer (S132)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2011

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

0489S.021

SENATE SPONSOR: Keaveny

SB 158 - Under current law, the public notification requirements for the Clean Water Commission's development of the list of impaired waters required by Section 303(d) of the federal Clean Water Act expired on August 28, 2010. The act extends the expiration date to August 28, 2015.

Under current law, the authority for the Department of Natural Resources to charge fees for clean water permits expires on December 31, 2010. This act extends the expiration date until December 31, 2015.

The act contains an emergency clause.

The act is similar to HB 2109 (2010).

ERIKA JAQUES

01/24/2011 S First Read--SB 158-Keaveny (S132)

01/27/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S161)

EFFECTIVE: Emergency Clause

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

0825S.011

SENATE SPONSOR: Cunningham

SB 159 - Persons who perform labor on vehicles and aircrafts who obtain a written memorandum of the work or material furnished signed by the owner, have a lien on the vehicle or aircraft. This act allows the memorandum to be signed by the authorized agent of the owner, or person in lawful possession thereof.

Currently, liens for aircraft are required to be filed 30 days after surrendering the property. This act extends that time period to 180 days.

This act allows persons who perform labor on parts of motor vehicles, trailers, vessels, outboard motors, or aircrafts to have a lien on the item.

CHRIS HOGERTY

01/24/2011 S First Read--SB 159-Cunningham (S132)

01/27/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S161)

EFFECTIVE: August 28, 2011

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\*\*\* SB 160 \*\*\*

0895S.011

SENATE SPONSOR: Cunningham

SB 160 – This act allows any winery, distiller, manufacturer, wholesaler or brewer to provide tasting samples on a licensed retail premises so long as the sample provider has certain permits, permission from the retailer and no money is given to the retailers for the tasting.

The samples may be dispensed by an employee of the sample provider or a sampling service. The employees must complete a server training program approved by the Division of Alcohol and Tobacco Control.

Any remaining samples after the tasting must be returned to the retailer, winery, distiller, manufacturer, wholesaler or brewer.

This act is similar to SB 967 (2010), HCS/SB 795 (2010), HB 1367 (2010), SB 451 (2009), HB 1011 (2009) and HB 81 (2007).

MEGHAN LUECKE

01/24/2011 S First Read--SB 160-Cunningham (S132)

01/27/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S161)

EFFECTIVE: August 28, 2011

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

0993S.011

SENATE SPONSOR: Munzlinger

SB 161 - Currently, the Missouri Agricultural and Small Business Development Authority may provide loan guarantees on loans for the purchase or improvement of agricultural property. This act allows the loan guarantees to also be provided on loans for the purchase, expansion, or improvement of an agribusiness.  
ERIKA JAQUES

01/24/2011 S First Read--SB 161-Munzlinger (S132)

01/27/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S161)

EFFECTIVE: August 28, 2011

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\*\*\* SB 162 \*\*\*

0830S.011

SENATE SPONSOR: Munzlinger

SB 162 - The act creates the Farm-to-Table Advisory Board, which shall be made up of 8 people, with one representative from each of the following entities: The University of Missouri Extension Service, the Office of Administration, and the Departments of Agriculture, Corrections, Elementary and Secondary Education, Economic Development, Health and Senior Services, and Mental Health. The board must meet at least twice, but may meet more often as needed.

The mission of the board is to develop recommendations for ways that allow schools and state facilities to more easily purchase products directly from local farms for use in their cafeterias and ways to increase public awareness about locally-produced food and its relationship to healthy communities and people. The act requires the board to investigate existing public and private resources that may be used to accomplish the mission objectives as well as identify barriers to the objectives.

The act requires the board to produce and deliver a report, containing its findings and recommendations, to the Governor, the General Assembly, and the directors of the represented agencies by January 15, 2012.

The act expires on January 15, 2012.

ERIKA JAQUES

01/24/2011 S First Read--SB 162-Munzlinger

01/27/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S161)

EFFECTIVE: August 28, 2011

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\*\*\* SB 163 \*\*\*

1045S.011

SENATE SPONSOR: Pearce

SB 163 – This act modifies the composition of the Board of Curators for the University of Missouri and the governing board of Missouri State University. For each board, current law provides that no more than one person will be appointed from each congressional district. This act provides that at least one but no more than two persons will be appointed from each congressional district.

This act is similar to SB 255 (2009).

MICHAEL RUFF

01/25/2011 S First Read--SB 163-Pearce

01/27/2011 Second Read and Referred S Education Committee (S161)

EFFECTIVE: August 28, 2011

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

1044S.011

SENATE SPONSOR: Pearce

SB 164 – 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.

This act is identical to SB 936 (2010).

MICHAEL RUFF

01/25/2011 S First Read--SB 164-Pearce (S141)

01/27/2011 Second Read and Referred S Education Committee (S161)

EFFECTIVE: August 28, 2011

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

0440S.011

SENATE SPONSOR: Goodman

SB 165 - This act extends the expiration date on the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

EMILY KALMER

01/25/2011 S First Read--SB 165-Goodman (S141)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S161)

EFFECTIVE: August 28, 2011

\*\*\* SB 166 \*\*\*

0280S.011

SENATE SPONSOR: Goodman

SB 166 - This act imposes additional requirements for obtaining and maintaining a title insurance license. Under current law, it is unlawful for a title agencies or title agents to transact title insurance business unless they are licensed under Missouri law. As a condition of licensing, this act requires title agencies and title agents to maintain a physical place of business within Missouri substantially devoted to the conduct of the title insurance business, or in the case of title agents, be employed by title insurers licensed in Missouri.

STEPHEN WITTE

01/25/2011 S First Read--SB 166-Goodman (S142)

01/27/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S161)

EFFECTIVE: August 28, 2011

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

0130S.011

SENATE SPONSOR: Goodman

SB 167 - 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), CCS/SS/SCS/HB 2111 (2010), and HB 979 (2009)(section 301.580).  
STEPHEN WITTE

01/25/2011 S First Read--SB 167-Goodman (S142)

01/27/2011 Second Read and Referred S Transportation Committee (S161)

02/02/2011 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2011

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

0815S.011

SENATE SPONSOR: Crowell

SB 168 - This act makes it optional for the circuit court in Cape Girardeau county to hold court and maintain an office of the probate division in both the courthouses in Jackson and in Cape Girardeau.

EMILY KALMER

01/25/2011 S First Read--SB 168-Crowell (S142)

01/26/2011 Bill Withdrawn (S147)

EFFECTIVE: August 28, 2011

\*\*\* SB 169 \*\*\*

0148S.011

SENATE SPONSOR: Crowell

SB 169 - This act requires the Department of Social Services to develop a program to screen and test applicants or recipients of temporary assistance for needy families (TANF) benefits who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance after an administrative hearing shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this act to an appropriate substance abuse treatment program approved by the Division of Alcohol and Drug Abuse within the Department of Mental Health. The department shall promulgate rules to develop the screening and testing provisions of this section.

This act is identical to your SB 602 (2010), SB 86 (2009) and your SB 1197 (2008).

