

96th General Assembly

First Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**March 7 - 18, 2011**

Prepared by  
Divisions of Research and Computer Information Systems

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

SCS SBs 1 &amp; 206

0216S.02C

SENATE SPONSOR: Ridgeway

SCS/SBs 1 & 206 - 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

SA 1 - EXEMPTS EMPLOYEES WHO HAVE TERMINATED 200 OR MORE EMPLOYEES AND HIRED MORE THAN 200 EMPLOYEES THAT ARE NOT UNITED STATES CITIZENS.

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 Cancelled S General Laws Committee  
02/08/2011 Hearing Conducted S General Laws Committee  
02/15/2011 SCS Voted Do Pass (w/SCS/SBs 1 & 206) S General Laws Committee (0216S.02C)  
02/17/2011 Reported from S General Laws Committee to Floor w/SCS (S283)  
02/22/2011 Bill Placed on Informal Calendar (S298)  
03/14/2011 SA 1 to SCS S offered (Callahan)--(0216S02.01F) (S448)  
03/14/2011 Bill Placed on Informal Calendar (S448)  
03/25/2011 S Informal Calendar S Bills for Perfection--SBs 1 & 206-Ridgeway, with SCS & SA 1 (pending)

EFFECTIVE: August 28, 2011

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

0217S.01I

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)  
03/29/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

HCS SB 3

0283L.03C

SENATE SPONSOR: Stouffer

HOUSE HANDLER: Diehl

HCS/SB 3 - This act establishes requirements for advance voting and voter photo identification for elections.

Advance voting is established in presidential, senatorial, and statewide elections. The period shall begin on the third Saturday immediately preceding an election and end on the Tuesday immediately preceding the election, excluding Sundays.

Election authorities shall establish one advance voting center in each state Senatorial district or in each county located in such district if it contains more than one county and three centers in each jurisdiction governed by a board of election commissioners. The Secretary of State and each election authority shall provide public notice of the advance voting centers and periods.

Costs for advance voting shall be reimbursed from the general revenue of the state by appropriation and no election authority shall conduct advance voting without such appropriation.

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, including any license fee office, shall provide at least one form of identification required to vote at no cost to the voter. The state shall provide at least one form of document required to obtain the required identification at no cost to those who do not possess one.

This act is contingent on the passage of a constitutional amendment establishing voter photo identification for elections, advance voting, and voter registration requirements.

This act is similar to SB 1014 (2006), SB 523 (2009), HB 1966 (2010), and SB 84 (2011).  
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  
01/31/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee  
02/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S234)  
02/15/2011 SA 1 S offered & defeated (Green)--(0283S01.01F) (S253-254)  
02/15/2011 SA 2 S offered (Justus)--(0283S01.17S) (S254)  
02/15/2011 SSA 1 for SA 2 S offered & adopted (Schaaf)--(0283S01.02F) (S254)  
02/15/2011 SA 3 S offered & adopted (Keaveny)--(0283S01.03F) (S254-255)  
02/15/2011 SA 4 S offered & adopted (Wright-Jones)--(0283S01.01S) (S255-258)  
02/15/2011 SA 5 S offered & defeated (Justus)--(0283S01.04F) (S258-259)  
02/15/2011 SA 6 S offered & adopted (Callahan)--(0283S01.05F) (S259)  
02/15/2011 SA 7 S offered & defeated (Justus)--(0283S01.23S) (S259)  
02/15/2011 Perfected, as amended (S259)  
02/15/2011 Reported Truly Perfected S Rules Committee (S260)  
02/15/2011 Referred S Ways & Means and Fiscal Oversight Committee (S260)  
02/17/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee  
02/17/2011 Voted Do Pass S Ways & Means and Fiscal Oversight Committee  
02/17/2011 Reported from S Ways & Means and Fiscal Oversight Committee to Floor (S282)  
02/17/2011 S Third Read and Passed (S282-283)  
02/17/2011 H First Read (H397)  
02/21/2011 H Second Read (H402)  
03/03/2011 Referred H Elections Committee (H521)  
03/08/2011 Hearing Conducted H Elections Committee  
03/09/2011 HCS Voted Do Pass H Elections Committee  
03/10/2011 HCS Reported Do Pass H Elections Committee  
03/10/2011 Referred to Rules Committee pursuant to Rule 25(32)(f)

03/16/2011 Hearing Conducted H Rules Pursuant to Rule 25(32)(f) Committee  
03/16/2011 Voted to return bill to committee of origin (H673)

EFFECTIVE: Upon voter approval

\*\*\* 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

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

0287S.011

SENATE SPONSOR: Stouffer

This bill has been combined with SB 7

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  
02/08/2011 Bill Combined (w/SCS SBs 7, 5, 74 & 169)

EFFECTIVE: August 28, 2011

\*\*\* 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)  
 02/15/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 7 \*\*\*      SCS SBs 7, 5, 74 & 169

0131S.05C

SENATE SPONSOR: Goodman

SCS/SBs 7, 5, 74 & 169 - This act, the "TANF Child Protection and Drug Free Home Act", requires temporary assistance for needy families (TANF) case workers to report to the Children's Division in accordance with procedures for mandated reporters of child abuse in instances where either the work-eligible recipient tested positive or refused to test in relation to work activities. The TANF work-eligible recipients covered under this act include recipients who are required to participate in work activities or in preparation for work-activities. Such work activities include subsidized or unsubsidized private or public sector employment, job training programs, community service programs, or vocational education and training programs.

Case workers conducting an initial assessment to determine if an individual meets an exemption, exclusion or is work ready at each temporary assistance for needy families application, reinvestigation or interim change may report or cause a report to be made to the Children's Division in instances where the case worker has reasonable suspicion to believe that such individual is engaging in illegal use of a controlled substance.

Any work-eligible recipient who is found to have tested positive for the illegal use of a controlled substance or who refuses to be tested, after an administrative hearing, shall be declared ineligible for TANF benefits for a period of two years from the date of the administrative hearing decision. However, such person shall continue to receive benefits if such person successfully completes a substance abuse treatment program administered by the division of alcohol and drug abuse and does not test positive for illegal use of a controlled substance in the 6 month period beginning on the date the individual enters such treatment program. The individual shall receive benefits while in treatment. If the work-eligible recipient tests positive for the use of illegal drugs a second time, then such recipient shall be declared ineligible for temporary assistance for needy families benefits for a period of two years from the date of the administrative hearing decision.

Other members of a household which includes a person who has been declared ineligible for TANF 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.

The department shall promulgate rules for implementing the provisions of this section.

This act is similar to HCS/HBs/ 73 & 47 (2011) and 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  
 02/08/2011 SCS Voted Do Pass (w/SCS SBs 7, 5, 74 & 169) S Health, Mental Health, Seniors and Families Committee (0131S.05C)  
 02/10/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S233)  
 02/14/2011 Bill Placed on Informal Calendar (S245)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SBs 7, 5, 74 & 169-Goodman, with SCS

EFFECTIVE: August 28, 2011

\*\*\* SB 8 \*\*\*      SS#2 SCS SB 8

0367S.09RP

SENATE SPONSOR: Goodman

SS#2/SCS/SB 8 - The act affirmatively states that occupational diseases are covered under workers' compensation laws.

This act ensures that co-employees shall be released from liability for all workplace injuries under the workers' compensation system except when they engage in an affirmative negligent act that purposefully and

dangerously caused or increased the risk of injury.

Toxic exposure is defined as an exposure to chemicals, dusts, particulates, fumes, mists, fibers, solvents, vapors, radiation, or other substances or other materials that, when ingested, consumed, inhaled, or absorbed are sufficient to cause disease, death, mutations, cancer, deformities, or reproductive abnormalities in humans. In cases where occupational disease is caused by toxic exposure, there shall be no subrogation rights for employers.

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  
 01/31/2011 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (0367S.03C)  
 02/01/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S180)  
 02/07/2011 Bill Placed on Informal Calendar (S196)  
 02/09/2011 SS for SCS S offered (Goodman)--(0367S.04F) (S217-218)  
 02/09/2011 SA 1 to SS for SCS S offered & adopted (Goodman)--(0367S04.04S) (S218)  
 02/09/2011 SA 2 to SS for SCS S offered & adopted (Schaaf)--(0367S04.05S) (S218)  
 02/09/2011 SS for SCS, as amended, S adopted (S218)  
 02/09/2011 Perfected (S218)  
 02/09/2011 Reported Truly Perfected S Rules Committee (S219)  
 02/09/2011 Motion to Reconsider Perfection Vote S adopted (S225)  
 02/09/2011 Motion to reconsider SS for SCS S adopted (S225-226)  
 02/09/2011 SA 3 to SS for SCS S offered & adopted (Goodman) - (0367S04.06S) (S226)  
 02/09/2011 Bill Placed on Informal Calendar (S226)  
 03/02/2011 SS for SCS S withdrawn (S380)  
 03/02/2011 SS#2 for SCS S offered (Goodman)--(0367S.09F) (S380)  
 03/02/2011 Bill Placed on Informal Calendar (S380-381)  
 03/15/2011 SA 1 to SS# 2 for SCS S offered & adopted (Crowell)--(0367S09.13S) (S454-457)  
 03/15/2011 SS#2 for SCS, as amended, S adopted (S457)  
 03/15/2011 Re-Perfected (S457)  
 03/16/2011 Reported Truly Re-Perfected S Rules Committee (S464)  
 03/17/2011 S Third Read and Passed (S487-488)  
 03/17/2011 H First Read (H701)  
 03/18/2011 H Second Read (H707)

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 JAQUES

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)  
 02/08/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/15/2011 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/17/2011 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 9-Rupp

EFFECTIVE: August 28, 2011

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\*\*\* 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)  
 02/15/2011 Hearing Conducted S Small Business, Insurance and Industry Committee  
 03/01/2011 Voted Do Pass S Small Business, Insurance and Industry Committee  
 03/17/2011 Reported from S Small Business, Insurance and Industry Committee to Floor (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 10-Rupp

EFFECTIVE: August 28, 2011

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

SCS SB 11

0338S.02P

SENATE SPONSOR: McKenna

SCS/SB 11 - This act regulates the operation of motor vehicles.

TEXT MESSAGE BAN - 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).

HARVEST WEIGHT TOLERANCE - Under this act, for the period between October 15th and December 15th of each year, any motor vehicle or combination of motor vehicles carrying agricultural products may operate with a load that exceeds the maximum weight load permitted by this chapter by ten percent on any tandem axle, group of axles, and gross weight. If enforcement action is taken pursuant to this act, the fine or penalty shall only apply to that portion of the load that is more than ten percent above the legal limit. The weight tolerance authorized by the act shall apply to all highways within the state of Missouri except for the interstate highway system (Section 304.180).

MINIMAL YELLOW LIGHT CHANGE INTERVAL TIME STANDARDS - Under this act, the timing of traffic-control signals must conform to regulations promulgated by the Department of Transportation. The department must establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard (Section 304.289).

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)

02/01/2011 SA 1 S offered &amp; adopted (Lembke)--(0338S02.04S) (S175-176)

02/01/2011 SA 2 S offered &amp; adopted (Munzlinger)--(0338S02.01S) (S176-179)

02/01/2011 SCS, as amended, S adopted (S179)

02/01/2011 Perfected (S180)

02/07/2011 Reported Truly Perfected S Rules Committee (S186)

02/07/2011 Referred S Ways &amp; Means and Fiscal Oversight Committee (S195)

03/25/2011 S Formal Calendar S Bills for Third Reading--SCS for SB 11-McKenna (In Fiscal Oversight)

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 \*\*\*

SS SCS SB 13

0316S.05P

SENATE SPONSOR: Pearce

SS/SCS/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 who serve on the joint committee, one appointed by the President Pro Tem of the Senate and one appointed by the Minority Leader of the Senate; two representatives who serve on the joint committee, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader of the House of Representatives; the commissioner of education or her designee; three active teachers, appointed by the President Pro Tem; one public school administrator, appointed by the President Pro Tem; an active school board member, appointed by the President Pro Tem; the dean or chief administrator of a state-approved baccalaureate-level teacher preparation program, appointed by the President Pro Tem; an academic researcher with expertise in education policy, appointed by the President Pro Tem; 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 President Pro Tem.

The task force must consider options and make recommendations to the General Assembly in the following areas: educator evaluations, which must include and consider the academic growth of their 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

02/09/2011 SCS Voted Do Pass S Education Committee (0316S.04C)

02/17/2011 Reported from S Education Committee to Floor w/SCS (S283)

02/22/2011 SS for SCS S offered (Pearce)--(0316S.05F) (S298)

02/22/2011 SA 1 to SS for SCS S offered & withdrawn (Lager)--(0316S05.02S) (S298-300)  
 02/22/2011 SA 2 to SS for SCS S offered & adopted (Green)--(0316S05.01S) (S300)  
 02/22/2011 SS for SCS, as amended, S adopted (S300)  
 02/22/2011 Perfected (S300)  
 02/23/2011 Reported Truly Perfected S Rules Committee (S311)  
 02/24/2011 S Third Read and Passed (S328)  
 02/24/2011 H First Read (H457)  
 02/28/2011 H Second Read (H465)

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)  
 02/23/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

\*\*\* 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

\*\*\* 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)  
 02/23/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee  
 02/23/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

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

SCS SB 17

0185S.03P

SENATE SPONSOR: Lembke

SCS/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.

This act is substantially similar 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 Cancelled S Health, Mental Health, Seniors and Families Committee  
 02/08/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/22/2011 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee - (0185S.03C)  
 03/10/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S433)  
 03/16/2011 SS for SCS S offered & defeated (Lembke)--(0185S.04F) (S464)  
 03/16/2011 SCS S adopted (S464)  
 03/16/2011 Perfected (S464)  
 03/16/2011 Reported Truly Perfected S Rules Committee (S479)  
 03/17/2011 S Third Read and Passed (S489)  
 03/17/2011 H First Read (H701)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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

SCS SB 18

0285S.04P

SENATE SPONSOR: Schmitt

SCS/SB 18 - This act caps corporate franchise tax liabilities at the amount of each corporation's tax liability for the 2010 tax year. If a corporation did have a corporate franchise tax liability in 2010 because such corporation was not doing business within the state or did not exist, such corporation's franchise tax liability will be capped at the amount of such corporation's franchise tax liability for its first full-year of existence.

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  
 02/01/2011 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (0285S.04C)  
 02/01/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S181)  
 02/07/2011 SCS S adopted (S196)  
 02/07/2011 Perfected (S196)  
 02/08/2011 Reported Truly Perfected S Rules Committee (S210)  
 02/17/2011 Bill Placed on Informal Calendar (S282)  
 03/25/2011 S Informal Calendar S Bills for Third Reading--SCS for SB 18-Schmitt

EFFECTIVE: August 28, 2011

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

SCS SB 19

0336S.02P

SENATE SPONSOR: Schmitt

HOUSE HANDLER: Nolte

SCS/SB 19 - This act caps corporate franchise tax liabilities at the amount of each corporation's tax liability for the 2010 tax year. If a corporation did have a corporate franchise tax liability in 2010 because such corporation was not doing business within the state or did not exist, such corporation's franchise tax liability will be capped at the amount of such corporation's franchise tax liability for its first full-year of existence. 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  
 02/01/2011 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (0336S.02C)  
 02/01/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S181)  
 02/07/2011 SA 1 to SCS S offered & withdrawn (Schmitt)--(0336S02.08S) (S196)  
 02/07/2011 SA 2 to SCS S offered & adopted (Schmitt)--(0336S02.09S) (S196-197)  
 02/07/2011 SA 3 to SCS S offered & Ruled out of order (Crowell)--(0336S02.05S) (S197-203)  
 02/07/2011 SCS, as amended, S adopted (S203)  
 02/07/2011 Perfected (S203-204)  
 02/08/2011 Reported Truly Perfected S Rules Committee (S210)  
 02/09/2011 Referred S Ways & Means and Fiscal Oversight Committee (S217)  
 02/14/2011 Hearing Conducted S Ways & Means and Fiscal Oversight Committee  
 02/14/2011 Voted Do Pass S Ways & Means and Fiscal Oversight Committee  
 02/14/2011 Reported from S Ways & Means and Fiscal Oversight Committee to Floor (S245)  
 02/15/2011 S Third Read and Passed (S253)  
 02/15/2011 H First Read (H371)  
 02/16/2011 H Second Read (H378)  
 03/03/2011 Referred H International Trade & Job Creation Committee (H521)  
 03/09/2011 Hearing Conducted H International Trade & Job Creation Committee  
 03/09/2011 Voted Do Pass H International Trade & Job Creation Committee  
 03/10/2011 Reported Do Pass H International Trade & Job Creation Committee  
 03/10/2011 Referred to Rules Committee pursuant to Rule 25(32)(f)

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)  
 02/02/2011 Hearing Cancelled S Education Committee  
 02/09/2011 Hearing Conducted S Education Committee

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)

02/02/2011 Hearing Cancelled S Education Committee

02/09/2011 Hearing Scheduled But Not Heard S Education Committee

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)

02/09/2011 Hearing Cancelled S Progress and Development Committee

02/16/2011 Hearing Conducted S Progress and Development Committee

EFFECTIVE: August 28, 2010

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

SCS SB 23

0112S.09C

SENATE SPONSOR: Keaveny

SCS/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.

In addition, the city must provide or contract for life, health, medical, and disability insurance and salary continuation coverage for officers, employees, those who retired from the current St. Louis police department, and retirees of the municipal police force established under this act. Health, medical, and life insurance must be available for purchase by the spouses or dependents of deceased retired officers and employees who receive benefits from the Police Retirement System of St. Louis.

The city may pay shift differential compensation to police officers who work evenings or nights, but the compensation may not exceed ten percent of the officer's hourly rate.

The city shall recognize any residency regulations for officers adopted by the current board of police commissioners in effect on the effective day of the act and may not change such regulations.

The current state statutes concerning the St. Louis police department shall expire upon the effective date of this act.

No officer, employee, or representative of a St. Louis police force may engage in certain activities with a licensed dealer or private seller of firearms or ammunition, including enticing such dealers and sellers into an illegal transaction, providing materially false information about the legality of such transactions, or procuring another to engage in such conduct.

This act prohibits an officer, employee, liaison, or registered representative of a St. Louis police force from lobbying the general assembly except in his or her personal capacity. Anyone can bring an action for monetary damages of \$10,000 in any court of competent jurisdiction to enforce this lobbying prohibition. Upon a finding of a violation, the court shall award attorney fees and costs to the plaintiff. The state waives all immunity in such an action.

No person may solicit political contributions from an officer, agent, or employee of the St. Louis police force, and no such solicitation may occur in a room or building used for the official duties of the police. In addition, no officer or employee in the service of the police force shall directly or indirectly contribute to any political purpose whatsoever.

The following political activities by an officer, agent, or employee of the St. Louis police force are prohibited: taking certain employment actions against an employee who refuses to make political contributions or render political services; attempting to coerce, command, or advise an officer or employee of the police to make such contributions or render such services; using his or her official authority to interfere with an election; being a member or official of any political party committee or board of aldermen; soliciting votes for or against a candidate for public office; polling precincts, engaging in other similar political work; or affixing a sign that supports or opposes a ballot measure or candidate to police property or vehicles.

In addition to those political prohibitions, no question in any examination may relate to, and no employment action may be affected by, political or religious opinions, and no person shall provide false information with regard to any St. Louis police tests, certificates, or appointments.

Also prohibited is the payment or solicitation of money or other valuable consideration for any appointment or promotion within the St. Louis police force, the obstruction of any person's right to such appointments or promotions, or the provision of secret information to affect such employment matters.