ADRIANE CROUSE

01/25/2011 S First Read--SB 169-Crowell (S142)

01/27/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S161)

02/01/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 170 \*\*\*

0161S.021

SENATE SPONSOR: Crowell

SB 170 - This act specifies that each public retirement system that provides a defined benefit retirement plan shall be required to submit a quarterly report about the plan's investment performance to the Joint Committee on Public Employee Retirement. If the plan fails to submit this report, the committee may subpoena witnesses, take testimony under oath, and compel the production of records regarding this information according to the committee's statutory authority.

EMILY KALMER

01/25/2011 S First Read--SB 170-Crowell (S142)

01/27/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S161)

EFFECTIVE: August 28, 2011

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

0149S.021

SENATE SPONSOR: Crowell

SB 171 - 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 is similar to SB 731 (2010).

MEGHAN LUECKE

01/25/2011 S First Read--SB 171-Crowell (S142)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S161)

EFFECTIVE: August 28, 2011

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

0155S.011

SENATE SPONSOR: Crowell

SB 172 - This act modifies the State Legal Expense Fund. It prohibits the State Legal Expense Fund from paying claims against state officers or employees that arise out of criminal conduct for which the officer or employee has already plead guilty or been found guilty.

The act requires the Office of Administration and the Attorney General's office to jointly develop a fee matrix to be used to when the Attorney General's office hires outside legal counsel. When outside legal counsel is hired because the Attorney General determines there is a conflict with his office, the legal fees shall be monitored by legal counsel for the Office of Administration or a state agency not involved in the conflict.

The State Legal Expense Fund will no longer reimburse the St. Louis and Kansas City Boards of Police Commissioners for up to a maximum of one million dollars per fiscal year.

This act is similar to SB 1055 (2010).

EMILY KALMER

01/25/2011 S First Read--SB 172-Crowell (S142)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S161)

EFFECTIVE: August 28, 2011

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

1048S.011

SENATE SPONSOR: Dixon

SB 173 - This act creates an additional area of study for the Joint Committee on Missouri's Promise. The Committee shall develop long-term strategies and plans for investing in, and maintaining, a modern infrastructure and transportation system and identifying potential sources of revenue to sustain such efforts.

JIM ERTLE

01/25/2011 S First Read--SB 173-Dixon and Kehoe (S142)

01/27/2011 Second Read and Referred S Transportation Committee (S161)

EFFECTIVE: August 28, 2011

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

0102S.041

SENATE SPONSOR: Dempsey

SB 174 – This act authorizes cities, towns, and villages located within St. Charles County to seek voter approval for the imposition of a fee on residential property to fund the repair or replacement of water lines on that property. The fee would be imposed for the repair or replacement of water service lines providing water service to residential properties having four or fewer dwelling units located within the city, town, or village. The fee cannot exceed one dollar per month.

Any city, town, or village which imposes the water service line fee may, by ordinance, provide for the administration of the program and define the terms "repair" and "water service line".

MEGHAN LUECKE

01/25/2011 S First Read--SB 174-Dempsey (S142)  
01/27/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S161)  
02/02/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee  
EFFECTIVE: August 28, 2011

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

0707S.021

SENATE SPONSOR: Munzlinger

SB 175 - Currently, contracts for public construction are barred from containing provisions that require or prohibit the parties from entering into agreements with labor unions on the project or discriminate against parties for doing so when the project is funded by greater than 50% of state funds. Under this act, the same requirements shall apply to contracts funded in any amount with public funds. The act defines "public funds" to include funds belonging to the state, any agency of the state, or any instrumentality or political subdivision thereof.

The act redefines "project labor agreement" to apply to agreements for projects of agencies and instrumentalities of the state. The act bars the usage of such agreements on all public construction projects in the state.

Standing to seek equitable relief and monetary damages for violations of the laws relating to state purchasing and printing are established.

CHRIS HOGERTY

01/26/2011 S First Read--SB 175-Munzlinger, et al (S146)  
01/27/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S161)

EFFECTIVE: August 28, 2011

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

0786S.021

SENATE SPONSOR: Munzlinger

SB 176 - This act modifies Missouri's prevailing wage law.

Under current law, a locality, for the purposes of determining the prevailing wage for an occupational title, may encompass two or more counties adjacent to the one in which the construction is to be performed in certain instances. This act only allows the county in which the work is to be performed to be used as a basis for determining the prevailing wage. If the department of labor is unable to determine the hourly rate for a particular occupational title by means of wage surveys, the prevailing wage shall be the median hourly estimated wage of the construction and extraction occupational code most closely resembling the occupational title as published in the Metropolitan and Non-Metropolitan Area Occupational Employment Wage Estimate published by the United States Bureau of Labor Statistics, or the median hourly wage estimate for occupational code 47-0000 in the construction and extraction occupational code.

Currently, the definition of "prevailing hourly rate of wages" includes contributions irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to some plan or program. This act removes the requirement that the contributions be irrevocably made to a trustee or third person and only requires that they be contributions into a fund, plan or program to qualify as part of the prevailing wage calculation.

Wage rates established by collective bargaining agreements shall not be considered when determining wage rates and the rate shall be the average of the rates that are paid within the locality.

Under current law, when the Department of Labor finds a violation of the prevailing wage statutes, it provides a notice of penalty to the employer. This act changes references to "notices of penalty" to "notices of violation".

Under current law, prevailing wage penalties are not due until 45 days after the date of the notice of the penalty. This act removes that provision.

Under current law, if employers pay backwages before the department initiates an enforcement action to

enforce monetary penalties, the department is precluded from initiating such an enforcement action. Under the act, the department is also precluded from initiating any administrative, civil, or criminal action and the employer shall not appear on the notice of conviction list that would otherwise bar the employer from participating in public works construction.

Under current law, the prevailing wage for each title may be adjusted in response to fluctuations in wages due to collective bargaining agreements. Those adjustments shall not be allowed under this act.

Provisions requiring contractor and subcontractor signage on motor vehicles and other motorized equipment and imposing a six month term of imprisonment on those violating the prevailing wage laws are removed.

CHRIS HOGERTY

01/26/2011 S First Read--SB 176-Munzlinger, et al (S146)

01/27/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S161)

EFFECTIVE: August 28, 2011

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

1178S.011

SENATE SPONSOR: Brown

SB 177 - This act updates a statutory reference to reflect that Department of Mental Health investigative reports are automatically admissible in any hearing before the Administrative Hearing Commission.

ADRIANE CROUSE

01/26/2011 S First Read--SB 177-Brown (S146)

01/27/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S161)

EFFECTIVE: August 28, 2011

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

1054L.011

SENATE SPONSOR: Brown

SB 178 - This act requires a person who performs certain tasks related to surgeries to complete specific educational or training requirements, if the person was not employed to practice surgical technology before August 28, 2011, or working for the federal government.

If a person does not have a Certified Surgical Technologist credential from the National Board of Surgical Technology and Surgical Assisting, then the person is required to complete fifteen hours of continuing education to work as a surgical technologist. Health care facilities are required to verify that a person who performs certain tasks related to surgery meets these continuing education requirements.

A health care facility is allowed to employ a person who does not have the required education or training, but the facility must document that it is unable to employ or contract with a surgical technologist who meets the requirements of this act.

This act does not prohibit any licensed practitioner from performing surgical tasks, if the person is acting within the scope of their license.

The Department of Health and Senior Services is required to oversee compliance with this act.

EMILY KALMER

01/26/2011 S First Read--SB 178-Brown (S146)

01/27/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S161)

EFFECTIVE: August 28, 2011

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

1141S.011

SENATE SPONSOR: Brown

SB 179 - This act allows the board of aldermen in a fourth-class city to enact an ordinance so that the city marshal shall be appointed. The city marshal is an elected office under current law. The ordinance also may provide that the same person can hold the offices of city marshal and collector at the same time.

MEGHAN LUECKE



01/26/2011 S First Read--SB 179-Brown (S146)  
01/27/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S161)

EFFECTIVE: August 28, 2011

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

0670L.011

SENATE SPONSOR: Kraus

SB 180 - This act requires the Governor to issue an annual proclamation designating the month of October as "Walk & Bike to School Month," the first Wednesday of October as "Walk and Bike to School Day," the month of May as "Missouri Bicycle Month," the third Friday in May as "Bike to Work Day," and the week of Bike to Work Day as "Bike to Work Week."

This act is identical to HB 1691 (2010).

JIM ERTLE

01/26/2011 S First Read--SB 180-Kraus (S146)  
01/27/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S161)  
02/01/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

0672S.031

SENATE SPONSOR: Stouffer

SB 181 - This act reinstates the Motorist Insurance Identification Database program which expired on June 30, 2007. Under the terms of the reinstated database program, the Missouri Highway Patrol shall by, January 1, 2012, enter into a contract with a designated agent to establish a motorist insurance identification database program to verify compliance with the motor vehicle financial responsibility laws (Section 303.406). The designated agent must, no later than June 20, 2012, develop, deliver, and maintain a computer database to verify compliance with Missouri's vehicle financial responsibility law.

Under the terms of the act, insurance companies will be required to provide information to the designated agent. Beginning July 1, 2012, insurance companies shall provide specified policy information to the designated agent (Section 303.412). The Department of Insurance may assess a fine (not to exceed \$1,000 per day of noncompliance) against any insurer who fails to comply with the reporting requirements.

Once the database is operational, the designated agent shall, at least monthly, update the database with information provided by insurers and the department, and compare then-current motor vehicle registrations against the database to see if individuals are maintaining insurance.

Any person knowingly disclosing information from the database for an unauthorized purpose will be guilty of a Class A misdemeanor.

If the database indicates that the owner of a motor vehicle has failed to maintain financial responsibility for 3 consecutive months, the designated agent will notify the owner that the department will suspend the owner's registration if the owner does not present proof of insurance within 30 days of the notification. The notice of suspension shall also notify the owner's right to request a hearing. The act also sets forth the periods of suspension (including increased reinstatement fees for repeat violators)(Section 303.409).

The act requires motor vehicle owners to pay an annual fee of one dollar when the person registers or renews the registration of a motor vehicle. These fees shall be deposited to the credit of the state highways and transportation fund in an account known as the "Motorist Identification Database Account" and shall be used solely for operating and administering the program (Section 303.406).

Under this act, towing companies performing nonconsensual tows shall, within 45 minutes of completing such tows, notify the designated agent of such tows, and provide the following information to the designated agent:

- (1) Date and time of service;
- (2) The tow truck operator's name and address;
- (3) The VIN number and license plate number of the motor vehicle towed;
- (4) The name of the law enforcement agency requesting the tow, if applicable;

(5) The name, address, and telephone number of the storage facility where the motor vehicle has been towed to, if different than the address provided for in subdivision (2) of this subsection;

(6) Any additional information required by the Highway Patrol.

After receiving this information, the designated agent shall attempt to locate the automobile insurance company providing insurance coverage on the motor vehicle which was nonconsensually towed. Within 3 business days of receiving the information, the designated agent shall contact the automobile insurer with the information.

STEPHEN WITTE

01/26/2011 S First Read--SB 181-Stouffer (S146)

01/27/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S161)

EFFECTIVE: August 28, 2011

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

1180S.011

SENATE SPONSOR: Ridgeway

SB 182 - This act allows the small business regulatory fairness board to hire a one-half full-time and a full-time equivalent employee for clerical support and for a professional position subject to appropriation. Those individuals shall be charged with numerous clerical and administrative tasks in support of the board as are enumerated in the act.

The board may use other appropriated funds for Internet upkeep, information technology, covering mileage costs for members, paying for publications, and outreach costs.

This act is similar to HB 1101 (2009).

CHRIS HOGERTY

01/26/2011 S First Read--SB 182-Ridgeway (S146)

01/27/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S161)

EFFECTIVE: August 28, 2011

\*\*\* SB 183 \*\*\*

1087S.011

SENATE SPONSOR: Ridgeway

SB 183 - Current law prohibits the public posting or required use of a person's social security number in certain circumstances. This act makes these restrictions applicable to the partial use of a Social Security number in addition to use of a social security number in its entirety.

ERIKA JAQUES

01/26/2011 S First Read--SB 183-Ridgeway (S147)

01/27/2011 Second Read and Referred S General Laws Committee (S161)

EFFECTIVE: August 28, 2011

\*\*\* SB 184 \*\*\*

1008S.021

SENATE SPONSOR: Wright-Jones

SB 184 – This act allows the Special Administrative Board of the St. Louis City School District to be the sponsor of a charter school and declare itself as the local education agency of the charter school for school funding purposes. If the special administrative board is dissolved, the charter school may continue to operate provided it seeks and obtains a new sponsorship under the new governing board of the school district.

In addition, when the Special Administrative Board sponsors a charter school, the term of the school's charter may be for a period of two years, instead of five. If the charter school does not perform to the academic standards in the charter agreement with the sponsor, the special administrative board may close the school at the end of the two-year term and incorporate it into the school district.

MICHAEL RUFF

01/26/2011 S First Read--SB 184-Wright-Jones (S147)

01/27/2011 Second Read and Referred S Education Committee (S161)

EFFECTIVE: August 28, 2011

\*\*\* SB 185 \*\*\*

0708S.011

SENATE SPONSOR: Purgason

SB 185 - This act sunsets all tax credit programs, which are not currently subject to the Missouri Sunset Act, effective January 1, 2013.

JASON ZAMKUS

01/26/2011 S First Read--SB 185-Purgason (S147)

01/27/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S161)

EFFECTIVE: August 28, 2011

\*\*\* SB 186 \*\*\*

1177S.011

SENATE SPONSOR: Crowell

SB 186 - This act makes it optional for the circuit court in Cape Girardeau county to hold court and maintain an office of the probate division in both the courthouses in Jackson and in Cape Girardeau.

This act also makes it optional for the circuit clerk to maintain offices in both the courthouses in Jackson and in Cape Girardeau.

EMILY KALMER

01/26/2011 S First Read--SB 186-Crowell (S147)

01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S161)

EFFECTIVE: August 28, 2011

\*\*\* SB 187 \*\*\*

0974S.011

SENATE SPONSOR: Lager

SB 187 - This act modifies the laws regarding private nuisances.