A violation of the above prohibitions on activities relating to politics and the employment of St. Louis police officers will result in discharge from the St. Louis police force and the chief of police shall prefer charges. A fine of \$50 to \$500 and imprisonment of not more than six months may be imposed. Any city alderman may sue to restrain payment of compensation to such officer. A person discharged shall not be eligible to work for the police force or the city government for five years.

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. The City of St. Louis shall continue to fund the St. Louis Police pension system pursuant to the provisions of Chapter 86.

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 upon notification by the Clerk of the Board of Aldermen of the city of St. Louis to the General Assembly and the Revisor of Statutes that the charter of the city of St. Louis has been amended to reduce the Board of Aldermen to fourteen members with at least two from each ward.

This act is similar to the perfected version of HB 71 (2011), HB 1601 (2010), SS/SCS/SB 643 (2010), SB 486 (2007), SB 785 (2008), HB 552 (2009).

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  
 02/23/2011 SCS Voted Do Pass S Progress and Development Committee - (0112S.09C)  
 02/24/2011 Reported from S Progress and Development Committee to Floor w/SCS  
 02/28/2011 Bill Placed on Informal Calendar (S345)  
 03/08/2011 SA 1 to SCS S offered & Ruled out of order (Kraus)--(0112S09.07S) (S408-409)  
 03/08/2011 SS for SCS S offered (Lembke)--(0112S.12F) (S409)  
 03/08/2011 Bill Placed on Informal Calendar (S409)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 23-Keaveny, with SCS & SS for SCS (pending)

EFFECTIVE: Contingent

\*\*\* 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  
 02/23/2011 Voted Do Not Pass S Transportation Committee

EFFECTIVE: August 28, 2011

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

SCS SB 25

0136L.03C

SENATE SPONSOR: Schaaf

SCS/SB 25 - This act allows the counties of Buchanan, Andrew, Livingston, and Cass to enact nuisance abatement ordinances. No county, however, may adopt any ordinance, resolution, or regulation governing a railroad company, a telecommunications or wireless company, or other utility companies.

Under this act, any city in which voters have approved fees to recover costs associated with the enforcement of certain property ordinances may issue a special tax bill to recover such costs. A city may provide by ordinance for the discharge of the special tax bill upon a determination that the discharge will result in a public benefit.

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

Under current law, the cities of St. Louis and Kansas City may establish administrative adjudication systems to handle parking and other civil municipal code violations. This act allows the city of St. Joseph to establish such a system and adds housing, property maintenance, and nuisance violations to the list of offenses that may be handled through the system. In addition, the cities may issue a special tax bill to collect fines issued for housing, property maintenance, and nuisance code violations.

Provisions of this act are identical to provisions of SB 187 (2011), SB 194 (2011), and 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)  
 03/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 03/16/2011 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee - (0136S.03C)  
 03/17/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S494)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 25-Schaaf, with SCS

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

02/17/2011 Reported from S Transportation Committee to Floor (S283)

02/22/2011 Bill Placed on Informal Calendar (S297)

03/25/2011 S Informal Calendar S Bills for Perfection--SB 28-Brown

EFFECTIVE: August 28, 2011

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

SCS SB 29

0331S.02C

SENATE SPONSOR: Brown



SCS/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)  
 02/16/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 03/09/2011 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - (0331S.02C)  
 03/10/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS (S435)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 29-Brown, with SCS

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)  
 03/01/2011 Hearing Cancelled S Small Business, Insurance and Industry Committee

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 Cancelled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

0223S.01P

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

02/01/2011 Reported from S Transportation Committee to Floor (S180)

02/07/2011 Bill Placed on Informal Calendar (S196)

02/08/2011 Perfected (S209)

02/09/2011 Reported Truly Perfected S Rules Committee (S217)

02/09/2011 Referred S Ways & Means and Fiscal Oversight Committee (S217)

02/24/2011 Hearing Conducted S Ways & Means and Fiscal Oversight Committee

02/22/2011 Voted Do Pass S Ways & Means and Fiscal Oversight Committee

02/24/2011 Reported from S Ways & Means and Fiscal Oversight Committee to Floor (S323)

02/24/2011 S Third Read and Passed (S324)

02/24/2011 H First Read (H457)

02/28/2011 H Second Read (H465)

EFFECTIVE: August 28, 2011

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

0301S.01I

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.01I

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)

02/15/2011 Hearing Cancelled S Health, Mental Health, Seniors and Families Committee

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

02/09/2011 Voted Do Pass S Jobs, Economic Development and Local Government Committee - Consent

02/10/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S234)

02/14/2011 Removed S Consent Calendar (S249)

03/10/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S435)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 36-Lembke

EFFECTIVE: Emergency Clause

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

SCS SB 37

0162S.03C

SENATE SPONSOR: Lembke

SCS/SB 37 – This act establishes the "Students First Interscholastic Activities Act." It is the intent of the General Assembly that every student of high school age has the opportunity to participate in interscholastic activities, 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 activities through his or her school. If the school does not offer interscholastic activities, the student may seek to participate through his or her school district of residence.

Each school that offers interscholastic activities must identify by July 1 the activity programs it will provide and the approximate number of athletes who may participate at any time.

This act contains eligibility requirements for student activity participants.

Public school districts, school board members, and school district employees are prohibited from influencing a student not enrolled in the district to participate in interscholastic activities in the district.

This act also allows a school district to declare a student ineligible to participate in interscholastic activities through the district for two years if a student with an unsatisfactory grade point average ceases enrollment, begins another education program, attains a satisfactory grade point average, and seeks to participate in athletics again. A school district must examine such a situation on a case-by-case basis after an inquiry.

Nothing in this act may be construed as requiring a school to allow all students to participate in activities. Schools will have discretion as to which students may participate in interscholastic activities. In addition, no school may discriminate against a student seeking to participate in interscholastic activities based on the student's choice of education program.

Interscholastic activities include athletics, cheerleading, dance, debate, music activities, pom team, speech, and winter guard. (Section 160.1175)

This act also prohibits a school district from becoming a member of, retaining membership in, or paying any fees to any statewide activities association that is an unincorporated voluntary association of Missouri secondary schools.

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)  
 02/15/2011 Hearing Conducted S General Laws Committee  
 03/08/2011 SCS Voted Do Pass S General Laws Committee - (0162S.03C)  
 03/10/2011 Reported from S General Laws Committee to Floor w/SCS (S434)  
 03/16/2011 Bill Placed on Informal Calendar (S471)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 37-Lembke, with SCS

EFFECTIVE: August 28, 2011

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

0086S.01P

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)  
 02/22/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/22/2011 Voted Do Pass S Health, Mental Health, Seniors and Families Committee  
 02/24/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor (S329)  
 02/28/2011 Perfected (S345)  
 03/01/2011 Reported Truly Perfected S Rules Committee (S362-363)  
 03/02/2011 S Third Read and Passed (S373)  
 03/02/2011 H First Read (H505)  
 03/03/2011 H Second Read (H510)

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

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\*\*\* 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

\*\*\* 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

\*\*\* 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

\*\*\* 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 (2010) 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)

02/09/2011 Hearing Cancelled S Progress and Development Committee

02/16/2011 Hearing Scheduled But Not Heard S Progress and Development Committee

EFFECTIVE: August 28, 2011

\*\*\* 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)

02/16/2011 Hearing Conducted S Transportation Committee

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)

03/09/2011 Hearing Scheduled But Not Heard S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee

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)

02/24/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

03/17/2011 Voted Do Pass S Ways and Means and Fiscal Oversight Committee

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 \*\*\*

SCS SB 54

0248S.02C

SENATE SPONSOR: Cunningham

SCS/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. The Office may also mediate between alleged victims of sexual misconduct and school districts.

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.

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. The mediator must not be a mandated reporter of child abuse. 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 candidate for school board. A sitting school board member who is a registered sex offender or is required to be registered will not be eligible to serve as a board member at the conclusion of his or her term.

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.

A school district is prohibited from discharging or discriminating against an employee who, acting in good faith, reports alleged sexual misconduct.

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. 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 at its own expense.

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 the alleged perpetrator, alleged victim, or the Office of the Child Advocate if new, specific, and credible evidence is obtained that the Division's decision was based on fraud or misrepresentation of material facts relevant to the Division's decision. Procedures for reopening an investigation are described in the act. Any person who makes a request to reopen based on facts the person knows to be false will be guilty of a class A misdemeanor. The Division cannot reopen an investigation while the case is pending before a court or when a court has entered a final judgment after de novo judicial review.

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)

02/16/2011 Hearing Conducted S Education Committee

03/09/2011 SCS Voted Do Pass S Education Committee - (0248S.02C)

03/10/2011 Reported from S Education Committee to Floor w/SCS (S435)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 54-Cunningham, with SCS

EFFECTIVE: August 28, 2011

SENATE SPONSOR: Brown

SS/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 similar 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)  
 02/16/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 02/23/2011 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee  
 02/24/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S330)  
 03/07/2011 Bill Placed on Informal Calendar (S399)  
 03/09/2011 SS S offered (Brown)--(0329S.02F) (S417-418)  
 03/09/2011 Bill Placed on Informal Calendar (S418)  
 03/09/2011 SS S adopted (S419)  
 03/09/2011 Perfected (S419)  
 03/10/2011 Reported Truly Perfected S Rules Committee (S425)  
 03/17/2011 S Third Read and Passed (S486-487)  
 03/17/2011 H First Read (H701)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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\*\*\* 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)  
 03/15/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 57 \*\*\*      SCS SB 57

0115S.03C

SENATE SPONSOR: Callahan

SCS/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, the public administrator of the other county consents to the transfer, and the ward or protectee does not oppose 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. If the ward or protectee opposes the transfer the court is required to hold a hearing to determine whether the case should be transferred.

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 88 (2011) and 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 Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/14/2011 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (0115S.03C) - Consent  
 02/17/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor - w/SCS - Consent (S283)  
 03/25/2011 S Consent Calendar--SB 57-Callahan, with SCS

EFFECTIVE: August 28, 2011

\*\*\* SB 58 \*\*\*      SS SCS SB 58

0108S.12P

SENATE SPONSOR: Stouffer

SS/SCS/SB 58 - This act substantially modifies the law governing the regulation of household goods movers.

**EXEMPTING HOUSEHOLD GOODS MOVERS FROM FILING RATES WITH THE COMMISSION- §387.040**  
 - 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. A household goods mover must maintain and publish its schedules of rates, fares, rules, and charges in its stations and offices. Such rates shall be available for inspection by the commission, shippers, and the public.

**PROHIBITION OF JOINT TARIFFS - §387.080 and 390.116** - 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 publish joint tariffs or individual tariffs for each participating carrier (no longer have to file joint tariffs with the commission). In addition, household goods movers will no longer be required to file sworn copies of every contract with other motor carriers with the commission.

**TERRITORIAL RATE AREAS BAN LIFTED - §387.110** - Under current law, household goods carriers are prohibited from using schedules of rates that divide the state into territorial rate areas. This act removes this restriction.

**COMMISSION NO LONGER ESTABLISHES RATES - §387.207** - Under the terms of this act, the commission no longer has the authority to fix rates with reference to the transportation of household goods. Rates published by household goods movers are presumed to prima facie lawful.

VACATION OF MINIMUM/MAXIMUM COMMISSION RATE ORDERS - §387.355 - 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.

ELIMINATE PROOF OF NEED FOR SERVICE - §390.051 and 390.061 - 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.

ELIMINATION OF TEMPORARY HOUSEHOLD GOODS MOVER PERMITS - §390.081 - 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 .

DISCONTINUANCE OF SERVICE NOTICE ELIMINATED - §390.101 - 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.

STATEWIDE OPERATING AUTHORITY - §390.280 - 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.

PROOF OF COMPLIANCE WITH WORKERS COMPENSATION LAW - Beginning August 28, 2011, no certificate of authority or permit shall be issued or renewed unless the applicant demonstrates that the applicant has workers' compensation insurance coverage that complies with Missouri law for all its employees. If any household goods carrier is found by the division of workers' compensation to be out of compliance with the workers' compensation law, the division shall report such fact to the state highways and transportation commission. The commission shall suspend the household goods carrier's certificate or permit until such time the carrier demonstrates that it has procured workers' compensation insurance coverage (Section 390.054).

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

COMPLAINT HANDLING PROCESS - §387.139 - This act requires the division of motor carriers to develop a complaint process. The complaint process shall keep a record for each complaint and shall record findings made at each step of the complaint process, provide an explanation of the legal basis and reason for a complaint dismissal, and other information.

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 Cancelled S Transportation Committee  
 02/09/2011 Hearing Conducted S Transportation Committee  
 02/16/2011 SCS Voted Do Pass S Transportation Committee (0108S.09C)  
 02/17/2011 Reported from S Transportation Committee to Floor w/SCS (S283)

02/21/2011 SS for SCS S offered & adopted (Stouffer)--(0108S.12F) (S291-292)  
 02/21/2011 Perfected (S292)  
 02/22/2011 Reported Truly Perfected S Rules Committee (S297)  
 02/24/2011 S Third Read and Passed (S326-327)  
 02/24/2011 H First Read (H458)  
 02/28/2011 H Second Read (H465)

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 Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 03/09/2011 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee  
 03/17/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 59-Keaveny

EFFECTIVE: August 28, 2011

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

SCS SB 60

0085S.08C

SENATE SPONSOR: Keaveny

SCS/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.

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.(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 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 Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 03/09/2011 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - (0085S.08C)  
 03/17/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 60-Keaveny, with SCS

EFFECTIVE: August 28, 2011

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

0529S.02P

SENATE SPONSOR: Keaveny

SB 61 - This act requires that in St. Louis City, St. Louis County, and Jackson County at least one 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 Conducted S Financial and Governmental Organizations and Elections Committee  
 02/07/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 02/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S234)  
 02/10/2011 Removed S Consent Calendar (S236)  
 03/03/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S387)  
 03/07/2011 SA 1 S offered & adopted (Keaveny)--(0529S02.02S) (S400)  
 03/07/2011 Perfected, as amended (S400)  
 03/08/2011 Reported Truly Perfected S Rules Committee (S410)  
 03/10/2011 S Third Read and Passed (S430)  
 03/10/2011 H First Read (H593)  
 03/14/2011 H Second Read (H602)  
 03/16/2011 Referred H General Laws Committee (H670)

EFFECTIVE: August 28, 2011

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

SS#2 SCS SB 62

0521S.06P

SENATE SPONSOR: Schaaf

SS/SCS/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 provides that the copying amount shall not exceed \$21.36 plus 50 cents for supplies and labor per page plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed \$20, as adjusted annually per the Consumer Price Index.

In instances where the health care provider stores records in an electronic or digital format, and provides the requested records in an electronic or digital format, the maximum copying amount shall not exceed \$5 plus 50 cents per page, or \$25 total, whichever is less.

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)  
 02/15/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/22/2011 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee - (0521S.02C)  
 03/10/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S433)  
 03/16/2011 SS for SCS S offered (Schaaf)--(0521S.04F) (S468-469)  
 03/16/2011 Bill Placed on Informal Calendar (S469)  
 03/16/2011 SS for SCS S withdrawn (S474)  
 03/16/2011 SS#2 for SCS S offered & adopted (Schaaf)--(0521S.06F) (S474)  
 03/16/2011 Perfected (S474)  
 03/17/2011 Reported Truly Perfected S Rules Committee (S494)  
 03/25/2011 S Formal Calendar S Bills for Third Reading--SS#2 for SCS for SB 62-Schaaf

EFFECTIVE: August 28, 2011

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

0525S.01P

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)  
 02/16/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 02/23/2011 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - Consent  
 02/24/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S330)  
 02/28/2011 Removed S Consent Calendar (S347)  
 03/03/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S389)  
 03/09/2011 Perfected (S419)  
 03/09/2011 Reported Truly Perfected S Rules Committee (S420)  
 03/10/2011 S Third Read and Passed (S432)  
 03/10/2011 H First Read (H593)  
 03/14/2011 H Second Read (H602)  
 03/16/2011 Referred H Utilities Committee (H670)

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)

03/01/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2011

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

SCS SB 65

0511S.04C

SENATE SPONSOR: Mayer

SCS/SB 65 - This act modifies provisions relating to abortion.

This act modifies provisions relating to abortion.

The definition of "abortion" is amended to include the act of using or prescribing any medicine, instruments or devices with the intent to destroy the life of the unborn child. Abortion shall also be the act of terminating a pregnancy with an intent other than to increase the probability of a live birth, to remove a dead or dying unborn child. "Viability" is amended to mean the stage of fetal development when, based on reasonable medical judgement in accordance with accepted obstetrical and neonatal standards of care and practice, 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. Adds a definition for "reasonable medical judgment" which is one made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

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 physical 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 unborn child 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 physical 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 physical 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 is guilty of a class C felony, and upon a finding of guilt or a plea of guilty, 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 be subject to suspension or revocation of his or her license to practice medicine in the by the State Board of Registration for the Healing arts.

Any hospital or ambulatory surgical center that knowingly allows an abortion of an unborn child to be 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.

This act is identical to HB 213 (2011).

**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)  
 02/22/2011 Hearing Conducted S General Laws Committee  
 03/08/2011 SCS Voted Do Pass S General Laws Committee - (0511S.04C)  
 03/10/2011 Reported from S General Laws Committee to Floor w/SCS (S434)  
 03/16/2011 Bill Placed on Informal Calendar (S471)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 65-Mayer, et al, with SCS

EFFECTIVE: August 28, 2011

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\*\*\* 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.02I

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 Third Read and Passed - EC adopted (S171-172)

01/31/2011 H First Read (H265)

02/01/2011 H Second Read (H273)

02/15/2011 Referred H General Laws Committee (H368)

02/22/2011 Hearing Conducted H General Laws Committee

03/15/2011 Voted Do Pass H General Laws Committee

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)

02/28/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

SCS SB 70

0089S.05C

SENATE SPONSOR: Schaefer

SCS/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:

- 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";
- Adding a provision that the Board may establish and collect fees for administering trust accounts; and
- 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. SECTIONS 402.203.2 AND 402.204.2

**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

This act is substantially similar to HB 469 (2011).

**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 But Not Heard S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee - Consent  
 03/09/2011 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - (0089S.05C)  
 03/17/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 70-Schaefer, with SCS

EFFECTIVE: August 28, 2011

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

0661S.01P

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 Conducted S Financial and Governmental Organizations and Elections Committee  
 02/07/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 02/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S234)  
 02/14/2011 Removed S Consent Calendar (S248)  
 02/17/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S283)  
 02/21/2011 Perfected (S291)  
 02/22/2011 Reported Truly Perfected S Rules Committee (S297)  
 02/24/2011 S Third Read and Passed (S326)  
 02/24/2011 H First Read (H458)  
 02/28/2011 H Second Read (H465)

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)  
 02/23/2011 Hearing Conducted S Governmental Accountability Committee  
 03/09/2011 Voted Do Pass S Governmental Accountability Committee  
 03/10/2011 Reported from S Governmental Accountability Committee to Floor (S435)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 72-Kraus

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)  
 02/23/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee  
 02/23/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

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

0643S.011

SENATE SPONSOR: Kraus

This bill has been combined with SB 7



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  
 02/08/2011 Bill Combined (w/SCS SBs 7, 5, 74 & 169)

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.01P

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  
 02/16/2011 Voted Do Pass S Transportation Committee - Consent  
 02/17/2011 Reported from S Transportation Committee to Floor - Consent (S283)  
 02/21/2011 Removed S Consent Calendar (S292)  
 02/24/2011 Reported from S Transportation Committee to Floor  
 02/28/2011 Perfected (S345)  
 03/01/2011 Reported Truly Perfected S Rules Committee (S362-363)  
 03/02/2011 S Third Read and Passed (S373-374)  
 03/02/2011 H First Read (H505)  
 03/03/2011 H Second Read (H510)

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

This bill has been combined with SB 189

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)  
 03/02/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 03/17/2011 Bill Combined - SCS/SBs 189, 217,246, 252 & 79

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)  
 03/29/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

SCS SB 81

0657S.02C

SENATE SPONSOR: Pearce

SCS/SB 81 – Beginning in fiscal year 2013, the Office of Quality Schools 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)  
 02/16/2011 Hearing Conducted S Education Committee  
 03/02/2011 SCS Voted Do Pass S Education Committee - Consent - (0657S.02C)  
 03/03/2011 Reported from S Education Committee to Floor w/SCS - Consent (S388)  
 03/04/2011 Removed S Consent Calendar (S403)  
 03/10/2011 Reported from S Education Committee to Floor w/SCS (S435)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 81-Pearce, with SCS

EFFECTIVE: August 28, 2011

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

0656S.01I

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)  
 03/16/2011 Hearing Conducted S Governmental Accountability Committee

EFFECTIVE: August 28, 2011

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

0372S.01P

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 Conducted S Financial and Governmental Organizations and Elections Committee  
 02/07/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 02/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S234)  
 02/14/2011 Removed S Consent Calendar (S248)  
 02/24/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S329)  
 02/28/2011 Perfected (S345)  
 03/01/2011 Reported Truly Perfected S Rules Committee (S362-363)  
 03/02/2011 S Third Read and Passed (S374)  
 03/02/2011 H First Read (H505)  
 03/03/2011 H Second Read (H510)

EFFECTIVE: August 28, 2011

\*\*\* 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 But Not Heard S Financial and Governmental Organizations and Elections Committee  
 02/07/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/14/2011 Voted Do Pass 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 Cancelled S Health, Mental Health, Seniors and Families Committee

02/08/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/22/2011 Voted Do Pass 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)

03/16/2011 Hearing Conducted S Governmental Accountability Committee

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)

02/22/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

03/15/2011 Voted Do Pass S Health, Mental Health, Seniors and Families Committee

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

SCS/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.

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)

02/15/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

02/22/2011 SCS Voted Do Pass S Small Business, Insurance and Industry Committee - (0758S.02C)

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)

03/08/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

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  
 02/23/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee  
 02/23/2011 Hearing Conducted 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)  
 02/02/2011 Hearing Cancelled S Governmental Accountability Committee  
 02/09/2011 Hearing Conducted S Governmental Accountability Committee  
 02/16/2011 Voted Do Pass S Governmental Accountability Committee - Consent  
 02/17/2011 Reported from S Governmental Accountability Committee to Floor - Consent (S284)  
 03/25/2011 S Consent Calendar--SB 96-Engler

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)  
 02/02/2011 Hearing Cancelled S Governmental Accountability Committee  
 02/09/2011 Hearing Conducted S Governmental Accountability Committee  
 02/16/2011 Voted Do Pass S Governmental Accountability Committee - Consent  
 02/17/2011 Reported from S Governmental Accountability Committee to Floor - Consent (S283-284)  
 03/25/2011 S Consent Calendar--SB 97-Engler

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

\*\*\* 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

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

0725S.01I

SENATE SPONSOR: Stouffer

SCS/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 also extends the sunset on the residential treatment agency tax credit from August 28, 2012, to August 28, 2017.

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)

02/17/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

03/17/2011 SCS Voted Do Pass S Ways and Means and Fiscal Oversight Committee - (0725S.02C)

EFFECTIVE: August 28, 2011

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

0733S.01P

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)

02/08/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

02/15/2011 Voted Do Pass (w/SCA 1) S Commerce, Consumer Protection, Energy and the Environment Committee (0733S01.01S)

02/24/2011 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor w/SCA 1 (S329-330)

02/28/2011 Bill Placed on Informal Calendar (S345)

03/01/2011 SCA 1 S adopted (S361)

03/01/2011 Perfected, as amended (S361)

03/01/2011 Reported Truly Perfected S Rules Committee (S366)  
 03/02/2011 S Third Read and Passed (S376)  
 03/02/2011 H First Read (H505)  
 03/03/2011 H Second Read (H510)

EFFECTIVE: August 28, 2011

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

0530S.011

SENATE SPONSOR: Green

SCS/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.

A work certificate will not be required for a child fifteen years of age to work from June 1 to Labor Day. However, a child must obtain written permission from his or her parent and provide this to the employer, who must keep it on file.

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)  
 02/08/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/01/2011 SCS Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee (0530S.03C)

EFFECTIVE: August 28, 2011

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\*\*\* 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)  
 02/08/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/15/2011 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

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

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\*\*\* 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

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\*\*\* SB 108 \*\*\*      SCS SB 108

0204S.05P

SENATE SPONSOR: Schmitt

SCS/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 changes the expiration date to December 31, 2019.

Current law applies the fire sprinkler installation provisions to single-family dwellings or residences or multi-unit dwellings of four or fewer units. This act changes the terminology to one- or two-family dwellings or townhouses. The act further provides that if a political subdivision adopts certain codes for one- or two-family dwellings that do not mandate automatic fire sprinkler systems, the political subdivision shall retain language from a previous version of such code that requires certain wall thickness to prevent fires for two-family dwellings and townhouses.

The act also removes a doubly enacted section regarding this provision.

MEGHAN LUECKE

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 Cancelled S Jobs, Economic Development and Local Government Committee

02/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/15/2011 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (0204S.05C)

02/15/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S259)

02/16/2011 SCS S adopted (S266)  
 02/16/2011 Perfected (S266)  
 02/17/2011 Reported Truly Perfected S Rules Committee (S284)  
 02/24/2011 S Third Read and Passed (S325)  
 02/24/2011 H First Read (H458)  
 02/28/2011 H Second Read (H465)  
 03/03/2011 Referred H General Laws Committee (H521)  
 03/08/2011 Hearing Conducted H General Laws Committee  
 03/15/2011 Voted Do Pass H General Laws 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)  
 02/08/2011 Hearing Cancelled S General Laws Committee

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)  
 02/22/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

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)  
 03/01/2011 Hearing to be Continued S Health, Mental Health, Seniors and Families Committee  
 03/08/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 03/10/2011 Voted Do Pass S Health, Mental Health, Seniors and Families Committee

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 \*\*\* SS SCS SBs 113 & 95

0178S.11P

SENATE SPONSOR: Parson

SS/SCS/SBs 113 & 95 - This act modifies provisions of the Animal Care Facilities Act (ACFA) and the Puppy Mill Cruelty Prevention Act.

Currently under the ACFA, the maximum fee for obtaining a license to operate certain dog facilities is \$500 per year. The act increases this maximum to \$2,500 per year. The act additionally requires a licensee to pay a \$25 fee each year to be used by the Department of Agriculture for Operation Bark Alert.

The act changes the name of the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act and modifies many of the act's definitions. Anyone subject to the Canine Cruelty Prevention Act must retain all veterinary and sales records for the most recent previous 2 years and make the records available upon request.

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 removes the current criminal penalty provision under the the Puppy Mill Cruelty Prevention Act and adds new penalty and enforcement provisions to the ACFA and the Canine Cruelty Prevention Act. Where the state veterinarian or an animal welfare official finds that past violations of the ACFA or Canine Cruelty Prevention Act have not been corrected, the director of the Department of Agriculture may refer such cases to the Attorney General or a local prosecutor who may bring an action seeking a restraining order, injunction, or a remedial order to correct the violations. The court may assess a civil penalty of up to \$1,000 per violation. Additionally, the act creates the crime of canine cruelty, a Class C misdemeanor, which occurs when someone repeatedly violates the ACFA or Canine Cruelty Prevention Act in such a manner that poses a substantial risk to the health and welfare of animals in the person's custody or when someone violates an agreed-to remedial order involving the safety and welfare of the animals. A second or subsequent offense is a Class A misdemeanor.

The act makes it a Class A misdemeanor for anyone required to have a license under the ACFA to keep his or her animals in stacked cages where there is no impervious layer between the cages, except if cleaning the cages.

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)  
 02/10/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS (S234)  
 02/16/2011 Bill Placed on Informal Calendar (S266)  
 03/08/2011 SS for SCS S offered (Parson)--(0178S.11F) (S411)  
 03/08/2011 SA 1 to SS for SCS S offered (Justus)--(0178S11.04S) (S411)  
 03/08/2011 SA 1 to SA 1 to SS for SCS S offered & defeated (Justus)--(0178S11.01F) (S411-412)  
 03/08/2011 SA 1 to SS for SCS S defeated (S412)  
 03/08/2011 SS for SCS S adopted (S412)  
 03/08/2011 Perfected (S412)  
 03/09/2011 Reported Truly Perfected S Rules Committee (S418)  
 03/09/2011 Referred S Ways & Means and Fiscal Oversight Committee (S418)  
 03/10/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee  
 03/10/2011 Voted Do Pass S Ways & Means and Fiscal Oversight Committee  
 03/10/2011 Reported from S Ways & Means and Fiscal Oversight Committee to Floor (S426)  
 03/10/2011 S Third Read and Passed - EC defeated (S431-432)  
 03/10/2011 H First Read (H593)  
 03/14/2011 H Second Read (H602)  
 03/14/2011 Referred H Agriculture Policy Committee (H606)  
 03/29/2011 Hearing Scheduled H Agriculture Policy Committee--(12:00 p.m. - HR 6)

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

\*\*\* 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

\*\*\* 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)  
 02/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 03/09/2011 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - Consent  
 03/10/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor - Consent (S434)  
 03/14/2011 Removed S Consent Calendar (S449)  
 03/17/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 116-Justus

EFFECTIVE: Contingent

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

0835S.02I

SENATE SPONSOR: Engler

SCS/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.

This act contains an emergency clause.

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)  
 02/17/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee  
 02/24/2011 Voted Do Pass S Ways and Means and Fiscal Oversight Committee  
 03/03/2011 Committee Vote Reconsidered  
 03/03/2011 SCS Voted Do Pass S Ways and Means and Fiscal Oversight Committee - (0835S.03C)

EFFECTIVE: Emergency Clause

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

0839S.01I

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 Cancelled S Health, Mental Health, Seniors and Families Committee  
 02/08/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/08/2011 Voted Do Pass S Health, Mental Health, Seniors and Families Committee  
 03/17/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor (S492)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 118-Stouffer

EFFECTIVE: August 28, 2011

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

0730S.01I

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)

02/16/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

02/23/2011 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2011

\*\*\* 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 Cancelled S Transportation Committee  
02/09/2011 Hearing Conducted S Transportation Committee  
02/16/2011 Voted Do Pass S Transportation Committee  
03/03/2011 Reported from S Transportation Committee to Floor (S388)  
03/07/2011 Bill Placed on Informal Calendar (S400)  
03/25/2011 S Informal Calendar S Bills for Perfection--SB 120-Stouffer

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

SCS/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).

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 (Section 376.475).

Provisions in this act are identical to SB 153 (2011).  
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)  
 02/15/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/22/2011 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee - (0757S.02C)

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)  
 02/02/2011 Hearing Cancelled S Education Committee  
 02/09/2011 Hearing Conducted S Education Committee

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)  
 02/02/2011 Hearing Cancelled S Education Committee  
 02/09/2011 Hearing Conducted S Education Committee

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

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\*\*\* 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)

02/07/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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)

02/23/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

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

SCS SB 130

0318S.03C

SENATE SPONSOR: Rupp

SS/SCS/SB 130 – This act creates two higher education financial aid programs to be administered by the Department of Higher Education.

EARLY HIGH SCHOOL GRADUATION SCHOLARSHIP PROGRAM: 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 school district 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. (Sections 173.1300 to 173.1309)

These provisions are similar to SB 907 (2010).

ADVANCED PLACEMENT INCENTIVE GRANT: This act creates the "Advanced Placement Incentive Grant." Any student who receives an Access Missouri award or receives funds under the A+ Schools Program and has also received a score of 3 or higher on two or more Advanced Placement tests in math or science will receive a \$500 grant. In addition, a student must have earned the AP scores while attending a Missouri public high school. The Missouri Higher Education Loan Authority must transfer one million dollars in assets to fund the program by September 30, 2011. (Sections 173.385 & 173.1350)

This provision is similar to SB 265 (2011).

MICHAEL RUFF



01/18/2011 S First Read--SB 130-Rupp (S98)  
 01/27/2011 Second Read and Referred S Education Committee (S160)  
 02/16/2011 Hearing Conducted S Education Committee  
 03/02/2011 SCS Voted Do Pass S Education Committee - (0318S.03C)  
 03/03/2011 Reported from S Education Committee to Floor w/SCS (S389)  
 03/09/2011 Bill Placed on Informal Calendar (S418)  
 03/16/2011 SS for SCS S offered (Rupp)--(0318S.04F) (S463)  
 03/16/2011 Bill Placed on Informal Calendar (S463)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 130-Rupp, with SCS & SS for SCS (pending)

EFFECTIVE: August 28, 2011

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\*\*\* SB 131 \*\*\*      SCS SB 131

0996S.03P

SENATE SPONSOR: Rupp

SCS/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 as a plug-in electric drive vehicle that is made by a manufacturer, has not been modified from original manufacturer specifications, and can operate solely on electric power and is capable of recharging its battery from an on-board generation source and an off-board electricity source.

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 Cancelled S Transportation Committee  
 02/09/2011 Hearing Conducted S Transportation Committee  
 03/02/2011 SCS Voted Do Pass S Transportation Committee - Consent - (0996S.03C)  
 03/03/2011 Reported from S Transportation Committee to Floor w/SCS - Consent (S388)  
 03/04/2011 Removed S Consent Calendar (S403)  
 03/10/2011 Reported from S Transportation Committee to Floor w/SCS (S433)  
 03/16/2011 SCS S adopted (S469)  
 03/16/2011 Perfected (S469)  
 03/16/2011 Reported Truly Perfected S Rules Committee (S479)  
 03/17/2011 S Third Read and Passed (S490-491)  
 03/17/2011 H First Read (H701)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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

0896S.011

SENATE SPONSOR: Rupp

SCS/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 45 days), from the date the consumer's initial payment is processed. The act also makes it unlawful for any provider, administrator, or producer who sell such contracts to fail to deliver a copy of an unsigned copy of the written contract to the consumer, if requested, prior to the time the consumer's initial payment is processed. Offerors 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. The authorized employees of motor vehicle dealers, motor vehicle manufacturers, lenders, and other entities may sell such contracts. Business entity producers or individual producers licensed under the provisions of this act as may sell such contracts. Business entity producers must pay an initial and renewal licensure fee not to exceed \$100. Individual producers must pay an initial and renewal licensure fee not to exceed \$25. Examinations for individual producers are waived. Producer licenses issued under the act are valid for a period of 2 years and must be renewed biennially. Business entities must provide a list to the director of all of their locations at which they offer service contracts (Section 385.207).

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 (Section 385.206.14). 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 (Section 385.206.13).

**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.

The act also makes it unlawful for a person to use fraud in the connection with the offer or sale of a motor vehicle extended service contract. Employing fraud in connection with the sale of a motor vehicle extended service contract is a level 3 violation under the insurance code (civil penalties of \$5,000 per violation, etc.). In addition, persons engaged in fraud in connection with the sale of a service contract shall be guilty of a felony, be subject to imprisonment for a term not to exceed 10 years, and be ordered to pay restitution (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 be made to the administrative hearing commission. The act also requires motor vehicle extended service contract producers to notify the director of address changes, license revocations, or civil actions within 30 days. In addition, producers must report to the director any felony proceedings initiated by any state or the federal government within 30 days of the initial pretrial hearing date or arraignment (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 business entity 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 business entity producer's appointment to sell motor vehicle extended service contracts, the provider shall update the registry with the effective date of the termination. Under the act, providers having information relating to any cause for discipline under the act must notify the director of this information in writing (Section 385.211).

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)

03/01/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

03/17/2011 SCS Voted Do Pass S Small Business, Insurance and Industry Committee - (0896S.02C)

EFFECTIVE: August 28, 2011

SCS/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 (Daniel Boone Bridge). The act also extends the sunset date for the commission to enter into design-build project contracts. Under current law, the commission's authority to enter into design-build projects expires on July 1, 2012. This act extends the date to July 1, 2018.

STEPHEN WITTE

01/18/2011 S First Read--SB 133-Rupp (S98)  
 01/27/2011 Second Read and Referred S Transportation Committee (S160)  
 02/16/2011 Hearing Conducted S Transportation Committee  
 02/23/2011 SCS Voted Do Pass S Transportation Committee - (0709S.02C)  
 02/24/2011 Reported from S Transportation Committee to Floor w/SCS (S329)  
 02/28/2011 Bill Placed on Informal Calendar (S345)  
 03/02/2011 SCS S adopted (S372)  
 03/02/2011 Perfected (S372)  
 03/02/2011 Reported Truly Perfected S Rules Committee (S381)  
 03/03/2011 S Third Read and Passed (S387)  
 03/03/2011 H First Read (H525)  
 03/07/2011 H Second Read (H532)

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 and Justus (S98)  
 01/27/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S160)  
 02/14/2011 Hearing Cancelled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

SS SB 135

0583S.03P

SENATE SPONSOR: Schaefer

SS/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, 2017.

By April 1, 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 may not use a manufacturer's expiration date on motor fuel measuring devices and dispensing equipment as the only reason to require repair or replacement of the equipment or issue a fine or penalty.

The required use of any automatic volumetric correction device for measuring fuel by gas stations must first be authorized by state statute before it may be imposed.

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)  
 02/15/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/23/2011 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/03/2011 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S388)  
 03/07/2011 Bill Placed on Informal Calendar (S401)  
 03/08/2011 SS S offered & adopted (Schaefer)--(0583S.03F) (S412)  
 03/08/2011 Perfected (S412)  
 03/09/2011 Reported Truly Perfected S Rules Committee (S418)  
 03/09/2011 Referred S Ways & Means and Fiscal Oversight Committee (S418)  
 03/10/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee  
 03/10/2011 Voted Do Pass S Ways & Means and Fiscal Oversight Committee  
 03/10/2011 Reported from S Ways & Means and Fiscal Oversight Committee to Floor (S426)  
 03/10/2011 S Third Read and Passed (S430-431)  
 03/10/2011 H First Read (H594)  
 03/14/2011 H Second Read (H602)

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)  
 03/01/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

0873L.031

SENATE SPONSOR: Brown

SCS/SB 137 – After August 28, 2011, all hospitals, ambulatory surgical centers and certain health care facilities shall require all newly hired personnel providing services in such facilities to wear identification badges prominently displaying the employee's photograph, first name, title and employer. The title of the employee shall include whether the employee is a physician, 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.