This act specifies what types of damages may be awarded in a action for private nuisance where the alleged nuisance emanates from property used for farming, agriculture, crop, or animal production purposes. If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the property. If the nuisance is a temporary nuisance, damages are measured by the decrease in the fair rental value of the property.

If a person or their successor brings successive claims against another person or their successor for temporary nuisance, and the successive claims are related to a similar activity or use of the property, and that activity or use of property is deemed a nuisance, the activity or use of property shall be considered a permanent nuisance and the person and their successor shall be limited to the remedies available for permanent nuisance.

No person has standing to bring an action for private nuisance unless they have an ownership interest in the property alleged to be affected by the nuisance.

Currently, in a private nuisance case if the amount in controversy exceeds one million dollars, if requested by either party, the court or jury shall visit the property alleged to be affected by the nuisance. This act requires the court or jury to visit the property if a party requests it, regardless of the amount of money in controversy in the case.

This act is similar to HB 209 (2011).

EMILY KALMER

01/26/2011 S First Read--SB 187-Lager, et al (S147)

01/27/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S161)

EFFECTIVE: August 28, 2011

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

0790S.011

SENATE SPONSOR: Lager

SB 188 - 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. The plaintiffs in employment discrimination cases have the burden of proving this standard.

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 abrogates all Missouri case law relating to the public policy exceptions to the employment at-will doctrine. Employers are barred from discharging the following persons:

- a person who reports to an unlawful act of the employer or its agent to governmental or law enforcement agencies, officer, or the employee's human resources representative employed by the employer;
- a person who reports to an employer serious misconduct of the employer or its agent that violates a clear mandate of public policy as articulated in a constitutional provision, statute, regulation promulgated pursuant to statute, or a rule created by a governmental body;
- a person who refuses to carry out a directive issued by an employer or its agent that, if completed, would be a violation of the law;
- or a person who engages in conduct otherwise protected by statute or regulation.

In order to be unlawful, the employee's actions shall be a motivating factor leading to the discharge instead of a contributing factor, as is the case under current common law. Prevailing parties in such cases shall not be entitled to attorneys fees.

The Human Rights chapter is intended to be consistent with Title VIII of the Civil Rights Act and follow the work sharing agreement between the commission and the Equal Employment Opportunity Commission. 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.

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), and SB 852 (2010).

CHRIS HOGERTY

01/26/2011 S First Read--SB 188-Lager, et al (S147)

01/27/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S161)

EFFECTIVE: August 28, 2011

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

0836S.011

SENATE SPONSOR: Schmitt

SB 189 - This act modifies provisions of the Missouri Quality Jobs Act to allow projects located within

dormant manufacturing plant zones to receive benefits under the program. A project located within a dormant manufacturing plant zone will be capable of receiving benefits as a small and expanding business project if it creates at least ten jobs with an average wage for the new payroll equal to or in excess of eighty percent of the county average wage. The wage requirements for eligibility to receive benefits as a "technology business project" or "high impact project" are also modified to allow dormant manufacturing zone projects to receive benefits if the payroll for the new jobs created equals or exceeds eighty percent of the county average wage.

JASON ZAMKUS

01/27/2011 S First Read--SB 189-Schmitt (S154)

EFFECTIVE: August 28, 2011

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\*\*\* SB 190 \*\*\*

0422S.011

SENATE SPONSOR: Pearce

SB 190 - 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 635 (2010), Senate Bill 420 (2009), and House Bill 809 (2009).

JASON ZAMKUS

01/27/2011 S First Read--SB 190-Pearce (S154)

EFFECTIVE: August 28, 2011

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

1050S.011

SENATE SPONSOR: Pearce

SB 191 – This act creates the Caring for Missourians Program within the Department of Higher Education for the awarding of grants to eligible Missouri public institutions of higher education. To be eligible for a grant, an institution must offer a nursing program that meets a predetermined category and area of need as established by the Department of Higher Education and the State Board of Nursing. When establishing categories and areas of need, the Department and Board may consider: data from licensure renewal and from the Department of Health and Senior Services; national nursing statistical data and trends for nursing shortages; and reports from the Institute of Medicine or Robert Wood Johnson Foundation.

The State Board of Nursing is authorized to provide funding to the program.

This act repeals the Nurse Training Incentive Fund.

MICHAEL RUFF

01/27/2011 S First Read--SB 191-Pearce (S154)

EFFECTIVE: August 28, 2011

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\*\*\* SB 192 \*\*\*

0887S.021

SENATE SPONSOR: Pearce

SB 192 – This act requires the Department of Mental Health to develop a continuing professional education curriculum for the recognition and response to eating disorders in young people by December 31, 2011. The Department must collaborate with the Department of Elementary and Secondary Education and the Missouri Eating Disorder Council.

Any school district may adopt and implement this curriculum for its school nurses, health care professionals, psychologists, counselors, and athletic coaches who are responsible for students in grades six through twelve.

MICHAEL RUFF

01/27/2011 S First Read--SB 192-Pearce (S154-155)

EFFECTIVE: August 28, 2011

\*\*\* SB 193 \*\*\*

0972S.011

SENATE SPONSOR: Pearce

SB 193 – This act allows the Cass County Commission to establish a county municipal court that would have jurisdiction over all violations of its county ordinances and may also prosecute and punish ordinance violations of any of its municipalities under a contract with the municipality. The county may elect to have ordinance violations relating to county building codes, on-site sewer treatment, and zoning orders prosecuted and punished by the county municipal court or by an associate circuit judge.

Procedures in the county municipal court are to be the same as those in municipal divisions of circuit courts. Court costs may be established by ordinance, but cannot exceed the level municipal courts charge for ordinance violations nor can costs be levied against a defendant who is unable to pay.

Cass County may appoint judges the same way its other officers are appointed. The number of judges and their qualifications are to be determined by county ordinance except that the judges must be licensed attorneys in Missouri and county residents. Municipal court judges cannot handle cases in their law practice that are inconsistent with their judicial duties and may not work as a judge or prosecutor for any other court.

This act requires the county to enact ordinances establishing the court's divisions, terms, evening hours, locations outside the county seat and allowing defendants to enter not guilty pleas, plead guilty and obtain trial dates via telephone or written communication. The ordinance must also allow defendants to pay fines and court costs by mail or electronic transfer.

Final decisions are appealable on the record to the appellate court with jurisdiction. If there is no record, an aggrieved person has the right to trial de novo.

This act gives defendants the option to request a trial by jury before a municipal court judge.  
MEGHAN LUECKE

01/27/2011 S First Read--SB 193-Pearce (S155)

EFFECTIVE: August 28, 2011

\*\*\* SB 194 \*\*\*

1043S.011

SENATE SPONSOR: Pearce

SB 194 – This act allows Cass County to enact nuisance abatement ordinances.  
MEGHAN LUECKE

01/27/2011 S First Read--SB 194-Pearce (S155)

EFFECTIVE: August 28, 2011

\*\*\* SB 195 \*\*\*

1217S.011

SENATE SPONSOR: Stouffer

SB 195 - Under this act, a noncommercial driver's license, nondriver's license, or instruction permit issued to an applicant who is not a citizen of the United States shall contain a notation or indication that the holder of such license or permit is not a citizen of the United States.