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)  
 02/07/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/14/2011 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee  
 (0873S.08C)

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)  
 03/02/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2011

\*\*\* 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)

02/17/2011 Hearing Cancelled S Ways and Means and Fiscal Oversight Committee

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)

02/24/2011 Hearing Cancelled S Ways and Means and Fiscal Oversight Committee

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)

02/17/2011 Hearing Cancelled S Ways and Means and Fiscal Oversight Committee

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)

03/10/2011 Hearing Scheduled But Not Heard S Ways and Means and Fiscal Oversight Committee

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)

02/24/2011 Hearing Cancelled S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: Emergency Clause

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

0990S.01P

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 Cancelled S Jobs, Economic Development and Local Government Committee

02/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/16/2011 Voted Do Pass S Jobs, Economic Development and Local Government Committee

02/23/2011 Motion to pass bill as consent taken by S Jobs, Economic Development and Local Government Committee - Consent vote adopted

02/24/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor - Consent (S330)

02/28/2011 Removed S Consent Calendar (S347)

03/03/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S389)

03/09/2011 Bill Placed on Informal Calendar (S419)

03/16/2011 Perfected (S463-464)

03/16/2011 Reported Truly Perfected S Rules Committee (S467)

03/17/2011 S Third Read and Passed (S488)

03/17/2011 H First Read (H701)

03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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

0568S.011

SENATE SPONSOR: Schmitt

SCS/SB 146 - This act reduces the corporate income tax rate from its current six and one-fourth percent by ten percent each year over five year period. For the 2011 tax year taxable corporate income will be taxed at five and five-eighths percent. Once fully phased-in, taxable corporate income will be taxed at three and one-eighth percent 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 Cancelled S Jobs, Economic Development and Local Government Committee  
 02/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 02/16/2011 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee (0568S.02C)

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)  
 03/09/2011 Hearing Conducted S Education Committee  
 03/14/2011 Voted Do Pass S Education Committee - Consent  
 03/15/2011 Reported from S Education Committee to Floor - Consent (S454)  
 03/15/2011 Removed S Consent Calendar (S457-458)  
 03/17/2011 Reported from S Education Committee to Floor (S494)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 147-Schaefer

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)  
 02/15/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2011

\*\*\* 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

\*\*\* 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 JAQUES

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

\*\*\* 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

\*\*\* 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

\*\*\* 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

\*\*\* 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)

02/24/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

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

\*\*\* 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

\*\*\* 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

\*\*\* 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

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

0993S.01P

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)

02/09/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

02/16/2011 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - Consent  
 02/17/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor - Consent (S284)  
 02/21/2011 Removed S Consent Calendar (S292)  
 02/24/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S330)  
 03/07/2011 Bill Placed on Informal Calendar (S400)  
 03/09/2011 Perfected (S419)  
 03/10/2011 Reported Truly Perfected S Rules Committee (S425)  
 03/17/2011 S Third Read and Passed (S486)  
 03/17/2011 H First Read (H701)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

\*\*\* SB 162 \*\*\*

SCS SB 162

0830S.02P

SENATE SPONSOR: Munzlinger

SCS/SB 162 - The act creates the Farm-to-Table Advisory Board, which shall be made up of at least the following 17 people: 9 people appointed to represent growers, food distributors, and state institutions, and 1 representative from each of the following state 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 August 31, 2012.

The act expires on August 31, 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)  
 02/23/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 03/02/2011 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - (0830S.02C)  
 03/03/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS (S389)  
 03/16/2011 Bill Placed on Informal Calendar (S464)  
 03/16/2011 SCS S adopted (S468)  
 03/16/2011 Perfected (S468)  
 03/16/2011 Reported Truly Perfected S Rules Committee (S479)  
 03/17/2011 S Third Read and Passed (S491-492)  
 03/17/2011 H First Read (H702)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

\*\*\* SB 163 \*\*\*

SCS SB 163

1045S.02P

SENATE SPONSOR: Pearce

SCS/SB 163 – This act modifies the composition of the Coordinating Board for Higher Education, 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 also changes the name of the Coordinating Board for Higher Education to "Board for Higher Education."

This act is substantially similar to HCS/HB 174 (2011) and 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)  
 02/16/2011 Hearing Conducted S Education Committee  
 03/02/2011 SCS Voted Do Pass S Education Committee - (1045S.02C)  
 03/03/2011 Reported from S Education Committee to Floor w/SCS (S389)  
 03/09/2011 SA 1 to SCS S offered & adopted (Green)--(1045S02.01S) (S418-419)  
 03/09/2011 SCS, as amended, S adopted (S419)  
 03/09/2011 Perfected (S419)  
 03/10/2011 Reported Truly Perfected S Rules Committee (S425)  
 03/17/2011 S Third Read and Passed (S485-486)  
 03/17/2011 H First Read (H702)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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

1044S.011

SENATE SPONSOR: Pearce

SCS/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)  
 02/16/2011 Hearing Conducted S Education Committee  
 03/02/2011 SCS Voted Do Pass S Education Committee - (1044S.02C)

EFFECTIVE: August 28, 2011

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

SCS SB 165

0440S.02C

SENATE SPONSOR: Goodman

SCS/SB 165 - This act extends the expiration date on the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018. It also provides that in the event the Basic Civil Legal Services Fund is allowed to expire the court filing surcharges that go to the fund will be paid to the Missouri Supreme Court to be used to provide for legal representation for eligible low-income individuals in civil matters.

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)  
 02/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee - Consent  
 03/09/2011 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - (0440S.02C) - Consent

03/10/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS - Consent (S434)  
 03/14/2011 Removed S Consent Calendar (S449)  
 03/17/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor w/SCS (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 165-Goodman, with SCS

EFFECTIVE: August 28, 2011

\*\*\* SB 166 \*\*\* SCS SB 166

0280S.03P

SENATE SPONSOR: Goodman

SCS/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)  
 02/15/2011 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/22/2011 SCS Voted Do Pass S Small Business, Insurance and Industry Committee - (0280S.03C)  
 02/24/2011 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS (S329)  
 02/28/2011 SCS S adopted (S345)  
 02/28/2011 Perfected (S345)  
 03/01/2011 Reported Truly Perfected S Rules Committee (S362-363)  
 03/02/2011 S Third Read and Passed (S374-375)  
 03/02/2011 H First Read (H505)  
 03/03/2011 H Second Read (H510)

EFFECTIVE: August 28, 2011

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

0130S.01I

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 Cancelled S Transportation Committee  
 02/09/2011 Hearing Scheduled But Not Heard S Transportation Committee

EFFECTIVE: August 28, 2011

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

0815S.01I

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 \*\*\*

0147S.011

SENATE SPONSOR: Crowell

This bill has been combined with SB 7

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 Cancelled S Health, Mental Health, Seniors and Families Committee

02/08/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/08/2011 Bill Combined (w/SCS SBs 7, 5, 74 & 169)

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)

02/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

1048S.01P

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)

02/23/2011 Hearing Conducted S Transportation Committee

03/02/2011 Voted Do Pass S Transportation Committee

03/03/2011 Reported from S Transportation Committee to Floor (S388)

03/07/2011 Bill Placed on Informal Calendar (S400)

03/09/2011 Perfected (S419)

03/10/2011 Reported Truly Perfected S Rules Committee (S425)

03/17/2011 S Third Read and Passed (S484-485)

03/17/2011 H First Read (H702)

03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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

0102S.04P

SENATE SPONSOR: Dempsey

SB 174 - This act authorizes cities, towns, and villages located in any county of the state 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 Cancelled S Jobs, Economic Development and Local Government Committee

02/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

02/16/2011 Voted Do Pass (w/SCA 1) S Jobs, Economic Development and Local Government Committee - (0102S04.02S)

02/17/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCA 1 (S284)

02/22/2011 SCA 1 S adopted (S300)

02/22/2011 Perfected, as amended (S300)

02/23/2011 Reported Truly Perfected S Rules Committee (S311)

02/24/2011 S Third Read and Passed (S327)

02/24/2011 H First Read (H458)

02/28/2011 H Second Read (H465)

03/16/2011 Referred H General Laws Committee (H670)

EFFECTIVE: August 28, 2011

\*\*\* 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)

02/23/2011 Re-referred S Small Business, Insurance and Industry Committee (S306)

03/01/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

03/08/2011 Voted Do Pass S Small Business, Insurance and Industry Committee

03/10/2011 Reported from S Small Business, Insurance and Industry Committee to Floor (S434)

03/16/2011 Bill Placed on Informal Calendar (S471)

03/25/2011 S Informal Calendar S Bills for Perfection--SB 175-Munzlinger, et al

EFFECTIVE: August 28, 2011

\*\*\* 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)  
 02/22/2011 Hearing Conducted S Small Business, Insurance and Industry Committee  
 03/08/2011 Voted Do Pass S Small Business, Insurance and Industry Committee  
 03/10/2011 Reported from S Small Business, Insurance and Industry Committee to Floor (S434)  
 03/16/2011 Bill Placed on Informal Calendar (S471)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 176-Munzlinger, et al

EFFECTIVE: August 28, 2011

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

SCS SB 177

1178S.02C

SENATE SPONSOR: Brown

SCS/SB 177 - This act provides that subject to appropriations, the proceeds earned from the sale of Mental Health First Aid USA services shall be directed to the Mental Health Earnings Fund. Such proceeds shall be used for the purpose of funding Mental Health First AID USA activities and shall be accounted for separately from all other revenues deposited in the fund.

This act also 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)  
 02/22/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 03/10/2011 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee - (1178S.02C)  
 03/17/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor w/SCS (S492)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 177-Brown, with SCS

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

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

0670L.01P

SENATE SPONSOR: Kraus

SB 180 - This act specifies that the month of October shall be designated 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 similar to HB 1691 (2010).

JIM ERTLE

01/26/2011 S First Read--SB 180-Kraus and Justus (S146)

01/27/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S161)

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

02/08/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

02/08/2011 Voted Do Pass S Health, Mental Health, Seniors and Families Committee

02/24/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor (S328)

02/28/2011 Perfected (S345)

03/01/2011 Reported Truly Perfected S Rules Committee (S362-363)

03/02/2011 S Third Read and Passed (S375-376)

03/02/2011 H First Read (H505)

03/03/2011 H Second Read (H510)

EFFECTIVE: August 28, 2011

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

0729S.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)

02/15/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

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)

02/22/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

03/08/2011 Voted Do Pass S Small Business, Insurance and Industry Committee

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.02I

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)

03/16/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 185 \*\*\*

0708S.01I

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.01I

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.01P

SENATE SPONSOR: Lager

SB 187 - This act modifies the laws regarding nuisances.

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

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

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.

A copy of the final judgment in any action alleging a private nuisance shall be filed with the recorder of deeds in the county in which the final judgment was issued and shall operate as notice to a purchaser of the property that the property was related to a previous claim.

This act is similar to HB 209 (2011), SB 25 (2011), and HB 1303 (2010).

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)  
 02/09/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 02/16/2011 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee  
 02/17/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S284)  
 02/23/2011 SA 1 S offered & adopted (Schaaf)--(0974S01.01S) (S308-310)  
 02/23/2011 SA 2 S offered & adopted (Callahan)--(0974S01.01F) (S310)  
 02/23/2011 SA 3 S offered & defeated (Justus)--(0974S01.02S) (S310-311)  
 02/23/2011 Perfected, as amended (S311)  
 02/24/2011 Reported Truly Perfected S Rules Committee (S323)  
 02/28/2011 S Third Read and Passed (S345-346)  
 02/28/2011 H First Read (H476)  
 03/01/2011 H Second Read (H483)  
 03/03/2011 Referred H Agri-Business Committee (H521)

EFFECTIVE: August 28, 2011

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\*\*\* SB 188 \*\*\*      SCS SB 188

0790S.03P

SENATE SPONSOR: Lager

SCS/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.

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.

In employment discrimination cases, it shall only be unlawful if an employer aids and abets someone to violate the MHRA or discriminate against someone opposing practices prohibited by the MHRA or because they associate with someone protected by the MHRA.

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 and whistleblower actions shall not exceed back pay and interest on back pay and \$50,000 for employers with between 5 and 100 employees, \$100,000 for employers with between 100 and 200 employees, \$200,000 for employers with between 200 and 500 employees, or \$300,000 for employers with more than 500 employees. Punitive damages shall not be awarded against the state of Missouri or political subdivisions in MHRA cases.

The act abrogates all Missouri case law relating to 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.

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), SB 852 (2010), and HB 205 (2011).

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)  
 02/15/2011 Hearing Cancelled S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/22/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/23/2011 SCS Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee - (0790S.03C)  
 02/24/2011 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor w/SCS (S330)  
 03/01/2011 Bill Placed on Informal Calendar (S364)  
 03/01/2011 SA 1 to SCS S offered & adopted (Lager)--(0790S03.05S) (S364-365)  
 03/01/2011 SA 2 to SCS S offered & defeated (Keaveny)--(0790S03.06S) (S365)  
 03/01/2011 SA 3 to SCS S offered & adopted (Callahan)--(0790S03.01F) (S365)

03/01/2011 SA 4 to SCS S offered (Justus)--(0790S03.02F) (S365)  
 03/01/2011 Bill Placed on Informal Calendar (S365)  
 03/02/2011 Taken up for Perfection (S372)  
 03/02/2011 Bill Placed on Informal Calendar (S372)  
 03/02/2011 SA 4 to SCS S withdrawn (S378)  
 03/02/2011 SA 5 to SCS S offered & adopted (Justus)--(0790S03.18S) (S378-379)  
 03/02/2011 SA 6 to SCS S offered & adopted (Keaveny)--(0790S03.09S) (S379)  
 03/02/2011 SA 7 to SCS S offered & defeated (Ridgeway)--(0790S03.03F) (S379)  
 03/02/2011 SA 8 to SCS S offered & defeated (Lamping)--(0790S03.22S) (S379)  
 03/02/2011 SA 9 to SCS S offered & defeated (Ridgeway)--(0790S03.23S) (S379-380)  
 03/02/2011 SCS, as amended, S adopted (S380)  
 03/02/2011 Perfected (S380)  
 03/02/2011 Reported Truly Perfected S Rules Committee (S381)  
 03/03/2011 Referred S Ways & Means and Fiscal Oversight Committee (S386)  
 03/10/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee  
 03/10/2011 Voted Do Pass S Ways & Means and Fiscal Oversight Committee  
 03/10/2011 Reported from S Ways & Means and Fiscal Oversight Committee to Floor (S426)  
 03/10/2011 S Third Read and Passed (S427)  
 03/10/2011 H First Read (H594)  
 03/14/2011 H Second Read (H602)  
 03/16/2011 Referred H Workforce Development & Workplace Safety Committee (H670)

EFFECTIVE: August 28, 2011

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\*\*\* SB 189 \*\*\* SCS SBs 189, 217, 246, 252 & 79

0836S.03C

SENATE SPONSOR: Schmitt

SCS/SB's 189, 217, 246, 252 & 79 - 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 Department of Natural Resources to serve as a technical advisor and review each such loan application received by the State Treasurer's office and provide information to the Treasurer's office about the potential energy savings associated with each project. The State Treasurer shall give funding priority to projects with the greatest energy savings. A copy of an energy audit is a required part of the linked deposit loan application. (Sections 30.756 to 30.865 and Section 640.150)

The 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. (Section 67.3000)

Information technology companies, which create a minimum of twenty new jobs with an average wage equal to or exceeding ninety percent of the county average wage, will be eligible to receive up to three years of state and local sales tax exemption for purchases of tangible personal property and building materials used to construct, repair, or remodel a project facility. Information technology businesses may also receive up to five years of state and local sales tax exemptions for utilities and telecommunications services purchased for use at the project facility. The department of economic development will certify information technology companies for the state sales tax exemptions while local governments will have the option to certify such companies for exemptions from their local sales taxes. The act contains recapture provisions requiring repayment of tax incentives in the event an information technology company fails to meet program requirements. (Sections 144.062 and 144.810)

The act establishes the Missouri Science and Innovation Reinvestment Act. The act requires the advise and consent of the Senate for gubernatorial appointments to the Missouri Technology Corporation's board of

directors and sets the terms and requirements for the various members of the board of directors. The powers and duties of the Missouri Technology Corporation are expanded to allow the corporation to assume all monies and assets of the Missouri Seed Capital Investment Board and to establish a proof of concept finance program, an angel investment finance program, and a venture capital co-investment fund. The act provides application, approval, and reporting requirements for programs established by the Missouri Technology Corporation. In addition to the exceptions to open records and meetings requirements provided under the Sunshine Act, the act authorizes the Missouri Technology Corporation to close certain meetings and records held by the corporation. The directors of the department of economic development and the department of revenue must annually determine the incremental increase in gross wages paid within the state to science and innovation employees and apply a formula to such amount to determine the amount of funding necessary to administer the programs of the corporation. Once a determination is made, the directors of the department of economic development and the department of revenue must report their findings to the Governor and the General Assembly. The act replaces the Missouri Technology Fund with the Missouri Science and Innovation Reinvestment Fund, which will receive annual appropriations made by the General Assembly, based upon recommendations made by the directors of the departments of economic development and revenue, and contributions made by private entities, the federal government, and local governments. The act requires that any contract entered into between the corporation and any not-for-profit organization must provide at least a one hundred percent match of funding received from the corporation. (Sections 196.1115, 348.250 to 348.265, 348.269 and 348.271)

The act establishes the proof of concept business finance program to be administered by the Missouri Technology Corporation. The program will provide one-time loans to eligible advanced technology companies which must be repaid within five years of the date of the loan in an amount equal to two times the amount of the loan. Early repayment will result in a proration of the repayment amount. No more than one million two hundred fifty thousand dollars will be made available for loans to advanced technology companies each fiscal year. Loans made under the program cannot exceed seventy-five thousand dollars per eligible advanced technology company and must be leveraged dollar-for-dollar by additional equity investment in the company. Loan proceeds may be used by eligible advanced technology companies for intellectual property development, building prototypes, market studies, identifying and securing a management team, and business operations. (Section 348.268)

Subject to appropriation, the department of economic development is allowed to authorize tax credits encourage equity investment in technology-based early stage Missouri companies, commonly referred to as angel investments. Investors who contribute the first five hundred thousand dollars in equity investment to a qualified Missouri business may be issued a tax credit in the year in which the investment is made. Annual authorizations of the tax credits will be limited to the lesser of the amount appropriated by the general assembly or five million dollars. The tax credits will be equal to thirty percent of the investment. Investors are prohibited from receiving more than fifty thousand dollars in tax credits for a single investment or more than one hundred thousand dollars for investments in more than one qualified business per year. Tax credits for equity investment in technology-based early stage Missouri companies may be carried forward for up to three years or transferred. (Sections 348.273 and 348.274)

The 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. (Sections 620.1878 and 620.1881)

The act modifies provisions of law which authorize a tax credit for qualified research expenses. The tax credit is limited to research expenses incurred in the research and development of agricultural biotechnology and plant genome products, and prescription pharmaceuticals consumed by animals. The act modifies the time-line for application and issuance of tax credits under the program. Under current law, no qualified research expense tax credits may be approved, awarded or issued after January 1, 2005. This act removes the prohibition on approval and issuance of tax credits and increases the annual tax credit cap from nine million seven hundred thousand to ten million dollars. The director of the department of economic development may allow taxpayers to transfer, sell, or assign up to forty percent of tax credits between January 1, 2011 and December 31, 2017, provided such taxpayer files an application providing certain information regarding such transfer. In the event the amount of claims for tax credits exceed the annual cap,

the act provides a method for pro rating issuance of tax credits.  
(Section 620.1039)

The act contains provisions which are identical to those contained in Senate Bill 248 (2011) and similar to Senate Bill 94 (2011) and Senate Bill 203 (2011).

JASON ZAMKUS

01/27/2011 S First Read--SB 189-Schmitt (S154)  
02/07/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S204)  
02/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
03/09/2011 SCS Voted Do Pass (SCS/SBs 189, 217, 246, 252 & 79) S Jobs, Economic Development and Local Government Committee - (0836S.03C)  
03/17/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor w/SCS (S494)  
03/25/2011 S Formal Calendar S Bills for Perfection--SBs 189, 217, 246, 252 & 79-Schmitt, with SCS

EFFECTIVE: August 28, 2011

\*\*\* 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)  
02/07/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S204)

EFFECTIVE: August 28, 2011

\*\*\* 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)  
02/07/2011 Second Read and Referred S Education Committee (S204)

EFFECTIVE: August 28, 2011

\*\*\* 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)

02/07/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S204)

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)

02/07/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S204)

02/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

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)

02/07/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S204)

03/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

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)

02/07/2011 Second Read and Referred S Transportation Committee (S204)

02/16/2011 Hearing Conducted S Transportation Committee

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)

02/07/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S204)

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)

02/07/2011 Second Read and Referred S General Laws Committee (S204)

02/08/2011 Hearing Conducted S General Laws Committee

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)

02/07/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S204)

03/17/2011 Hearing Scheduled But Not Heard S Ways and Means and Fiscal Oversight Committee

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)

02/07/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S204)

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)

02/07/2011 Second Read and Referred S Governmental Accountability Committee (S204)

02/23/2011 Hearing Conducted S Governmental Accountability Committee  
 03/09/2011 Voted Do Pass S Governmental Accountability Committee  
 03/10/2011 Reported from S Governmental Accountability Committee to Floor (S435)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 200-Crowell

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)  
 02/07/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S204)

EFFECTIVE: August 28, 2011

\*\*\* 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)  
 02/07/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S204)  
 02/22/2011 Hearing Conducted S Small Business, Insurance and Industry Committee  
 03/08/2011 Voted Do Pass S Small Business, Insurance and Industry Committee



03/10/2011 Reported from S Small Business, Insurance and Industry Committee to Floor (S434)  
 03/16/2011 Bill Placed on Informal Calendar (S471)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 202-Crowell

EFFECTIVE: August 28, 2011

\*\*\* 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)  
 02/07/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S205)  
 02/23/2011 Hearing Scheduled S Jobs, Economic Development and Local Government Committee  
 02/23/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 03/02/2011 Voted Do Pass S Jobs, Economic Development and Local Government Committee  
 03/03/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S389)  
 03/09/2011 Bill Placed on Informal Calendar (S419)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 203-Schmitt, et al

EFFECTIVE: August 28, 2011

\*\*\* 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)  
 02/07/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S205)  
 02/15/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 02/22/2011 Voted Do Pass S Health, Mental Health, Seniors and Families Committee  
 02/24/2011 Reported from S Health, Mental Health, Seniors and Families Committee to Floor (S328)  
 02/28/2011 Bill Placed on Informal Calendar (S345)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 204-Dempsey, et al

EFFECTIVE: August 28, 2011

\*\*\* SB 205 \*\*\*

0971S.021

SENATE SPONSOR: Stouffer

SB 205 - This act creates a system to allow voters to cast advance ballots in person at the location of the election authority in primary and general elections beginning January 1, 2012 and by mail. The advance voting period shall begin the third Wednesday prior to the election and end on the day of the election and

shall be conducted between 7:00 a.m. and 7:00 p.m. and until 12:00 p.m. on Saturdays.

Advance ballots may be requested immediately after the election immediately prior to the election for which the ballot is sought and no later than four weeks prior to the election for those to be mailed to the applicant. Ballots shall be sent out by mail no later than three weeks prior to the election. Ballots mailed in to the election authority must be postmarked four days prior to the election day.

Those voting an advance ballot shall not vote a provisional ballot on election day. Those who do are guilty of a class one election offense.

Costs associated with the implementation of advance voting shall be paid from the general revenue of the state.

This act is similar to SB 859 (2006), SB 37 (2007), SB 1251 (2008), SB 523 (2009), SB 21 (2009), SB 651 (2010), and SB 105 (2011).

CHRIS HOGERTY

02/01/2011 S First Read--SB 205-Stouffer (S174-175)

02/07/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S205)

EFFECTIVE: August 28, 2011

\*\*\* SB 206 \*\*\*

0123S.02I

SENATE SPONSOR: Purgason

This bill has been combined with SB 1

02/01/2011 S First Read--SB 206-Purgason (S175)

02/07/2011 Second Read and Referred S General Laws Committee (S205)

02/08/2011 Hearing Scheduled But Not Heard S General Laws Committee

02/15/2011 Hearing Conducted S General Laws Committee

02/15/2011 Bill Combined w/(SCS SBs 1 & 206)

EFFECTIVE: August 28, 2011

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

1181S.01P

SENATE SPONSOR: Lager

SB 207 - This act repeals the statute that requires the Missouri Energy Task Force to reconvene at least once per year to review and report on progress made toward accomplishing the recommendations contained in the task force's final report.

ERIKA JAQUES

02/01/2011 S First Read--SB 207-Lager (S175)

02/07/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S205)

02/15/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

02/23/2011 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

03/03/2011 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S388)

03/07/2011 Perfected (S401)

03/08/2011 Reported Truly Perfected S Rules Committee (S410)

03/10/2011 S Third Read and Passed (S429)

03/10/2011 H First Read (H594)

03/14/2011 H Second Read (H602)

EFFECTIVE: August 28, 2011

\*\*\* SB 208 \*\*\*

1173S.01I

SENATE SPONSOR: Lager

SB 208 - The act exempts telecommunications companies from complying with rules promulgated by the Public Service Commission when such companies are already subject to federal laws on the same subject

under the Federal Communications Commission. The act also prohibits the Public Service Commission from requiring any telecommunications company to file tariffs or schedules of rates, rentals or charges for retail services offered to end user customers.

ERIKA JAQUES

02/01/2011 S First Read--SB 208-Lager (S175)  
 02/07/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S205)  
 02/22/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 02/23/2011 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/17/2011 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 208-Lager

EFFECTIVE: August 28, 2011

\*\*\* SB 209 \*\*\*

1143S.011

SENATE SPONSOR: Lager

SB 209 - The act waives the carrier of last resort obligation for incumbent local exchange carriers (ILECs) in 3 situations involving an owner of newly developed property who gives certain preferential treatment to an alternative local phone service provider. Any such ILEC must notify the Public Service Commission (PSC) of the waiver within 120 days.

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

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

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

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

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

The act allows an ILEC to divest itself of its carrier of last resort designation in St. Louis County and the cities of St. Louis and Kansas City by providing notice of such decision to the PSC.

This act contains provisions similar to provisions in HB 495 (2009), HB 1372 (2010), and SB 698 (2010).  
 ERIKA JAQUES

02/01/2011 S First Read--SB 209-Lager (S175)  
 02/07/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S205)  
 03/01/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/08/2011 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/17/2011 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor (S493)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 209-Lager

EFFECTIVE: August 28, 2011

\*\*\* SB 210 \*\*\*

1182S.011

SENATE SPONSOR: Lembke

SB 210 - Under current law, political subdivisions that levy different rates on subclasses of real property are required to revise their rates if the amount of revenue derived differs from the amount that would result from using a single rate on all real property. This act would require school districts that levy different rates on subclasses of real property to revise their tax rates if the amount of revenue derived differs from the amount that would result from using a blended rate on all real property.

JASON ZAMKUS

02/01/2011 S First Read--SB 210-Lembke (S175)

02/07/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S205)

EFFECTIVE: August 28, 2011

\*\*\* SB 211 \*\*\*

1299S.011

SENATE SPONSOR: Lembke

SB 211 - This act modifies principles of comparative fault that apply to certain lawsuits. The act eliminates joint and several liability and provides that a defendant is only liable for the amount of damages allocated to that defendant in direct proportion to that defendant's percentage of fault.

The act requires a court to multiply the total amount of damages recoverable by the plaintiff with regard to each defendant by the percentage of each defendant's fault. That amount the maximum amount recoverable against that defendant.

The act requires the judge or jury to consider the fault of all people who contributed to the injury or damages in assessing percentages of fault, including people who are not parties to the lawsuit. When fault is assessed against people who are not parties in the lawsuit, this assessment cannot be introduced as evidence of liability in any court case.

EMILY KALMER

02/01/2011 S First Read--SB 211-Lembke (S175)

02/07/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S205)

EFFECTIVE: August 28, 2011

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

1261S.011

SENATE SPONSOR: Lembke

SB 212 - This act requires the Department of Transportation to establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard.

STEPHEN WITTE

02/01/2011 S First Read--SB 212-Lembke (S175)

02/07/2011 Second Read and Referred S Transportation Committee (S205)

02/16/2011 Hearing Conducted S Transportation Committee

02/23/2011 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2011

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

0439S.021

SENATE SPONSOR: Schaefer

SCS/SB 213 - This act modifies what information is required in a petition for guardianship for a minor or an incapacitated person and adopts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA).

A petition for guardianship of a minor will be required to state the location and value of any real property owned by the minor outside of Missouri and the name and address of the trustees of any trust of which the minor is a qualified beneficiary and the purpose of the trust, in addition to the information the petition was previously required to state.

In addition to the information currently required to be included in a petition for guardianship of an alleged incapacitated person, the petition will also be required to state the three most recent addresses at which the incapacitated person lived in the three years before the filing of the petition, the location and value of any real property owned by the incapacitated person outside of Missouri, the name and address of the person's closest known relatives, the name of any adults living with the person, in some situations the name and address of the person's siblings and of their siblings' children, and the name and address of any agent of the person and of any trustee of any trust that the person is a beneficiary of, as well as the purpose of the power of attorney and the purpose of the trust.

The UAGPPJA deals with issues that arise when several states are involved with an adult who lacks the ability to care for their own needs or property. The UAGPPJA includes provisions regarding communication between courts in different states, requests for assistance from a court to a court of another state, and taking testimony in other states. The UAGPPJA allows a Missouri court to treat foreign countries as other states for the purposes of the provisions allowing communication among courts, determining jurisdiction, and transferring a guardianship or conservatorship.

The UAGPPJA establishes procedures for determining which state has jurisdiction over guardianship and conservator proceedings for an incapacitated adult. These procedures establish three levels of priority for a court to follow in deciding whether it has jurisdiction; the adult's home state, followed by states where the adult has significant connections, and then other states. Regardless of the level of priority, the UAGPPJA allows a court in the state where the person is present to appoint a guardian in an emergency, and a court in the state where the person has property has jurisdiction to issue orders regarding the property. If a court determines that it acquired jurisdiction based on unjustifiable conduct, the act allows the court to remedy the situation and assess fees and expenses against the person who engaged in the unjustifiable conduct.

The UAGPPJA also specifies a procedure for transferring a guardianship or conservatorship from one state to another state. This procedure requires the court in the state transferring the guardianship or conservatorship to issue a provisional order transferring the case after making certain findings. The guardian or conservator is required to petition the state that would accept the case and, after holding a hearing, that court is required to grant the transfer, unless someone objects to the transfer and establishes that the transfer would not be in the interest of the incapacitated person, or the guardian or conservator is not eligible to be appointed a guardian or conservator in that state.

The UAGPPJA also creates a procedure for registering orders in Missouri from other states that appointed a guardian or a conservator to manage an incapacitated adult's property. After registration of the guardianship or protective order in Missouri, the guardian or conservator may exercise all the powers authorized in the original states's order, except for powers that are illegal in Missouri.

The provisions of the act regarding transferring guardianship or conservatorship proceedings from one state to another state and that deal with enforcement of guardianship and protective orders in other states apply to proceedings begun before August 28, 2011.

EMILY KALMER

02/07/2011 S First Read--SB 213-Schaefer (S185)

02/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S234)

02/21/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

03/09/2011 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - (0439S.03C)

EFFECTIVE: August 28, 2011

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

1369S.011

SENATE SPONSOR: Schaaf

SB 214 - This act provides that any employment contract restricting the right of a physician to practice medicine in any geographic area for any period of time after the termination of a partnership, employment or professional relationship as described in the act shall be void and unenforceable with respect to such restriction.

ADRIANE CROUSE

02/07/2011 S First Read--SB 214-Schaaf (S185)

02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S234)

EFFECTIVE: August 28, 2011

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

1300S.011

SENATE SPONSOR: Schaaf

SB 215 - This act requires every health carrier that credentials health care professionals in a health benefit plan to request credentialing information in a uniform format that includes data commonly requested by health carriers for the purpose of credentialing. "Credentialing" is defined as the process of assessing and validating the qualifications of a health care professional to provide patient care services. The determination is based on an evaluation of the individual's current license, training or experience, current competence, and ability to perform the privileges requested.

Every health carrier shall complete the process of verifying a health care professional's credentialing information and make a final determination to credential the health care professional within sixty calendar days of receipt of a complete application.

Immediately after a health care professional becomes credentialed, every health carrier shall retroactively compensate health care professionals for services rendered from the date of his or her application.

This act is identical to HB 347 (2011).

ADRIANE CROUSE

02/07/2011 S First Read--SB 215-Schaaf (S185)

02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S234)

EFFECTIVE: August 28, 2011

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

0826S.021

SENATE SPONSOR: Schaaf

SB 216 – This act creates the "High School Sports Brain Injury Prevention Act." No later than December 31, 2011, each school board must work with the Brain Injury Association of Missouri and the Missouri State High School Activities Association to develop guidelines, information, and forms to inform and educate coaches, youth athletes and their parents or guardians about the nature and risk of concussions and brain injury. On an annual basis, an information sheet must be signed by athlete's parent or guardian, and submitted prior to the youth athlete's initiating practice or competition.

Any youth athlete who is suspected of sustaining a concussion or brain injury in a practice or game must be removed from competition for at least twenty-four hours. In addition, a youth athlete cannot return to play until he or she has been evaluated by a licensed physician trained in the management of concussion, as described in the act. The youth athlete must also receive written clearance to play from that provider.

A healthcare provider who is a volunteer who authorizes an athlete to return to play will not be liable for civil damages except for acts or omissions that constitute gross negligence or willful or wanton misconduct.

This act is similar to HB 1548 (2010).

MICHAEL RUFF

02/07/2011 S First Read--SB 216-Schaaf (S185)

02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S234)

EFFECTIVE: August 28, 2011

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

1218S.011

SENATE SPONSOR: Richard

This bill has been combined with SB 189

02/07/2011 S First Read--SB 217-Richard and Schmitt (S185)

02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S234)

02/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

03/17/2011 Bill Combined - SCS/SBs 189, 217,246, 252 &amp; 79

EFFECTIVE: August 28, 2011

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

0792S.011

SENATE SPONSOR: Wasson

SB 218 - Currently, the thirty-eighth judicial circuit consists of Christian and Taney counties. This act removes Taney County from the thirty-eighth judicial circuit and creates a new forty-sixth judicial circuit for Taney County beginning on January 1, 2012. The circuit judge of the thirty-eighth judicial circuit on December 31, 2011 will be the circuit judge of the new thirty-eighth judicial circuit. The judge for the new forty-sixth judicial circuit will be elected in 2011.

This act is similar to HB 1503 (2010).

EMILY KALMER

02/07/2011 S First Read--SB 218-Wasson (S185-186)

02/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S234)

02/21/2011 Hearing Cancelled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 219 \*\*\*

SCS SB 219

1084S.02P

SENATE SPONSOR: Wasson

SCS/SB 219 - Agreements to operate or share automated teller machines shall not prohibit owners from charging access fees or surcharges to users with bank accounts in foreign countries.

This act is similar to SB 773 (2010), and HB 83 (2011).

CHRIS HOGERTY

02/07/2011 S First Read--SB 219-Wasson (S186)

02/10/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S234)

02/14/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

02/21/2011 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee - (1084S.02C) - Consent

02/24/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S329)

02/28/2011 Removed S Consent Calendar (S347)

03/03/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS (S387-388)

03/07/2011 SCS S adopted (S400)

03/07/2011 Perfected (S400)

03/08/2011 Reported Truly Perfected S Rules Committee (S410)

03/10/2011 S Third Read and Passed (S428-429)

03/10/2011 H First Read (H594)

03/14/2011 H Second Read (H602)

EFFECTIVE: August 28, 2011

\*\*\* SB 220 \*\*\*

1039S.01P

SENATE SPONSOR: Wasson

SB 220 - Currently, architects, engineers, landscape architects, land surveyors, and corporations registered to do the work of these professions who perform work on buildings or land have a lien on the building or land to the extent of one acre. This act increases the lien to encompass three acres.

This act is similar to SB 1074 (2008), SB 267 (2009), and SB 867 (2010).

CHRIS HOGERTY

02/07/2011 S First Read--SB 220-Wasson (S186)

02/10/2011 Second Read and Referred S General Laws Committee (S235)

03/01/2011 Hearing Conducted S General Laws Committee

03/08/2011 Voted Do Pass S General Laws Committee

03/10/2011 Reported from S General Laws Committee to Floor (S434)

03/16/2011 Perfected (S471)

03/16/2011 Reported Truly Perfected S Rules Committee (S471)  
 03/17/2011 S Third Read and Passed (S489-490)  
 03/17/2011 H First Read (H702)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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

0789S.011

SENATE SPONSOR: Cunningham

SB 221 - Damages awarded for employment cases under the Missouri Human Rights Act (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 all MHRA cases.

The act establishes caps for damages for cases involving discrimination against employees who file workers' compensation claims that are identical to those created for MHRA cases with the exception of back pay and interest on back pay, which are not allowed.

CHRIS HOGERTY

02/07/2011 S First Read--SB 221-Cunningham (S186)  
 02/10/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S235)  
 03/01/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/08/2011 Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 222 \*\*\*

0938S.031

SENATE SPONSOR: Cunningham

SB 222 – This act modifies the child labor laws. It eliminates the prohibition on employment of children under age fourteen. Restrictions on the number of hours and restrictions on when a child may work during the day are also removed. It also repeals the requirement that a child ages fourteen or fifteen obtain a work certificate or work permit in order to be employed. Children under sixteen will also be allowed to work in any capacity in a motel, resort or hotel where sleeping accommodations are furnished. It also removes the authority of the director of the Division of Labor Standards to inspect employers who employ children and to require them to keep certain records for children they employ. It also repeals the presumption that the presence of a child in a workplace is evidence of employment.

MICHAEL RUFF

02/07/2011 S First Read--SB 222-Cunningham (S186)  
 02/10/2011 Second Read and Referred S General Laws Committee (S235)

EFFECTIVE: August 28, 2011

\*\*\* SB 223 \*\*\*

0509S.021

SENATE SPONSOR: Mayer

SB 223 - This act authorizes public library districts, located at least partially within Butler, Ripley, Wayne, Stoddard, New Madrid, Dunklin, or Pemiscot County, to seek voter approval for a sales tax of not more than one half of one cent to fund the operation and maintenance of libraries within the boundaries of such library district. Public library districts are defined as any city library district, county library district, city-county library district, municipal library district, consolidated library district or urban library district. The act also provides that state appropriations to public library districts will not be affected by voluntary reductions in property tax levies, resulting from the enactment of a district sales tax, provided the proceeds from such sales tax equal or exceed the amount of the reduction in property tax revenue.

This act is similar to Senate Bill 713 (2010).

JASON ZAMKUS

02/07/2011 S First Read--SB 223-Mayer (S186)



02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S235)

EFFECTIVE: August 28, 2011

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

1308S.011

SENATE SPONSOR: Stouffer

SB 224 - This act authorizes the governing body of Macon County to designate areas within the county as blighted areas and exempt, in whole or in part, improvements made to real property in such areas from property taxes. The governing body is required to provide notice to affected taxpayers and political subdivisions and hold public hearings prior to the designation of a blighted area and before any specific grant of property tax exemption. The designation of a blighted area will expire after twenty-five years and properties may only receive an exemption during the time period in which such blight designation is effective.  
JASON ZAMKUS

02/07/2011 S First Read--SB 224-Stouffer (S186)

02/10/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S235)

03/10/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 225 \*\*\*

0828S.031

SENATE SPONSOR: Engler

SB 225 - This act provides that beginning January 1, 2012, certain circuit and associate circuit judgeships in this state will become nonpartisan offices elected in nonpartisan elections on the primary election day.

The provisions of this act do not apply to elections involving incumbent candidates who were seated before January 1, 2012. These judges may continue to hold office as partisan judges. Judgeships selected pursuant to the nonpartisan court plan in the state constitution are excluded from the provisions involving the nonpartisan elections, but not the provisions requiring the offices to be nonpartisan and prohibiting the judges from certain partisan activities.

In the nonpartisan elections established under this act, the names of each judicial candidate will be included on all ballots, including each political party's primary ballots. Each candidate is to be designated as "nonpartisan."