STEPHEN WITTE

01/27/2011 S First Read--SB 195-Stouffer (S155)

EFFECTIVE: August 28, 2011

\*\*\* SB 196 \*\*\*

1174S.011

SENATE SPONSOR: Cunningham

SB 196 - This act ensures that co-employees shall be released from liability for negligence in performing the non-delegable duty of an employer to provide a safe workplace when the negligence harms another employee unless the negligent employee engaged in purposeful, affirmatively dangerous conduct.

This act is identical to SB 8 (2011).

CHRIS HOGERTY

01/27/2011 S First Read--SB 196-Cunningham (S155)

EFFECTIVE: August 28, 2011

\*\*\* SB 197 \*\*\*

1247S.011

SENATE SPONSOR: Ridgeway

SB 197 - Upon voter approval, 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 contains a referendum clause.

This act is similar to HB 877 (2005), SB 888 (2010), SB 1 (2011), and SB 109 (2011).

CHRIS HOGERTY

01/27/2011 S First Read--SB 197-Ridgeway (S155)

EFFECTIVE: Upon voter approval

\*\*\* SB 198 \*\*\*

0270S.011

SENATE SPONSOR: Crowell

SB 198 - This act repeals the estate and generation-skipping credit taxes.

JASON ZAMKUS

01/27/2011 S First Read--SB 198-Crowell (S155)

EFFECTIVE: August 28, 2011

\*\*\* SB 199 \*\*\*

0425S.011

SENATE SPONSOR: Crowell

SB 199 - 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.

This act contains provisions similar to provisions in SB 633 (2010), SB 663 (2010), SCS/SBs 65 & 43 (2009), SCS/SBs 840 & 857 (2008), SS/SCS/SBs 49, 65, 210, 251 (2007) and SCS/HB 801 (2007).

ERIKA JAQUES

01/27/2011 S First Read--SB 199-Crowell (S155)

EFFECTIVE: August 28, 2011

\*\*\* SB 200 \*\*\*

0652S.021

SENATE SPONSOR: Crowell

SB 200 – This act modifies the ability of state educational institutions to issue bonds and incur debt.

This act removes the authority of the Missouri Development Finance Board, Missouri Health and Educational Facilities Authority, Missouri Housing Development Commission, and the Environmental Improvement and Energy Resources Authority to issue loans to state educational institutions.

This act prohibits a state educational institution from issuing revenue bonds or incurring debt for the payment of revenue bonds from any source, unless approved by the Missouri Higher Education Loan Authority. The Authority may only approve the issuance of revenue bonds by a state educational institution or make a loan to a state educational institution when the following conditions are met: the institution must receive an "A" or better bond credit rating by an independent credit rating service; the authority has evaluated the ability of the institution to increase tuition and fees and finds no impediment for the payment of bonds or repayment of the loan; the institution has already put in place a tuition or fee increase, or other revenue stream, to pay the bonds or repay the loan prior to the actual bond issuance or incurrence of the debt; and the ability of the institution to pay the bonds or repay the loan is not contingent on state funding that has not been granted. If the institution has not already increased tuition or fees or put a new revenue stream in place, the authority may approve the bonds or loan if an independent credit rating service determines that the institution has existing tuition, fees, and revenues at a sufficient level to pay the bonds or repay the loan.

In addition, any issuance of revenue bonds by state educational institutions under chapter 176 must be approved by the Missouri Higher Education Loan Authority.

MICHAEL RUFF

01/27/2011 S First Read--SB 200-Crowell (S155)

EFFECTIVE: August 28, 2011

\*\*\* SB 201 \*\*\*

1220S.011

SENATE SPONSOR: Crowell

SB 201 - This act makes enrollment in the state deferred compensation program automatic for those state employees eligible for the plan hired on or after July 1, 2012. These employees will automatically have one percent of eligible compensation contributed to the deferred compensation plan. Employees who do not want to contribute to the program may opt out of the plan within the first thirty days of employment, and at a later date decide to participate. Employees who are automatically enrolled can change the amount of contribution. Employees of state colleges or universities would not be automatically enrolled.

On or after September 1, 2011, if a participant in the deferred compensation plan or the 401(a) plan established in Section 105.927 is married, their surviving spouse will be automatically designated as their primary beneficiary, unless the surviving spouse consented in writing to allow the participant to designate someone else as their beneficiary. This automatic beneficiary designation does not apply to designations made prior to September 1, 2011.

The Missouri State Employees Retirement System Board is also authorized to adopt and amend plan documents to change terms and conditions of the deferred compensation plan that are consistent with federal law.

If the General Assembly appropriated money for a state match, each participant in the deferred



compensation plan would be eligible, rather than only state employees who have been employees for at least twelve consecutive months before the match and contribute at least twenty-five dollars a month.

The act also allows a state agency to credit funds directly to a participant in the deferred compensation plan if that agency's payroll is not issued through the State Treasurer.

This act is similar to SB 290 (2009).

EMILY KALMER

01/27/2011 S First Read--SB 201-Crowell (S155)

EFFECTIVE: August 28, 2011

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

0281S.011

SENATE SPONSOR: Crowell

SB 202 - This act requires employee authorization before public employee labor unions can withhold fees from employee paychecks or make political contributions.

The employee must authorize the amount to be withheld and that such an amount may be used for political contributions. The employee may also stipulate to which committee their fees will be paid. Authorizing or refraining from authorizing any amount shall in no way affect employment.

The labor union must keep records of all authorizations and submit them to the Labor and Industrial Relations Commission. The labor union will be charged the greater of eight dollars or two percent of the authorized deduction for administration expenses.

This act is similar to SB 814 (1998) and SB 610 (2006).

CHRIS HOGERTY

01/27/2011 S First Read--SB 202-Crowell (S155)

EFFECTIVE: August 28, 2011

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\*\*\* SB 203 \*\*\*

0043S.021

SENATE SPONSOR: Schmitt

SB 203 - 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 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. Of the ten million dollars in tax credits available each fiscal year, no more than eight million dollars in tax credits will be available for all sporting events held in the City of St. Louis and any counties with a population in excess of three hundred thousand inhabitants. 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, 2017, but may certify game support contracts prior to such date which pertain to games to be held after August 10, 2017.

This act is similar to Senate Bill 840 (2010) and House Bill 1786 (2010).

JASON ZAMKUS

01/27/2011 S First Read--SB 203-Schmitt, et al (S155)

EFFECTIVE: August 28, 2011

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\*\*\* SB 204 \*\*\*

1136S.011

SENATE SPONSOR: Dempsey

SB 204 - Under current law, the provisions of law authorizing a tax credit for contributions to pregnancy resource centers will sunset August 28, 2012. This act reauthorizes such provisions until midnight on December 31, 2018, and allows for subsequent reauthorizations for any period up to six years by the

passage of a bill or concurrent resolution.