If no candidate receives a majority vote in the primary election, the two candidates receiving the highest number of votes will be certified to a runoff election held at the next general election. Such candidates will also be designated as "nonpartisan" on general election ballots.

The filing period for judicial candidates begins at 8:00 a.m. on the last Tuesday in February of the election year and ends at 5:00 p.m. on the last Tuesday in March.

No circuit or associate circuit judge or judicial candidate may be publicly affiliated with any political party or participate in any of the political activities enumerated in this act.

This act is similar to SB 757 (2008).  
MEGHAN LUECKE

02/08/2011 S First Read--SB 225-Engler (S208)

02/10/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S235)

02/14/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

02/21/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

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

1363S.011

SENATE SPONSOR: Engler

SB 226 - Under this act, each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected.

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

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

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

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

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

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

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

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

This act is identical to SB 978 (2008), a provision of SS/SCS/HB 376 (2009), SB 122 (2009), and SB 741 (2010).

MEGHAN LUECKE

02/08/2011 S First Read--SB 226-Engler (S208-209)  
 02/10/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S235)  
 02/14/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/21/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 02/24/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S329)  
 02/28/2011 Removed S Consent Calendar (S347)  
 03/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S433)  
 03/16/2011 Bill Placed on Informal Calendar (S469)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 226-Engler

EFFECTIVE: August 28, 2011

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\*\*\* SB 227 \*\*\*

1311S.011

SENATE SPONSOR: Engler

SB 227 - This act makes certain types of field tests for controlled substances admissible, subject to other substantive or procedural objections, in preliminary hearings and applications for arrest warrants in cases involving violations of the drug control laws. The results of the tests are admissible as evidence of the identity of a controlled substance.

In order to be admissible, the law enforcement officer conducting the field test must be trained and certified in the appropriate procedures for the test.

MEGHAN LUECKE

02/08/2011 S First Read--SB 227-Engler (S209)

02/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S235)

EFFECTIVE: August 28, 2011

\*\*\* SB 228 \*\*\*

1324S.011

SENATE SPONSOR: Pearce

SB 228 – This act modifies the composition of the board of directors of the Kansas City School District. This act reduces the number of directors from nine to seven. Instead of three at-large directors, the board will have one at-large director. One at-large director will be elected at the election. The remaining six directors will continue to represent the six subdistricts. However, candidates for a director for a subdistrict will be voted on by the voters of the entire school district, not just the voters of that particular subdistrict. This change will begin for subdistricts 1, 3, and 5 at the 2012 election and for subdistricts 2, 4, and 6 at the 2014 election.

MICHAEL RUFF

02/08/2011 S First Read--SB 228-Pearce (S209)

02/10/2011 Second Read and Referred S Education Committee (S235)

03/16/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

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

1409S.011

SENATE SPONSOR: Pearce

SB 229 - Under this act, each health carrier must provide coverage for the diagnosis and treatment of eating disorders beginning January 1, 2012. Under the terms of the act, health carriers shall not deny eligibility or continued eligibility to an individual to enroll or renew coverage under the terms of the plan solely for the purpose of avoiding the requirements of the act or deny coverage for treatment of eating disorders, including coverage for residential treatment of eating disorders, if such treatment is medically necessary in accordance with the Practice Guidelines for the Treatment of Patients with Eating Disorders.

Under the act, health carriers shall not provide monetary payments, rebates, or other benefits to individuals to encourage such individuals to accept less than the minimum protections available under the act. In addition, a health carrier shall not penalize or otherwise reduce or limit the reimbursement of a health care provider because such provider provided care to a beneficiary in accordance with this act. The eating disorder health insurance mandate requires the insurer to provide access to psychiatric and medical treatment under the plan and provide coverage for integrated care and treatments as prescribed by medical and psychiatric health care professionals, including but not limited to nutrition counseling, physical therapy, dietician services, medical monitoring, and psychiatric monitoring.

Nothing in the act shall be construed as requiring a health carrier to provide coverage of mental illness.

The provisions contained in this act are similar to ones contained in SB 744 (2010), SB 463 (2009), and HB 519 (2009).

STEPHEN WITTE

02/08/2011 S First Read--SB 229-Pearce (S209)

02/10/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S235)

EFFECTIVE: August 28, 2011

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

1320S.02C

SENATE SPONSOR: Lager

SCS/SB 230 - The act allows the state or any political subdivision to transfer ownership of scrap tires or tire shred to any Missouri-based company if the cost of the transfer is less than the cost of disposal of the tires, and as long as the company does not put the tires in a landfill or burn them as a fuel source. The company must bear the cost of transporting the scrap tires or shred to its facility.

This act is similar to HCS/HB 578 (2011).

ERIKA JAQUES

02/08/2011 S First Read--SB 230-Lager (S209)

02/10/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S235)  
 03/08/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee  
 03/15/2011 SCS Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2011

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

1303S.011

SENATE SPONSOR: Lager

SB 231 - This act prohibits a political subdivision from restricting a paid member of a fire department or fire district from becoming a candidate for public office or from supporting or opposing any political party, candidate or petition while off duty and not in uniform. A firefighter cannot run for office in the same political subdivision as the fire department or district is located unless otherwise authorized by any state or local law, statute, ordinance, charter, or order.

MEGHAN LUECKE

02/08/2011 S First Read--SB 231-Lager, et al (S209)  
 02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S235)  
 03/02/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 03/10/2011 Voted Do Pass S Jobs, Economic Development and Local Government Committee  
 03/17/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S494)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 231-Lager, et al

EFFECTIVE: August 28, 2011

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

0426S.011

SENATE SPONSOR: Crowell

SB 232 – This act repeals current authority that allows certain cities to enforce zoning regulations in areas located up to two miles outside of city limits.

MEGHAN LUECKE

02/08/2011 S First Read--SB 232-Crowell (S209)  
 02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S235)

EFFECTIVE: August 28, 2011

\*\*\* SB 233 \*\*\*

1263S.011

SENATE SPONSOR: Parson

SB 233 - This act requires health carriers to reimburse licensed athletic trainers in the same manner as other providers are reimbursed. If a health benefit plan provides coverage for a particular type of health service for any particular medical condition that is within the scope of practice of a licensed athletic trainer, then a licensed athletic trainer shall not be denied reimbursement by a health carrier or health benefit plan for those covered services if the health carrier or plan would reimburse another health care provider for such services. Services provided by licensed athletic trainers may be subject to reasonable deductibles, copayment, and coinsurance amounts, fee or benefit limits, practice parameters, and utilization review consistent with applicable rules adopted by the department of insurance.

STEPHEN WITTE

02/08/2011 S First Read--SB 233-Parson (S209)  
 02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S235)

EFFECTIVE: August 28, 2011

\*\*\* SB 234 \*\*\*

1265S.011

SENATE SPONSOR: Dempsey

SB 234 - This act authorizes an income tax dependency exemption for the taxable year in which a

stillborn child was born, if the child would otherwise have been a member of the taxpayer's household.

This act is similar to Senate Bill 620 (2007) and House Bill 816 (2007).

JASON ZAMKUS

02/08/2011 S First Read--SB 234-Dempsey (S209)

02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S235)

EFFECTIVE: August 28, 2011

\*\*\* SB 235 \*\*\*

1172S.011

SENATE SPONSOR: Schaefer

SB 235 - This act extends the sunsets from September 30, 2011 to September 30, 2016, for the Ground Ambulance, Nursing Facility, Medicaid Managed Care Organization, Hospital, Pharmacy, and Intermediate Care Facility for the Mentally Retarded Reimbursement Allowance Taxes.

This act is similar to SB 1015 (2010).

ADRIANE CROUSE

SCA 1 - CHANGES THE SUNSET DATES TO SEPTEMBER 30, 2013

02/09/2011 S First Read--SB 235-Schaefer (S215)

02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S235)

03/01/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

03/10/2011 Voted Do Pass (w/SCA#1) S Health, Mental Health, Seniors and Families Committee -  
(1172S01.01S)

EFFECTIVE: August 28, 2011

\*\*\* SB 236 \*\*\*

1364S.021

SENATE SPONSOR: Schaefer

SCS/SB 236 - This act establishes provisions relating to pharmacy services.

#### ELECTRONIC PRESCRIBING

This act provides that all prescription drug orders communicated by way of electronic transmission shall allow for the physician to review the patient's current medication list and medication history information as well as view all the medications available to the physician for the patient's condition.

The transmission shall have the ability to electronically adjudicate prior authorization and step therapy protocols. An electronic prior authorization process for allowing approval of an exception to the plan formulary or other restriction is available, so long as adjudication occurs within forty-eight hours from the time the prescription drug order is received. The board of pharmacy shall promulgate rules regarding such an electronic prior authorization process.

The transmission shall also minimize interference between physician and patient through a neutral and open platform, except that information about the availability of a generic drug may be communicated.

Nothing in this act shall preclude the use of paper prescriptions. SECTION 338.098

#### PHARMACY BENEFIT AND PHARMACY BENEFIT MANAGERS

This act prohibits pharmacy benefit managers(PBMs) from automatically enrolling a pharmacy in a contract, modifying an existing contract without affirmation from the pharmacy, or requiring a pharmacy or pharmacist to participate in one PBM contract in order to participate in another contract. Nor shall a PBM discriminate between in-network pharmacies or pharmacists on the basis of copayments or days of supply unless such pharmacy declines to fill such prescriptions at the price allowed to other in-network pharmacies for such prescription.

A PBM is also prohibited from reassigning a prescription that has been presented in one pharmacy to another pharmacy in the PBM's network. When the PBM contacts the prescribing health care practitioner to affirm or modify the original prescription, the affirmed or modified prescription shall be filled at the in-network pharmacy of the patient's choice to which the insured presented the original prescription. SECTION 376.388

#### SWITCH COMMUNICATIONS

This act establishes procedures for governing switch communications. A switch communication is

defined as a communication from a health insurance carrier or PBM to a patient or the patient's physician that recommends a patient's medication be switched by the original prescribing practitioner to a different medication than the medication originally prescribed.

The switch communication shall, among other requirements, explain any financial incentives that may be provided to, or have been offered to, the prescribing practitioner by the health carrier or PBM that could result in the switch to the different drug. In addition, the communication shall explain any clinical effects that the proposed medication may have on the patient which are different than those of the originally prescribed medication. The patient shall also be informed of any cost sharing changes for which the patient shall be responsible and advise the patient of his or her rights to discuss any proposed switch with the patient's prescribing practitioner.

Any time a patient's medication is recommended to be switched to a medication other than that originally prescribed by the prescribing practitioner, a switch communication shall be sent to the patient and the patient's physician. Also, information shall be sent to the plan sponsor or health carrier using a PBM regarding, among other information, the recommended medication and the cost, shown in currency form, of the originally prescribed medication. These provisions do not apply to generic substitutions allowed under current law in section 338.056, RSMo, unless such substitution results in a higher cost to the patient or health insurance payer.

All health carriers and PBMs shall submit the format and language to the Department of Insurance, Financial Institutions, and Professional Registration for approval. The department shall have sixty days to review and inform the health carrier or PBM that the format and language of the switch communication either does or does not comply with the statute. If the department finds noncompliance with the statute, the department shall cite specific reasons for such decision.

The department shall promulgate rules governing switch communications. Such rules shall include procedures for verifying the accuracy of any switch communications from health carriers and PBMs to ensure that such switch communications are truthful, accurate, and not misleading. Also, except for a substitution due to the Food and Drug Administration's withdrawal of a drug for prescription, such rules shall include a requirement that all switch communications bear a prominent notification on a first page clearly indicating the switch communication is not a product safety notice.

This act also specifies that a PBM owes a fiduciary duty to a covered entity and shall discharge that duty in accordance with the provisions of state and federal law. A PBM shall notify the covered entity in writing of any activity, policy, or practice of the PBM that directly or indirectly presents any conflict of interest with the duties imposed by this act. SECTIONS 376.1460 and 376.1462

#### PHYSICIAN OVERRIDE OF MEDICATION RESTRICTIONS

This act governs the practice by health carriers and pharmacy benefit managers of restricting medications for the treatment of any medical condition by requiring step therapy or a fail first protocol. A prescribing practitioner may override such restrictions if the prescriber can demonstrate, based on sound clinical evidence, that the step therapy or fail first protocol treatment has been ineffective in treating the patient's disease or medical condition, is expected to be ineffective, or is likely to cause an adverse reaction. The duration of any step therapy or fail first protocol cannot last longer than 14 days when such treatment is deemed clinically ineffective by the prescribing physician. However, when the health carrier or PBM can show, through sound clinical evidence, the originally prescribed medication is likely to require more than two weeks to provide any relief to the patient, the step therapy or fail first protocol may be extended up to seven additional days.

Nothing in the act shall require coverage for a condition specifically excluded by the policy which is not otherwise mandated by law. SECTION 376.1464

This act also requires PBMs and health carriers to provide a website with a list of medications which require preauthorizations and the process required to comply with the PBM's or health carrier's policies. SECTION 376.1466

Portions of this act are substantially similar to SB 918 (2010).

ADRIANE CROUSE

02/09/2011 S First Read--SB 236-Schaefer (S215)

02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S235)

03/01/2011 Hearing to be Continued S Health, Mental Health, Seniors and Families Committee

03/08/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee

03/15/2011 SCS Voted Do Pass S Health, Mental Health, Seniors and Families Committee - (1364S.04C)

EFFECTIVE: August 28, 2011

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

1413S.011

SENATE SPONSOR: Schaefer

SB 237 - This act requires that the September 1996 Missouri Supreme Court standards for representation by guardians ad litem be updated.

This act is similar to HB 165 (2011).

EMILY KALMER

02/09/2011 S First Read--SB 237-Schaefer and Justus (S216)

02/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S235)

02/28/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

03/09/2011 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee - Consent

03/10/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor - Consent (S433)

03/14/2011 Removed S Consent Calendar (S449)

EFFECTIVE: August 28, 2011

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

1042S.031

SENATE SPONSOR: Schmitt

SB 238 - This act modifies provisions that affect claims by firefighters for disability or death benefits. If after five years of service a firefighter's health is impaired due to certain infectious diseases, it will be presumed that this infectious disease was suffered in the line of duty, unless there is evidence to the contrary.

EMILY KALMER

02/09/2011 S First Read--SB 238-Schmitt, et al (S216)

02/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S235)

02/21/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

03/09/2011 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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

0275S.011

SENATE SPONSOR: Justus

SB 239 - This act prohibits discrimination based upon a person's sexual orientation. Such discrimination includes unlawful housing practices, denial of loans or other financial assistance, denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and denial of the right to use public accommodations.

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

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

This act is identical to SB 266 (2007), SB 1019 (2008), SB 824 (2008), SB 109 (2009), SB 626 (2010) and HB 1850 (2010).

JIM ERTLE

02/09/2011 S First Read--SB 239-Justus, et al (S216)

02/10/2011 Second Read and Referred S Progress and Development Committee (S235)

EFFECTIVE: August 28, 2011

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

0438S.011

SENATE SPONSOR: Justus

SB 240 – This act modifies the requirements for school anti-bullying policies. The definition of "bullying" is modified to include discrimination and to include actions that substantially interfere with a student's educational performance, opportunities, or benefits, or that substantially disrupt the orderly operation of the school. Bullying is prohibited by school employees or students on school property, at school functions, or on school buses. This act removes the requirement that school policies treat all students equally and not identify lists of protected classes of students. Instead, bullying that is based on characteristics or categories, as described in the act, is prohibited.

A school employee, student, or volunteer who has witnessed or has reliable information that a student or school employee has been subject to discrimination or harassment must report the incident to the appropriate school official.

School district policies must contain the following: a statement prohibiting bullying, including a definition of bullying, as described in the act; a statement requiring district employees to report an instance of bullying of which an employee has reliable information; a procedure for reporting an act of bullying, including anonymous reporting, as described in the act; a procedure for prompt investigations; how a school will respond to a confirmed incident of bullying; a statement prohibiting reprisal or retaliation against a person who reports an act of bullying; a statement of how the policy will be made public; a process for discussing the policy with students and training employees and volunteers; and a procedure for implementing and maintaining annual confidential surveys of students and school employees that measure their perception and experiences of harassment and discrimination.

The State Board of Education must develop model anti-bullying policies to assist school districts no later than September 1, 2012 and has authority to promulgate rules and regulations under this act.

This act is identical to SB 946 (2010) and is substantially similar to HB 2036 (2010), SB 132 (2009), and HB 1751 (2008).

MICHAEL RUFF

02/09/2011 S First Read--SB 240-Justus, et al (S216)

02/10/2011 Second Read and Referred S Progress and Development Committee (S235)

EFFECTIVE: August 28, 2011

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

1410S.011

SENATE SPONSOR: Brown

SB 241 - This act creates state and local sales and use tax exemptions for sales of captive wildlife and all sales of feed for captive wildlife including liming and fertilizing crops which when harvested will be fed to captive wildlife that will be sold ultimately in processed form at retail. The act also repeals two incorrect intersectional references contained in Chapter 144.

This act is identical to House Bill 346 (2011).

JASON ZAMKUS

02/09/2011 S First Read--SB 241-Brown and Wasson (S216)

02/10/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S235)

02/24/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

03/17/2011 Voted Do Pass S Ways and Means and Fiscal Oversight Committee

03/17/2011 Reported from S Ways and Means and Fiscal Oversight Committee to Floor (S492)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 241-Brown and Wasson

EFFECTIVE: August 28, 2011

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

SCS SB 242

1307S.05C

SENATE SPONSOR: Cunningham

SCS/SB 242 – A student whose residence is located closer to a school in an adjoining district than to his or her assigned school in the district of residence may enroll in the adjoining district upon receiving approval from the adjoining district. In addition, a student whose residence is so located that attendance in the district of residence is an unusual or unreasonable transportation hardship may enroll in an adjoining school district



upon approval of the adjoining district's school board. Natural barrier is defined as an obstruction to a school bus route for students who are required to be transported or who are transported as a result of district policy or practice, caused by streams, rivers, lakes and multilane highways with limited access.

The pupil's parent or guardian must contact the receiving district by January 15 of the preceding school year unless good cause is shown, as described in the act. The pupil's school district of residence must pay tuition to the receiving district, as described in the act. The district of residence must also pay the receiving district all other aid attributable to the pupil, including any other federal, state, or local aid received on account of the pupil. If the parent enrolls a child in a district with a higher operating levy for school purposes than the district of residence, the parent must also pay the receiving district the product of the difference between the districts' operating levies for school purposes times the assessed valuation of the real property owned by the parent, as described in the act. The school district of residence must pay the receiving district twice annually, once at the start of the school year and once in the middle of the year. For late payments, a late charge of two and a half percent for every two weeks will be incurred. When a payment is more than three months past due, the Department of Elementary and Secondary Education must, upon notice from the receiving district, withhold the total tuition amount, including federal, state, and local funds, and interest, from the school district of residence's state school aid and send payment in full to the receiving district.

If the parent or guardian is dissatisfied after enrolling his or her child in the receiving, he or she may return the child to the school district of residence upon notification to both districts. However, the parent or guardian may not reenroll the child in the receiving district although the child may be eligible to enroll in another adjoining district.

For a child who enrolls in another district, the parent or guardian will be responsible for transportation without reimbursement. A school district may voluntarily provide transportation, as described in the act.

The parent or guardian of a child who is denied enrollment by an adjoining district may appeal such denial to the State Board of Education if the following conditions are met: the pupil has met the qualifications for transfer and the receiving district has available space and the district's teacher/pupil ratio in the appropriate grade or placement level for the pupil is not below the "desirable" standard established in Missouri School Improvement Program resource standards. The State Board shall assign the pupil to the adjoining school district if it finds the district improperly denied enrollment to the pupil. The State Board may also charge an administrative fee of up to five hundred dollars to either the school district of residence or adjoining school district.