JASON ZAMKUS

01/27/2011 S First Read--SB 204-Dempsey, et al (S162)

EFFECTIVE: August 28, 2011

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\*\*\* SCR 1 \*\*\*

0679S.011

SENATE SPONSOR: Ridgeway

SCR 1 - This resolution disapproves a final order of rule making by the Public Service Commission with regards to the Electric Utility Renewable Energy requirements.

JIM ERTLE

01/05/2011 S First Read--SCR 1-Ridgeway (S16-17)

01/10/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S69)

01/13/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

01/18/2011 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

01/18/2011 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S100)

01/24/2011 S Third Read and Passed (S135-136)

01/26/2011 H Second Read (H233)

01/26/2011 Referred H Rules Committee (H237)

01/27/2011 Hearing Conducted H Rules Committee

01/27/2011 Voted Do Pass H Rules Committee

01/27/2011 Reported Do Pass H Rules Committee (H246)

01/31/2011 H Resolutions Calendar

EFFECTIVE: upon approval

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

0475L.011

SENATE SPONSOR: Schaaf

SCR 2 - This resolution urges the Department of Natural Resources to provide public education on light pollution and develop guidelines to address light pollution in new and existing state facilities.

ERIKA JAQUES

01/05/2011 S Offered--SCR 2-Schaaf (S17)

01/10/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S69)

02/01/2011 Hearing Scheduled S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

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\*\*\* SCR 3 \*\*\*

0459S.011

SENATE SPONSOR: Lembke

SCR 3 - This concurrent resolution rejects the salary increases for judges, legislators and statewide elected officials recommended by the Citizen's Commission on Compensation for Elected Officials.

This resolution is similar to HCR 5 (2009).

JIM ERTLE

01/06/2011 S First Read--SCR 3-Lembke (S61)

01/10/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S69)

01/13/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

01/18/2011 SCS Adopted Rules, Joint Rules, Resolutions and Ethics Committee

01/18/2011 Motion To Pass Bill Failed S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

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\*\*\* SCR 4 \*\*\*

0658S.031

SENATE SPONSOR: Crowell

SCR 4 - This concurrent resolution requires the Board of Public Buildings to reassign rooms in the State Capitol to the General Assembly that are currently assigned to the Office of Administration.

JIM ERTLE

01/06/2011 S First Read--SCR 4-Crowell (S61-62)  
01/10/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S69)

EFFECTIVE: upon approval

\*\*\* SCR 5 \*\*\*

1040S.011

SENATE SPONSOR: Justus

SCR 5 - This resolution urges ratification of the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 40 (2010), SCR 3 (2009), SCR 28 (2008) and SCR 30 (2008).  
ADRIANE CROUSE

01/25/2011 S First Read--SCR 5-Justus (S141)  
01/26/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S148)

EFFECTIVE: upon approval

\*\*\* SCR 6 \*\*\*

1119S.011

SENATE SPONSOR: Munzlinger

SCR 6 - This resolution urges the U.S. Department of Agriculture to deregulate genetically-engineered alfalfa without any conditions as soon as possible.

ERIKA JAQUES

01/26/2011 S Offered--SCR 6-Munzlinger (S145-146)  
01/27/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S158)

EFFECTIVE: upon approval

\*\*\* SCR 7 \*\*\*

1140S.011

SENATE SPONSOR: Dempsey

SCR 7 - 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 47 (2010), SCR 18 (2007) and SCR 20 (2005).  
JIM ERTLE

01/27/2011 S Offered--SCR 7-Dempsey (S154)  
01/31/2011 Resolutions Calendar--SCR 7-Dempsey

EFFECTIVE: upon approval

\*\*\* SJR 1 \*\*\*

0215S.011

SENATE SPONSOR: Ridgeway

SJR 1 - 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, 2013. 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 SJR 37 (2010) and HJR 56 (2010).

JASON ZAMKUS

12/01/2010 Prefiled

01/05/2011 S First Read--SJR 1-Ridgeway (S15)

01/20/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S127)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 2 \*\*\*

0282S.011

SENATE SPONSOR: Stouffer

SJR 2 - Upon voter approval, this constitutional amendment provides that a voter seeking to vote in person may be required by general law to identify himself or herself as a United States Citizen and a resident of the state by producing valid, government-issued photo identification. Exceptions may be provided for by general law.

This resolution is similar to HJR 64 (2010).

CHRIS HOGERTY

12/01/2010 Prefiled

01/05/2011 S First Read--SJR 2-Stouffer (S15)

01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S127)

01/24/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 3 \*\*\*

0132S.011

SENATE SPONSOR: Goodman

SJR 3 - 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.

This amendment is similar to SJR 34 (2010).

EMILY KALMER

12/01/2010 Prefiled

01/05/2011 S First Read--SJR 3-Goodman (S15)

01/20/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S127)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 4 \*\*\*

0247S.011

SENATE SPONSOR: Lembke

SJR 4 - Currently, a person cannot serve as Governor or State Treasurer for more than two terms of four years each. This proposed constitutional amendment, if approved by the voters, extends this term limit to every other statewide elected official, including the Lieutenant Governor, Secretary of State, Attorney General and State Auditor.

JIM ERTLE

12/01/2010 Prefiled

12/17/2010 Bill Withdrawn (S15)

EFFECTIVE: Upon Voter Approval

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

0195S.011

SENATE SPONSOR: Chappelle-Nadal

SJR 5 - Upon voter approval, this proposed constitutional amendment replaces the Highways and Transportation Commission with a Director of Transportation appointed by the Governor with the advice and consent of the Senate. The present members of the commission will serve until a director is appointed and confirmed.

This resolution is identical to HJR 55 (2010).

STEPHEN WITTE

12/01/2010 Prefiled

01/05/2011 S First Read--SJR 5-Chappelle-Nadal (S15)

01/20/2011 Second Read and Referred S Transportation Committee (S127)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 6 \*\*\*

0194S.011

SENATE SPONSOR: Chappelle-Nadal

SJR 6 - This proposed constitutional amendment, if approved by the voters, requires the St. Louis Board of Freeholders to hold monthly meetings from January 2013 through December 2016. The amendment also authorizes the people of the city of St. Louis and St. Louis County to modify the Missouri Constitution regarding the board. Any such modification must be submitted to voters of the city and county separately for their approval.

This SJR is similar to HJR 54 (2010).

MEGHAN LUECKE

12/01/2010 Prefiled

01/05/2011 S First Read--SJR 6-Chappelle-Nadal (S16)

01/20/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S127)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 7 \*\*\*

0539S.011

SENATE SPONSOR: Lembke

SJR 7 - Currently, a person cannot serve as Governor or State Treasurer for more than two terms of four years each. This proposed constitutional amendment, if approved by the voters, extends this term limit to every other statewide elected official, including the Lieutenant Governor, Secretary of State, Attorney General and State Auditor.

JIM ERTLE

12/17/2010 Prefiled

01/05/2011 S First Read--SJR 7-Lembke (S16)

01/20/2011 Second Read and Referred S General Laws Committee (S127)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 8 \*\*\*

0500S.011

SENATE SPONSOR: Kraus

SJR 8 - This constitutional amendment, if approved by voters, would require refunds to taxpayers in any fiscal year that total state revenues increase over the preceding fiscal year's total state revenue by five percent or more. In any such fiscal year, nine and one-half percent of the excess total state revenues will be refunded to income taxpayers on a pro rata basis.

JASON ZAMKUS

01/04/2011 Prefiled

01/05/2011 S First Read--SJR 8-Kraus (S16)

01/20/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S127)

EFFECTIVE: Upon Voter Approval

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\*\*\* SJR 9 \*\*\*

0727S.011

SENATE SPONSOR: Engler

SJR 9 - Upon voter approval, this constitutional amendment provides that a voter seeking to vote in person shall be required by general law to identify himself or herself as a United States Citizen and a resident of the state by producing valid, government-issued photo identification. Exceptions may be provided for by general law.

This resolution is similar to HJR 64 (2010), and SJR 2 (2011).

CHRIS HOGERTY

01/10/2011 S First Read--SJR 9-Engler (S67)

01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S127)

01/24/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Upon Voter Approval

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\*\*\* SJR 10 \*\*\*

0813S.011

SENATE SPONSOR: Lembke

SJR 10 - This proposed constitutional amendment, if approved by voters, would reduce the House of Representatives from 163 members to 103 members beginning with the 102nd General Assembly in the year 2023.

This amendment is similar to a provision in SJR 21 (2007).

JIM ERTLE

01/10/2011 S First Read--SJR 10-Lembke and Green (S67)

01/20/2011 Second Read and Referred S Governmental Accountability Committee (S127)

EFFECTIVE: Upon Voter Approval

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\*\*\* SJR 11 \*\*\*

0761S.011

SENATE SPONSOR: Munzlinger

SJR 11 - Under this proposed constitutional amendment, if approved by the voters, the citizens of Missouri have the right to hunt, fish, and harvest wildlife. These activities shall only be governed by laws created by the General Assembly and the Conservation Commission that preserve the future of hunting and fishing. Hunting and fishing are preferred methods of wildlife population control.

ERIKA JAQUES

01/12/2011 S First Read--SJR 11-Munzlinger (S80)

01/20/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S127)

EFFECTIVE: Upon voter Approval

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\*\*\* SJR 12 \*\*\*

0811S.011

SENATE SPONSOR: Green

SJR 12 - This proposed constitutional amendment, if approved by voters, would increase term limits from eight years to twelve years total in any one house of the General Assembly. Further, the amendment would increase the total number of years that a person may serve in both houses of the General Assembly from sixteen to twenty-four. The provisions of this amendment would begin on January 1, 2022 and would count any service prior to that date in calculating the limits.

This amendment is similar to SJR 15 (2007) and SJR 46 (2008).

JIM ERTLE

01/12/2011 S First Read--SJR 12-Green (S80)

01/20/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S127)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 13 \*\*\*

1138S.011

SENATE SPONSOR: Justus

SJR 13 - Upon voter approval, petitions for a referendum shall be signed by 5% of the legal voters in each of the congressional districts in the state instead of by 5% of the legal voters in each of 2/3 of the districts. Similarly, petitions for initiatives proposing constitutional changes shall be signed by 8% of the legal voters in each of the congressional districts in the state instead of by 8% of the legal voters in each of 2/3 of the districts.

CHRIS HOGERTY

01/24/2011 S First Read--SJR 13-Justus (S132)

01/27/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S161)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 14 \*\*\*

1142S.011

SENATE SPONSOR: Schaaf

SJR 14 - Under the current Missouri Constitution, the Department of Revenue cannot receive more than three percent of the highway-related taxes and fees the department collects. This proposed constitutional amendment, if approved by the voters, would remove the three percent cap so that the Department of Revenue can receive its actual cost of collecting the highway-related taxes and fees.

STEPHEN WITTE

01/26/2011 S First Read--SJR 14-Schaaf (S147)

01/27/2011 Second Read and Referred S Transportation Committee (S161)

EFFECTIVE: Upon Voter Approval

\*\*\* SR 10 \*\*\*

0705S.021

SENATE SPONSOR: Mayer

01/05/2011 S Offered--SR 10-Mayer (S53-56)

01/06/2011 S adopted (S63)

EFFECTIVE: upon approval

\*\*\* SR 27 \*\*\*

0784S.031

SENATE SPONSOR: Cunningham

SR 27 - This resolution urges Attorney General Koster to file an independent lawsuit, join Lt. Governor Kinder's lawsuit or join the other state attorneys general from across the nation in challenging the constitutionality of the "Patient Protection and Affordable Care Act", commonly known as the federal health reform act and to aggressively defend the validity of Proposition C as voted on by the people of Missouri in a 2010 Missouri General Election.

This resolution is substantially similar to HR 39 (2011).

ADRIANE CROUSE

01/11/2011 S Offered--SR 27-Cunningham

01/12/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S78)

01/18/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

01/18/2011 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

01/18/2011 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S100)

01/19/2011 S adopted (S106)

EFFECTIVE: upon approval

## \*\*\* SR 65 \*\*\*

SENATE SPONSOR: Dempsey

01/18/2011 S Offered--SR 65-Dempsey (S95-97)

01/19/2011 S adopted (S106)

## \*\*\* SR 125 \*\*\*

1101SR.011

SENATE SPONSOR: Kehoe

01/25/2011 S Offered (S139-140)

01/25/2011 S Adopted (S140)

## \*\*\* SR 126 \*\*\*

1103SR.011

SENATE SPONSOR: Kehoe

01/25/2011 S Offered (S140)

01/25/2011 S Adopted (S140)

## \*\*\* SR 127 \*\*\*

1102SR.011

SENATE SPONSOR: Kehoe

01/25/2011 S Offered (S140)

01/25/2011 S Adopted (S140)



\*\*\* HB 45 \*\*\*

HCS HB 45

0145L.03P

HOUSE HANDLER: Hoskins

HCS/HB 45 - Under current law, the Big Government Get Off My Back Act prohibits user fees imposed by the state from increasing for the four-year period beginning on August 28, 2009, unless the fee increase is to implement a federal program administered by the state or is a result of an act of the General Assembly. For the same four-year period, any state agency proposing a rule must certify that: it does not have an adverse impact on small businesses with fewer than twenty-five employees; it is necessary to protect the life, health, or safety of the public; or small businesses with fewer than twenty-five employees are exempt from such rule. This act increases the time period of the prohibition on user fee increases and the rule making requirements to a five year-period beginning on August 28, 2009. During the five-year period beginning August 28, 2009, any state agency proposing a rule must certify that: it does not have an adverse impact on small businesses with fewer than fifty employees; it is necessary to protect the life, health, or safety of the public; or small businesses with fewer than fifty employees are exempt from such rule.

The act creates an income tax deduction for tax years 2011 through 2014 for small businesses that create new full-time jobs paying wages equal to, or greater than, the county average wage. A small business will be able to deduct ten thousand dollars for each full-time job created or twenty thousand dollars per new job if the employer offers health insurance for the new employees and pays at least half of the premiums for such insurance.