MICHAEL RUFF

02/09/2011 S First Read--SB 242-Cunningham (S216)  
 02/10/2011 Second Read and Referred S General Laws Committee (S235)  
 02/22/2011 Hearing Conducted S General Laws Committee  
 03/08/2011 SCS Voted Do Pass S General Laws Committee - (1307S.05C)  
 03/10/2011 Reported from S General Laws Committee to Floor w/SCS (S434)  
 03/16/2011 Bill Placed on Informal Calendar (S471)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 242-Cunningham, with SCS

EFFECTIVE: August 28, 2011

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

0249S.04P

SENATE SPONSOR: Cunningham

SB 243 – This act establishes the "Sharing of Services and Increasing Efficiencies Act."

Two or more school districts, charter schools, any public, private, or nonprofit entity, political subdivision, public institution of higher education, or private institution of higher education may cooperate and share resources to achieve efficiencies, become more cost-effective, reduce costs, and reduce and minimize duplicative operations, services, and purchasing. Examples of cooperative actions include: group purchases of supplies and insurance products; administration of certain services; participation in a deferred compensation plan; and joint use of school district facilities for education purposes. These entities may also: cooperate to share employees; enter into agreements relating to the use of sites, buildings, facilities, furnishings, and equipment; and enter into agreements for services.

In addition, nothing in this section may be construed to prohibit any of the identified entities from entering into any cooperative agreement, as described in the act, or to prohibit any identified entity from altering any current agreement it may have with another entity described in the act without agreement from all the parties

to the agreement or expiration of the contract that is in force upon the effective date of the act.

This act also repeals a requirement that certain payments made from any source by a school district that result in the transfer of the title of real property to the school district be deducted as an adjustment to the funds payable to the district under the school funding formula.

MICHAEL RUFF

02/09/2011 S First Read--SB 243-Cunningham (S216)  
 02/10/2011 Second Read and Referred S General Laws Committee (S235)  
 02/15/2011 Hearing Conducted S General Laws Committee  
 02/22/2011 Voted Do Pass S General Laws Committee  
 02/24/2011 Reported from S General Laws Committee to Floor (S330)  
 03/01/2011 SA 1 S offered & adopted (Chappelle-Nadal)--(0249S04.05S) (S364)  
 03/01/2011 Bill Placed on Informal Calendar (S364)  
 03/02/2011 SA 2 S offered & adopted (Chappelle-Nadal)--(0249S04.08S) (S372)  
 03/02/2011 Perfected, as amended (S372)  
 03/02/2011 Reported Truly Perfected S Rules Committee (S381)  
 03/03/2011 S Third Read and Passed (S386)  
 03/03/2011 H First Read (H526)  
 03/07/2011 H Second Read (H532)

EFFECTIVE: August 28, 2011

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

1133S.011

SENATE SPONSOR: Green

SB 244 - This act changes the name of the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council and codifies the executive order transferring the Missouri Brain Injury Advisory Council to the Department of Health and Senior Services. The act provides for the decrease of members of the council from the present twenty-five to fifteen. Meetings of the full council shall be held four times a year or at the call of the council chairperson.

This act prescribes some additional duties for the department, including promulgating rules to prescribe polices or standards which affect charging and funding of adult brain injury rehabilitation services and reasonable rules relative to the implementation of participant rights for those using rehabilitation services. The department shall also promulgate rules to create a reasonable standard means test to be applied to all programs and services funded by the department. The administration of the Brain Injury Fund is also transferred to the department. This act also provides that services provided by the department shall be directed toward preparation for education or vocational achievement, independent living, and community participation.

This act is substantially similar to SB 908 (2010), SB 487 (2009) and SB 333 (2007).

ADRIANE CROUSE

02/09/2011 S First Read--SB 244-Green (S216)  
 02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S235)  
 02/22/2011 Hearing Conducted S Health, Mental Health, Seniors and Families Committee  
 03/15/2011 Voted Do Pass S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

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

0319S.011

SENATE SPONSOR: Lembke

SB 245 - This act provides that physician services currently covered under the MO HealthNet program shall include those services provided by chiropractors and in accordance with the chiropractic practice act.

ADRIANE CROUSE

02/09/2011 S First Read--SB 245-Lembke (S216)  
 02/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S235)

EFFECTIVE: August 28, 2011

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

1248S.021

SENATE SPONSOR: Lamping

This bill has been combined with SB 189

02/09/2011 S First Read--SB 246-Lamping and Schmitt (S216)

02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S235)

02/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

03/17/2011 Bill Combined - SCS/SBs 189, 217,246, 252 & 79

EFFECTIVE: August 28, 2011

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

1036S.031

SENATE SPONSOR: Pearce

SB 247 – This act modifies the elementary and secondary education foundation formula.

This act modifies the phase-in of the SB 287 formula (2005). Currently, the phase-in requires that school districts receive a percentage of their payment from the old SB 380 formula and a percentage from the SB 287 formula. This act eliminates the portion of the payment that comes from the SB 380 formula. Instead, all payments will be based on the SB 287 formula with a proration method to accommodate available appropriations. This act provides proration benchmarks for appropriations beginning in fiscal year 2012 that increase and continue until fiscal year 2016.

In any year in which appropriations do not equal the amount necessary to fully fund the formula, payments will be modified to accommodate available appropriations. Payment reductions or increases will be calculated differently for hold-harmless and formula districts. If the formula is overfunded, payments to hold-harmless districts will be increased at half the rate of formula districts. If appropriations are less than what is required to fully fund the formula, payments to hold-harmless districts will be decreased at half the rate of formula districts.

In addition, current law allows the state adequacy target to be adjusted to accommodate available appropriations upon completion of the existing phase-in. This adjustment method is eliminated.

Language pertaining to the summer school penalty, which terminated at the end of the 2008-2009 school year, is repealed. (Sections 163.011 & 163.031)

This act repeals language that would trigger an increase in state funding if summer school attendance were to decrease by twenty-five percent as compared to the 2005-2006 school year summer school attendance. (Section 163.037)

This act contains an emergency clause.

MICHAEL RUFF

02/09/2011 S First Read--SB 247-Pearce (S216)

02/10/2011 Second Read and Referred S Education Committee (S235)

03/02/2011 Hearing Conducted S Education Committee

03/09/2011 Voted Do Pass S Education Committee

03/10/2011 Reported from S Education Committee to Floor (S435)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 247-Pearce

EFFECTIVE: Emergency Clause

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

1310S.011

SENATE SPONSOR: Parson

SB 248 - This act establishes the proof of concept business finance program to be administered by the Missouri Technology Corporation. The program will provide one-time loans to eligible advanced technology companies which must be repaid within five years of the date of the loan in an amount equal to two times the amount of the loan. Early repayment will result in a proration of the repayment amount. No more than one million two hundred fifty thousand dollars will be made available for loans to advanced technology companies each fiscal year. Loans made under the program cannot exceed seventy-five thousand dollars per eligible advanced technology company and must be leveraged dollar-for-dollar by additional equity investment in the

company. Loan proceeds may be used by eligible advanced technology companies for intellectual property development, building prototypes, market studies, identifying and securing a management team, and business operations.

This act is similar to provisions contained within the SS/SCS/SB's 895, 813, 911, 924, & 802 (2010).  
JASON ZAMKUS

02/09/2011 S First Read--SB 248-Parson (S226)

02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S235)

02/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2010

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

1262S.021

SENATE SPONSOR: McKenna

SB 249 - This act creates the "Political Subdivision Construction Bidding Standards Act". Except for certain violations, this act does not apply to political subdivisions that have specific state or local competitive bidding requirements that are equivalent or stricter than the ones contained in this act. If a political subdivision is not covered by a specific federal, state, or local law that is equivalent or stricter in its requirements, it shall comply with the advertising and bidding requirements outlined in this act when soliciting bids and awarding contracts of \$25,000, adjusted annually based on the rate of inflation according to the Consumer Price Index, or more.

Contracts for construction shall be advertised in advance of the acceptance of bids. Bids shall be advertised through publication in a central repository developed by the Office of Administration at no cost to the state or for a minimum of two days in an area newspaper, with the first ad appearing at least 30 days in advance of the stated deadline for acceptance of bids. The office of administration shall develop procedures for bids to be placed in a central repository. Ads and solicitations must include the project name, submission deadline, and the time, date, and location of where the bids shall be received and opened. Political subdivisions are required to advertise in newspapers until the office of administration develops a central repository.

Unless otherwise specified by law, a contract shall be awarded to the lowest and best bidder. However, the political subdivision may reject the low bidder based on the bidder's failure to provide a performance or payment bond, nonperformance on previous contracts, or other reasons specified as to the bidder's inability to adequately perform the contract.

Under no circumstances shall construction contracts for any political subdivision be awarded in violation of certain requirements, including opening bids in advance of the advertising deadline, accepting bids that are unwritten, accepting bids after the advertised deadline, and failing to hold bids confidential.

A person submitting a bid may seek equitable relief and monetary damages for monetary losses. If the action is brought more than fifteen business days after the award of the contract, then the only remedy available to the court is to order the contract to be rebid. A person who would have bid on a contract had it been advertised also may seek a court order to have the contract rebid, but only within fifteen days of the date the political subdivision opened the bids.

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

This act is similar to provisions of SB 729 (2010), HB 2218 (2010), SS/SCS/HCS/HB 1290 (2010), HCS/SB 716 (2010, and HCS/SCS/SB 887 (2010).

MEGHAN LUECKE

02/09/2011 S First Read--SB 249-McKenna, et al (S226)

02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S235)

03/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

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

1451S.01P

SENATE SPONSOR: Kehoe

SB 250 - Under current law, sexual assault offenders imprisoned by the department of corrections must complete all treatment, education, and rehabilitation programs provided by the department of corrections. This act requires the offender to complete such programs before being eligible for probation or conditional release.

Current law prohibits certain sex offenders from living within 1,000 feet of public and private schools, and child-care facilities as that term is defined under section 210.201. This amendment provides that the prohibition applies to any child-care facility that is licensed under chapter 210. Also added to the prohibition is any residence, business, nonprofit organization, and church that holds itself out to be a child-care facility.

This act is similar to HB 384 (2011).

MEGHAN LUECKE

02/09/2011 S First Read--SB 250-Kehoe (S226)  
 02/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S236)  
 02/21/2011 Hearing Scheduled But Not Heard S Judiciary and Civil and Criminal Jurisprudence Committee  
 02/28/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee  
 03/09/2011 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee  
 03/10/2011 Reported from S Judiciary and Civil and Criminal Jurisprudence Committee to Floor (S434)  
 03/16/2011 SA 1 S offered & adopted (Callahan)--(1451S01.01S) (S470)  
 03/16/2011 Perfected, as amended (S470)  
 03/16/2011 Reported Truly Perfected S Rules Committee (S479)  
 03/17/2011 S Third Read and Passed (S488-489)  
 03/17/2011 H First Read (H702)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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

1224S.02I

SENATE SPONSOR: Kehoe

SB 251 - This act changes the classification of certain watercraft from personal property to real property for property tax purposes. To be classified as real property, the watercraft must: be the temporary or permanent residence of the taxpayer; have kitchen, bath, and toilet facilities; have a sleeping area; be registered as a watercraft by the state; and be eligible for the home mortgage deduction on the taxpayer's federal income tax return.

This act is similar to House Bill 1647 (2010).

JASON ZAMKUS

02/09/2011 S First Read--SB 251-Kehoe (S227)  
 02/10/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S236)

EFFECTIVE: August 28, 2011

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

0042S.01I

SENATE SPONSOR: Kehoe

This bill has been combined with SB 189

02/09/2011 S First Read--SB 252-Kehoe (S227)  
 02/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S236)  
 02/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 03/17/2011 Bill Combined - SCS/SBs 189, 217,246, 252 & 79

EFFECTIVE: August 28, 2011

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

1323S.01I

SENATE SPONSOR: Callahan

SCS/SB 253 – Beginning with the 2011-2012 school year, summer school attendance to be included in average daily attendance will only count attendance hours based exclusively on academic areas of study or hours required by a student's individualized education program. Curriculum must be based on core subject areas. Each school district must verify to the Department of Elementary and Secondary Education that the district's summer school program conforms to this requirement. School districts may provide a summer school program that offers nonacademic or enrichment activities at the district's expense. (Section 163.036)

This act repeals language that would trigger an increase in state funding if summer school attendance were to decrease by twenty-five percent as compared to the 2005-2006 school year summer school attendance. (Section 163.037)

This act contains an emergency clause.

MICHAEL RUFF

02/10/2011 S First Read--SB 253-Callahan and Cunningham (S231)  
02/17/2011 Second Read and Referred S Education Committee (S284)  
03/09/2011 Hearing Conducted S Education Committee  
03/16/2011 SCS Voted Do Pass S Education Committee - (1323S.03C)

EFFECTIVE: Emergency Clause

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

1491S.02C

SENATE SPONSOR: Stouffer

SCS/SB 254 - This act modifies Missouri's alcohol-related traffic offense law to comply with federal law.

Current state law (Section 302.309.3(2)) allows courts and the Department of Revenue to issue limited driving privileges to allow repeat offenders to drive a motor vehicle to: (1) a business, occupation or employment; (2) medical treatment; (3) school; (4) alcohol or drug treatment programs; (5) an ignition interlock provider for required service; and (6) other circumstances the court or the department finds would create an undue hardship. However, for purposes of federal transportation funding, federal law (23 U.S.C. §164) only allows the issuance of a limited driving privilege in connection with: (1) work; (2) attending school; (3) attending alcohol treatment programs; and (4) seeking the required services of an ignition interlock provider. In order to comply with federal law, Section 302.309.3(2) must be amended so that a repeat offender limited driving privilege may only be granted for the four purposes authorized by Section 164. Under the terms of this act, the courts and the department will only be able to issue limited driving privileges to repeat offenders for the purpose of attending work, school, alcohol or drug treatment programs, and seeking the services of a certified ignition interlock device provider. Limited driving privileges may not be granted for seeking medical treatment or other circumstances that create undue hardships for the driver.

This act also modifies the "hard walk" provision contained in section 302.309.3(6)(a) from 30 days to 45 days so that a person convicted of a DWI will not be eligible for a limited driving privilege until such person has completed the first 45 days of the suspension or revocation.

Current Missouri law (Section 577.023) allows prior and persistent offenders to participate in and successfully complete a DWI court in lieu of jail time or community service. A prior or persistent offender may escape the statutory minimum days of imprisonment by performing community service or successfully completing a DWI court program. Federal law, however, does not authorize DWI courts as an alternative to mandatory jail or community service. Under the terms of this act, prior and persistent offenders may avoid the minimum days of imprisonment by performing community service and completing a DWI court program, if such program is available. The DWI court program or other treatment program must include the minimal periods of community service.

STEPHEN WITTE

02/10/2011 S First Read--SB 254-Stouffer (S231)  
02/17/2011 Second Read and Referred S Transportation Committee (S284)  
02/23/2011 Hearing Conducted S Transportation Committee  
03/02/2011 SCS Voted Do Pass S Transportation Committee - (1491S.02C)  
03/03/2011 Reported from S Transportation Committee to Floor w/SCS (S388)  
03/07/2011 Bill Placed on Informal Calendar (S400)  
03/25/2011 S Informal Calendar S Bills for Perfection--SB 254-Stouffer, with SCS

EFFECTIVE: August 28, 2011

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

0994S.021

SENATE SPONSOR: Keaveny

SB 255 - This act bars current representatives and senators from contracting with or soliciting other current senators or representatives for political fund raising, campaigning, or consulting in relation to the election of any state or federal office.

Elected officials and staff members shall not act as a lobbyist except for a governmental entity.

Committee treasurers and deputy treasurers are required to reside in the district or county in which the committee sits and shall only act as such for one committee at a time. Those found to be acting as treasurer or deputy treasurer for more than one committee shall vacate such position for all committees. Each legislative and senatorial district committee shall retain only one address in the district it sits for the purposes of receiving contributions.

The act removes a provision of law barring political action committees from receiving contributions from other committees and a provision requiring committees to file campaign finance reports electronically.

Committees shall not transfer funds to any other committee. An exception is made for transfers from a continuing committee to a candidate committee. A knowing and intentional violation of the transfer restriction is a Class A misdemeanor. Willful violation with the intent to conceal the actual source or nature of such funds is a Class D felony.

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

- \$2,000 for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, or Attorney General.
- \$1,000 for Senators.
- \$500 for Representatives.
- \$500 for any other office, including judicial office, if the population of the area is under 100,000.
- \$1,000 for any other office, including judicial office, if the population of the area is between 100,000 and 250,000.
- \$2,000 for any other office, including judicial office, if the population of the area is over 250,000.

This act is similar to HB 633 (2009), HB 687 (2009), SB 389 (2009), 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), HCS/HB 2300 (2010), and SB 75 (2011).

CHRIS HOGERTY

02/10/2011 S First Read--SB 255-Keaveny (S231)

02/17/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S285)

EFFECTIVE: August 28, 2011

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

1319S.011

SENATE SPONSOR: Kraus

SB 256 - This act repeals the following tax credit programs:

- 1) The Wine and Grape Production Tax Credit;
- 2) The Charcoal Producers Tax Credit;
- 3) The Wood Energy Tax Credit;
- 4) The Self-Employed Health Insurance Tax Credit;
- 5) The Rebuilding Communities Tax Credit;
- 6) The Film Production Tax Credit;
- 7) The Small Business Incubator Tax Credit;
- 8) The Railroad Rolling Stock Tax Credit.

JASON ZAMKUS

02/10/2011 S First Read--SB 256-Kraus (S231)

02/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S285)

EFFECTIVE: August 28, 2011

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

1365S.011

SENATE SPONSOR: Kraus

SB 257 - Under current law, low-income housing tax credits are allowed over a ten-year period. Beginning January 1, 2012, this act reduces the period of time in which low-income housing tax credits are allowed to a five-year period and limits the total amount of low-income tax credits issued annually to no more than sixteen million dollars. After January 1, 2012, priority will be given, in the issuance of low-income housing tax credits, to taxpayers that have not received such credits within five years. The issuance of four percent low-income housing tax credits will be prohibited after January 1, 2012. The act also prohibits stacking low-income housing tax credits with historic preservation tax credits.

JASON ZAMKUS

02/10/2011 S First Read--SB 257-Kraus (S231)

02/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S285)

EFFECTIVE: August 28, 2011

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

1362S.011

SENATE SPONSOR: Kraus

SB 258 - Under current law, the Department of Economic Development is prohibited from issuing more than one hundred forty million dollars in historic preservation tax credits in any fiscal year for projects which will receive more than two hundred and seventy-five thousand dollars in tax credits. Beginning fiscal year 2013, and each fiscal year thereafter, this act would prohibit the Department of Economic Development from issuing more than seventy-five million dollars in historic preservation tax credits increased by the amount of any rescissions of approved applications for tax such credits. Projects which would receive less than two hundred seventy-five thousand dollars in tax credits will be subject to the seventy-five million dollar cap.

The act prohibits the department from issuing more than fifty thousand dollars in historic preservation tax credits per project for non-income producing residential rehabilitation projects. Non-income producing residential rehabilitation projects involving a subject property with a purchase price in excess of one hundred fifty thousand dollars will be ineligible for tax credits. Applicants for projects that, as of June 30, 2012, have: received approval from the Department of Economic Development; incurred certain levels of expenses; or received certification from the state historical preservation officer will not be subject to the new limitations on tax credit issuance, but will be subject to the current law limitations on tax credit issuance. The act also prohibits the stacking of historic preservation tax credits with neighborhood preservation tax credits or low-income housing tax credits.