The provisions of the act creating the income tax deduction for small business job creation will automatically sunset on December 31st three years from the effective date of the act unless reauthorized.

JASON ZAMKUS

12/02/2010 Prefiled (H)  
 01/05/2011 Read First Time (H) (H21)  
 01/06/2011 Read Second Time (H) (H71)  
 01/06/2011 Referred: Small Business (H) (H85)  
 01/12/2011 Public Hearing Completed (H)  
 01/12/2011 Executive Session Completed (H)  
 01/12/2011 HCS Voted Do Pass (H)  
 01/12/2011 HCS Reported Do Pass (H) (H142)  
 01/12/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H142)  
 01/13/2011 Rules - Executive Session Completed (H)  
 01/13/2011 Rules - Voted Do Pass (H)  
 01/13/2011 Rules - Reported Do Pass (H) (H155)  
 01/19/2011 HCS Adopted (H) (H172)  
 01/19/2011 Perfected with Amendments (H) (H173)  
 01/19/2011 Referred: Fiscal Review (H) (H190)  
 01/20/2011 Executive Session Completed (H)  
 01/20/2011 Voted Do Pass (H)  
 01/20/2011 Reported Do Pass (H) (H197)  
 01/20/2011 Third Read and Passed (H) (H198)  
 01/24/2011 S First Read--HCS for HB 45 (S134)

EFFECTIVE: August 28, 2011

\*\*\* HCR 1 \*\*\*

0690L.011

SENATE SPONSOR: Dempsey

HOUSE HANDLER: Jones

HCR 1 Jones, Timothy W.

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/05/2011 Offered (H)  
 01/05/2011 H adopted  
 01/05/2011 Reported to the Senate (S52)  
 01/11/2011 S adopted (S73 / H135)  
 01/12/2011 S Escort Committee Appointments: Mayer, Dempsey, Rupp, Purgason, Stouffer, Callahan, Chappelle-Nadal, Justus, Green, Wright-Jones (S80 / H157)  
 01/19/2011 H Escort Committee Appointments: Funderburk, Torpey, Dieckhaus, Korman, Scharnhorst, Parkinson, Meadows, Shieffer, Jones (63), Harris, Casey, Peters-Baker (H175 / S106)

\*\*\* HCR 2 \*\*\*

0691L.011

SENATE SPONSOR: Dempsey

HOUSE HANDLER: Jones

HCR 2 Jones, Timothy W.

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/05/2011 Offered (H)

01/05/2011 H adopted

01/05/2011 Reported to the Senate (S52-53)

01/11/2011 S adopted (S74 / H135)

01/12/2011 S Escort Committee Appointed: Mayer, Schmitt, Ridgeway, Crowell, Goodman, Schaefer,  
McKenna, Wright-Jones, Justus, Keaveny (S80 / H158)

01/13/2011 S Escort Committee change: Chappelle-Nadal to replace Crowell (S92 / H158)

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<u>Bill Number</u>	<u>Page Number</u>
--------------------	--------------------

SB 1	1
SB 2	1
SB 3	1
SB 4	2
SB 5	2
SB 6	2
SB 7	3
SB 8	3
SB 9	4
SB 10	5
SB 11	5
SB 12	5
SB 13	6
SB 14	6
SB 15	7
SB 16	7
SB 17	7
SB 18	7
SB 19	8
SB 20	8
SB 21	8
SB 22	8
SB 23	9
SB 24	10
SB 25	10
SB 26	10
SB 27	10
SB 28	11
SB 29	11
SB 30	11
SB 31	12
SB 32	12
SB 33	12
SB 34	12
SB 35	13
SB 36	13
SB 37	13
SB 38	14
SB 39	14
SB 40	15
SB 41	15
SB 42	15
SB 43	16
SB 44	16
SB 45	17
SB 46	17

SB 47	17
SB 48	17
SB 49	18
SB 50	18
SB 51	19
SB 52	19
SB 53	20
SB 54	20
SB 55	22
SB 56	22
SB 57	23
SB 58	23
SB 59	25
SB 60	26
SB 61	26
SB 62	27
SB 63	27
SB 64	27
SB 65	28
SB 66	29
SB 67	29
SB 68	30
SB 69	30
SB 70	31
SB 71	32
SB 72	32
SB 73	32
SB 74	33
SB 75	33
SB 76	34
SB 77	34
SB 78	34
SB 79	34
SB 80	35
SB 81	35
SB 82	35
SB 83	36
SB 84	36
SB 85	37
SB 86	37
SB 87	37
SB 88	37
SB 89	38
SB 90	38
SB 91	38
SB 92	39
SB 93	39
SB 94	39
SB 95	40
SB 96	40
SB 97	40
SB 98	40
SB 99	41
SB 100	41
SB 101	42
SB 102	42
SB 103	42
SB 104	43
SB 105	44
SB 106	44

SB 107	44
SB 108	46
SB 109	46
SB 110	46
SB 111	46
SB 112	47
SB 113	47
SB 114	47
SB 115	48
SB 116	49
SB 117	49
SB 118	49
SB 119	50
SB 120	50
SB 121	51
SB 122	51
SB 123	51
SB 124	52
SB 125	52
SB 126	52
SB 127	52
SB 128	53
SB 129	53
SB 130	53
SB 131	54
SB 132	54
SB 133	56
SB 134	56
SB 135	56
SB 136	57
SB 137	57
SB 138	57
SB 139	58
SB 140	59
SB 141	59
SB 142	60
SB 143	60
SB 144	60
SB 145	60
SB 146	61
SB 147	61
SB 148	61
SB 149	62
SB 150	62
SB 151	62
SB 152	63
SB 153	63
SB 154	63
SB 155	64
SB 156	64
SB 157	64
SB 158	65
SB 159	65
SB 160	65
SB 161	66
SB 162	66
SB 163	66
SB 164	66
SB 165	67
SB 166	67

SB 167	67
SB 168	68
SB 169	68
SB 170	68
SB 171	68
SB 172	69
SB 173	69
SB 174	69
SB 175	70
SB 176	70
SB 177	71
SB 178	71
SB 179	71
SB 180	72
SB 181	72
SB 182	73
SB 183	73
SB 184	73
SB 185	73
SB 186	74
SB 187	74
SB 188	74
SB 189	75
SB 190	76
SB 191	76
SB 192	76
SB 193	77
SB 194	77
SB 195	77
SB 196	77
SB 197	78
SB 198	78
SB 199	78
SB 200	79
SB 201	79
SB 202	80
SB 203	80
SB 204	80
SCR 1	81
SCR 2	81
SCR 3	81
SCR 4	81
SCR 5	82
SCR 6	82
SCR 7	82
SJR 1	82
SJR 2	83
SJR 3	83
SJR 4	83
SJR 5	84
SJR 6	84
SJR 7	84
SJR 8	84
SJR 9	85
SJR 10	85
SJR 11	85
SJR 12	85
SJR 13	86
SJR 14	86
SR 10	86

SR 27	86
SR 65	86
SR 125	87
SR 126	87
SR 127	87
HB 45	87
HCR 1	88
HCR 2	88