JASON ZAMKUS

02/10/2011 S First Read--SB 258-Kraus (S231)

02/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S285)

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

1326S.011

SENATE SPONSOR: Kraus

SB 259 - This act subjects the following tax credit programs to two-year sunset provisions:

- 1) The Bank Franchise Tax Credit;
- 2) The Bank Tax Credit for S-Corporations;
- 3) The Examination Fee Tax Credit;
- 4) The Missouri Health Insurance Pool Tax Credit;
- 5) The Missouri Life and Health Insurance Guaranty Tax Credit; and
- 6) The Property and Casualty Insurance Guaranty Tax Credit.

The following tax credit programs will be subject to four-year sunset provisions:

- 1) The Brownfield Remediation Tax Credit;
- 2) The Neighborhood Preservation Tax Credit;
- 3) The BUILD Tax Credit;
- 4) The Business Facility Tax Credit;



- 5) The Development Tax Credit;
- 6) The Enhanced Enterprise Zone Tax Credit;
- 7) The MDFB Bond Guarantee Tax Credit;
- 8) The MDFB Infrastructure Development Contribution Tax Credit;
- 9) The Missouri Quality Jobs Act;
- 10) The Family Farm Breeding Livestock Tax Credit;
- 11) The Agricultural Product Utilization Tax Credit;
- 12) The New Generation Cooperative Tax Credit; and
- 13) The Neighborhood Assistance Tax Credit.

The following tax credit programs will be subject to six-year sunset provisions:

- 1) The Historic Preservation Tax Credit;
- 2) The Low-Income Housing Tax Credit;
- 3) The Domestic Violence Shelter Tax Credit;
- 4) The Maternity Home Tax Credit;
- 5) The Shared Care Tax Credit; and
- 6) The Youth Opportunities Tax Credit.

JASON ZAMKUS

02/10/2011 S First Read--SB 259-Kraus (S231)

02/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S285)

EFFECTIVE: August 28, 2011

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

1312S.011

SENATE SPONSOR: Wasson

SB 260 - This act increases penalties for moving violations and traffic offenses occurring within an active emergency zone. Such a zone is defined under this act as an area that is visibly marked by emergency responders on, or around, a highway, and where an active emergency or incident removal is temporarily occurring.

Any person convicted of a first moving violation or traffic offense within an active emergency zone shall be assessed a fine of \$35 in addition to any other fine authorized by law. A second or subsequent offense within an active emergency zone shall be assessed a fine of \$75.

Under this act, it is a Class C misdemeanor to pass another vehicle in an active emergency zone. Those who plead guilty to, or are convicted of, a speeding or passing violation shall be assessed a fine of \$250 in addition to any other fine authorized by law. A second or subsequent speeding or passing violation shall result in a \$300 fine.

A person commits the offense of endangerment of an emergency responder if, while in an active emergency zone while emergency responders are present, the person:

- (1) Exceeds the posted speed limit by 15 mph or more;
- (2) Passes another vehicle;
- (3) Fails to stop for a flagman, an emergency responder, or a traffic control signal in the active emergency zone;
- (4) Drives through, or around, an active emergency zone via any lane that is not for motorists;
- (5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument;
- (6) Intentionally strikes or moves barrels, barriers, signs or other devices for a reason other than to avoid an obstacle, emergency, or to protect the health and safety of another person; or
- (7) Commits various offenses that allow for the assessment of points under section 302.302.

When no injury or death results, a person who pleads guilty to, or is convicted of, endangering an emergency responder shall be subject to a fine of not more than \$1,000. If a death or injury results, the

person commits aggravated endangerment of an emergency responder. The penalty for aggravated endangerment of an emergency responder is a fine of not more than \$5,000 if a responder is injured, and not more than \$10,000 if death resulted.

The act provides for the assessment of 4 points for endangerment of an emergency responder and 12 points for aggravated endangerment of an emergency responder.

If a person commits endangerment or aggravated endangerment of an emergency responder as a result of a vehicle's mechanical failure or the negligence of another person, then the person shall not be cited for, or convicted of, such offenses.

This section is similar to provisions of HCS/SCS/SB 887 (2010), HCS/HB 1541 (2010), and HB 1693 (2010).

MEGHAN LUECKE

02/10/2011 S First Read--SB 260-Wasson (S232)

02/17/2011 Second Read and Referred S Transportation Committee (S285)

02/23/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 261 \*\*\*

1453S.021

SENATE SPONSOR: Goodman

SB 261 - Under this section, a person commits criminal nonsupport if he or she knowingly fails to provide adequate support for his or her spouse or child as legally obligated. Currently, such an act is criminal if the person did so without good cause.

This section is similar to a provision of HCS/SCS/SB 829 (2010).

MEGHAN LUECKE

02/10/2011 S First Read--SB 261-Goodman (S232)

02/17/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 262 \*\*\*

1411S.011

SENATE SPONSOR: Goodman

SB 262 - Under this act, any health benefit plan that provides coverage and benefits for cancer chemotherapy treatment shall not require a higher copayment, deductible, or coinsurance amount for a prescribed, orally administered anticancer medication that is used to kill or slow the growth of cancerous cells than what the plan requires for an intravenously administered or injected cancer medication that is provided, regardless of formulation or benefit category determination by the health carrier administering the health benefit plan. A health carrier shall not achieve compliance with the provisions of the act by imposing an increase in copayment, deductible, or coinsurance amount for an intravenously administered or injected cancer chemotherapy agent covered under the health benefit plan.

STEPHEN WITTE

02/10/2011 S First Read--SB 262-Goodman (S232)

02/17/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S285)

03/08/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 263 \*\*\*

1005S.021

SENATE SPONSOR: Green

SB 263 - This act requires pawnbrokers to make a photograph of anybody selling or pledging jewelry, gold, or silver and to complete a form for each transaction involving such items. In addition to descriptive information about the seller or pledgor and the sale, the transaction form must include the seller or pledgor's thumb print. The pawnbroker must display the photograph and fingerprint requirements in a prominent place.

The pawnbroker must hold onto the photograph and the form for a year. Sixty days before destroying the

documents, the pawnbroker must notify the local police who may request the documents. The police may also request the documents at any other time within the year in connection with a specific item of stolen property and the pawnbroker must turn over the documents.

Pawnbrokers may not sell, trade, melt, dispose of, alter, or destroy jewelry, gold, or silver until a week after receiving the items unless the items are the subject of a hold order or needed as evidence.

A willful violation of this act is a misdemeanor punishable by a fine of up to \$5,000 or up to six months confinement in the county jail. A second conviction will be punishable by fine or imprisonment and a permanent revocation of the pawnshop's license.

MEGHAN LUECKE

02/10/2011 S First Read--SB 263-Green (S232)

02/17/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S285)

03/08/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 264 \*\*\*

1456S.011

SENATE SPONSOR: Rupp

SB 264 - This act establishes that the state will consist of eight congressional districts effective with the election for the 113th Congress. The current congressional districts will remain in effect for any elections to the 112th Congress.

EMILY KALMER

02/10/2011 S First Read--SB 264-Rupp (S232)

02/17/2011 Second Read and Referred S Select Committee on Redistricting Committee (S285)

03/14/2011 Hearing Cancelled S Select Committee on Redistricting Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 265 \*\*\*

1417S.011

SENATE SPONSOR: Rupp

SB 265 – This act creates the "Advanced Placement Incentive Grant." Any student who receives an Access Missouri award or receives funds under the A+ Schools Program and has also received a score of 3 or higher on two or more Advanced Placement tests in math or science will receive a \$500 grant. In addition, a student must have earned the AP scores while attending a Missouri public high school.

MICHAEL RUFF

02/10/2011 S First Read--SB 265-Rupp (S232)

02/17/2011 Second Read and Referred S Education Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 266 \*\*\*

1457S.011

SENATE SPONSOR: Dempsey

SB 266 - Under current law, the county clerk or the board of election commissioners is the election authority. This act designates the director of elections as the election authority in charter counties that do not have a board of election commissioners or a county clerk.

CHRIS HOGERTY

02/10/2011 S First Read--SB 266-Dempsey (S232)

02/17/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 267 \*\*\*

1539S.011

SENATE SPONSOR: Schaaf

SB 267 - This act requires hospitals to annually administer, or make available to be administered,

immunizations against the influenza virus to hospital employees who have direct contact with patients of the hospital.

A hospital shall not require an employee to receive an immunization under this act if:

- (1) The hospital has written documentation from the employee's physician or other health care provider indicating that the individual received an immunization and determines that no additional immunization is required;
- (2) The immunization is medically contraindicated for the employee;
- (3) Receiving the immunization is against the employee's religious beliefs; or
- (4) The employee declines in writing the immunization after receiving education on the risks and benefits of an immunization against the influenza.

ADRIANE CROUSE

02/14/2011 S First Read--SB 267-Schaaf (S241)

02/17/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 268 \*\*\*

1452S.011

SENATE SPONSOR: Stouffer

SB 268 – Under current law, the University of Missouri Board of Curators is given authority to award funds for research projects to advance knowledge in the area of Alzheimer's disease and related disorders. This act increases the statutory award amount per individual award from 30 thousand dollars to 50 thousand dollars per year.

ADRIANE CROUSE

02/14/2011 S First Read--SB 268-Stouffer (S241)

02/17/2011 Second Read and Referred S Education Committee (S285)

03/09/2011 Hearing Conducted S Education Committee

03/16/2011 Voted Do Pass S Education Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 269 \*\*\*

0391S.021

SENATE SPONSOR: Brown

SB 269 - The act requires the State Auditor to audit every joint municipal utility commission in the state beginning in the year 2012 and at least once every two years thereafter. The municipalities that form a joint municipal utility commission must pay for the costs of the audit.

After conducting an audit of a joint municipal utility commission, the State Auditor must report the findings to the Governor and to the elected officers of each municipality that makes up the joint commission. The act lists certain financial disclosures that must be reported as part of any audit of a joint municipal utility commission.

The State Auditor must also report findings from an audit of a joint municipal utility commission to the General Assembly and may make legislative recommendations to improve accountability of the commissions.

The act requires at least one public hearing and voter approval prior to a third or fourth-class city entering into a contract to form a joint municipal utility commission or committing to an investment or project undertaken by a joint municipal utility commission where financial liability is held by the municipal citizens.

ERIKA JAQUES

02/14/2011 S First Read--SB 269-Brown (S241)

02/17/2011 Second Read and Referred S Governmental Accountability Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 270 \*\*\*

1258S.011

SENATE SPONSOR: Kraus

SCS/SB 270 - This act removes the first Tuesday after the first Monday in February and June as dates available for public elections.

CHRIS HOGERTY

02/14/2011 S First Read--SB 270-Kraus (S241)

02/17/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S285)

02/21/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

02/28/2011 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee (1258S.03C)

EFFECTIVE: August 28, 2011

\*\*\* SB 271 \*\*\*

1325S.021

SENATE SPONSOR: Kraus

SB 271 - This act modifies laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City.

#### POLICE RETIREMENT SYSTEM OF KANSAS CITY

This act specifies that the retirement benefits of members who retire after August 28, 2011 start on the first day of the month after the member retires. The member will not receive a prorated payment for the month in which the member retires.

The act also requires that all benefit payments will be paid on the last day of the month. When a member dies, certain benefits will be prorated for the portion of the month in which the member was alive, other benefits will not be prorated. The retirement system is required to withhold payment of benefits until the required documentation is filed to prove that a person is entitled to the payment.

Members are no longer able to receive credit toward retirement for unpaid leaves of absence of less than thirty days, except for leaves of absence for certain military service. If a member is on a leave of absence, to receive credit towards retirement for their leave, the person must return to active service and pay the actuarial cost of the service.

A person who has at least five years of service and returns to membership in the retirement system can purchase credit for prior service, but must pay the actuarial cost of the service, rather than repaying the amount of their accumulated contributions with interest.

If a person leaves the police department before retirement after at least fifteen years of service, the pension the person receives will start on the first day of the month after the person turns fifty-five, rather than the day the person turns fifty-five.

#### Civilian Employees' Retirement System of the Police Department of Kansas City

This act prohibits membership in the Civilian Employees' Retirement System of the Police Department of Kansas City by any employee appointed after August 28, 2011 who is eligible to receive a pension from any other Kansas City retirement system.

The act specifies that the retirement benefits of members who retire after August 28, 2011 start on the first day of the month after the member retires. The member will not receive a prorated payment for the month in which the member retires.

The act also requires that all benefit payments will be paid on the first day of the month. When a member dies, benefits to the surviving spouse will not be prorated. The retirement system is required to withhold payment of benefits until the required documentation is filed to prove that a person is entitled to the payment.

Members are prohibited from receiving credit toward retirement for unpaid leaves of absence, except for leaves of absence for certain military service. If a member is on a leave of absence, to receive credit towards retirement for their leave, the person must return to active service and pay the actuarial cost of the service.

A person who has at least three years of service and returns to membership in the retirement system can purchase credit for prior service, but must pay the actuarial cost of the service, rather than repaying the amount of their accumulated contributions with interest.

This act is similar to HB 183 (2011).

EMILY KALMER

02/14/2011 S First Read--SB 271-Kraus (S241)

02/17/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs  
Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 272 \*\*\*

1327S.011

SENATE SPONSOR: Green

SB 272 - This act provides that when a court awards attorney fees and other expenses against a state agency, such agency cannot request an additional appropriation of money to satisfy such an award. Within thirty days of the judgement awarding the fees and expenses becoming final, the agency shall forward the amount of awarded fees and expenses to the chairs of the House Budget Committee and the Senate Appropriations Committee.

JIM ERTLE

02/14/2011 S First Read--SB 272-Green (S242)

02/17/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S285)

EFFECTIVE: Contingent

\*\*\* SB 273 \*\*\*

0566S.021

SENATE SPONSOR: Lembke

SB 273 - This act modifies certain provisions of the Firemen's Retirement System of St. Louis.

The act specifies that the retirement plan is intended to be a qualified governmental plan under federal tax law. The benefits and conditions of the plan shall be interpreted and the system shall be operated to ensure that the system meets the federal qualification requirements.

This act also changes the method the system's actuaries use to determine the amount of the contribution required from the city each year from the current frozen initial liability method to the entry age normal method.

EMILY KALMER

02/14/2011 S First Read--SB 273-Lembke (S242)

02/17/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs  
Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 274 \*\*\*

1458S.011

SENATE SPONSOR: Lembke

SB 274 - The act specifies that a landlord or a landlord's water and sewer service billing provider shall not be considered a public utility or water or sewer corporation for purposes of regulation by the Public Service Commission.

Under the act, a landlord may apportion charges for water and sewer services to tenants by actually measuring individual tenant utility usage with a meter or by allocating charges through use of a mathematical formula. Landlords may use a mathematical formula to apportion water and sewer charges for common areas to each tenant. If using a meter, landlords must disclose certain information about the meter readings on the tenant's bill. If using a mathematical formula, landlords must disclose the formula to a prospective tenant prior to entering into a lease.

The total amount billed to tenants by a landlord for water and sewer service must not exceed the total amount owed by the landlord to the utility for service to the property, except that landlords may charge tenants for reasonable administrative costs, provided that the administrative costs are disclosed prior to the signing of a lease. Landlords may also charge late fees, which shall be considered part of a tenant's rent. Landlords may use third-party billing providers to bill tenants for water and sewer service, but the providers must comply with act's requirements in the same manner as landlords.

ERIKA JAQUES

02/14/2011 S First Read--SB 274-Lembke (S242)

02/17/2011 Second Read and Referred S General Laws Committee (S285)

EFFECTIVE: August 28, 2011

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**\*\*\* SB 275 \*\*\***

1387S.011

SENATE SPONSOR: Lembke

SB 275 - This act allows retirees who were public safety officers and who are part of the Missouri Local Government Employees' Retirement System (LAGERS) to authorize the LAGERS's board to deduct required health insurance or long-term care insurance premiums from the amount of their retirement benefit.

This act is similar to HB 360 (2011).

EMILY KALMER

02/14/2011 S First Read--SB 275-Lembke (S242)

02/17/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S285)

EFFECTIVE: August 28, 2011

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**\*\*\* SB 276 \*\*\***

1175S.031

SENATE SPONSOR: Schaefer

SB 276 - This act allows state agencies to accept credit and debit cards and charge surcharges for the use of credit and debit cards for the payment of fees and other services.

CHRIS HOGERTY

02/14/2011 S First Read--SB 276-Schaefer (S242)

02/17/2011 Second Read and Referred S General Laws Committee (S285)

EFFECTIVE: August 28, 2011

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**\*\*\* SB 277 \*\*\***

1416S.011

SENATE SPONSOR: Lager

SB 277 - Under current law, municipalities may enact ordinances that limit the use of certain designated streets to passenger vehicles. This act modifies this authorization by requiring municipalities to allow at least one street, with lawful traffic movement and access from both directions, to be available for use by commercial motor vehicles to access any roads in the state highway system. No municipality may pass an ordinance that denies the use of commercial motor vehicles on all streets within the municipality.

Under this act, the use of motor vehicles on a public street or highway in a manner which is legal under state and local law shall not constitute a public or private nuisance, and shall not be the basis of a civil action for public or private nuisance. No individual or business entity shall be subject to any civil action in law or equity for a public or private nuisance on the basis of such individual or business entity legally using motor vehicles on a public street. Any actions by a court to enjoin the use of a public street or highway and any damages awarded or imposed by a court, or assessed by a jury, against an individual or business entity for public or private nuisance in violation of this act shall be null and void.

STEPHEN WITTE

02/15/2011 S First Read--SB 277-Lager (S252)

02/17/2011 Second Read and Referred S General Laws Committee (S285)

EFFECTIVE: August 28, 2011

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**\*\*\* SB 278 \*\*\***

1321S.031

SENATE SPONSOR: Munzlinger

SB 278 - Private nuisance actions based upon an air emission or water or solid waste discharge, other than the placement of nuclear waste, are specifically prohibited, if the emission or discharge was expressly authorized by a statute, regulation, certain licenses or permits, or a court order and the emission or discharge does not violate a term of the statute, regulation, license, permit, or order. However, a person may file suit based on these types of actions, if the emission or discharge produces a result that was unknown or not reasonably foreseeable at the time it was authorized.

EMILY KALMER

02/15/2011 S First Read--SB 278-Munzlinger, et al (S252)  
 02/17/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S285)  
 02/23/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 03/02/2011 Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee  
 03/03/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor (S389)  
 03/16/2011 Bill Placed on Informal Calendar (S464)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 278-Munzlinger, et al

EFFECTIVE: August 28, 2011

\*\*\* SB 279 \*\*\*

1406S.021

SENATE SPONSOR: Schmitt

SCS/SB 279 - This act establishes the Compete Missouri Program which combines six existing business incentive programs and will provide tax incentives for job creation and capital investment. The act also establishes the Compete Missouri Job Training Program which combines three existing job training programs and provides funding for job training.

#### COMPETE MISSOURI JOB TRAINING PROGRAM

The act establishes the Compete Missouri Job Training Program which will provide financial assistance for job training for new jobs created by qualified companies. Financial assistance will also be available to business and technology centers established by Missouri community colleges, or state-owned postsecondary technical colleges, to provide business and training services for growth industries. The act provides for the diversion of withholding taxes from new or retained jobs of qualified companies to pay costs incurred by new or retained jobs training projects administered by local educational agencies such as community and technical colleges.

The provisions of the act creating the Compete Missouri Training Program will automatically sunset July 1, 2018, unless reauthorized.

#### COMPETE MISSOURI PROGRAM

The Compete Missouri Program is established to provide tax incentives in the form of sales and use tax exemptions, retained withholding taxes, and refundable income and financial institutions tax credits for qualified companies that create new jobs and make capital investments. The program provides both entitlement and discretionary benefits for qualified companies that offer health insurance to all employees and pay at least fifty percent of the premiums. Tax credits provided under the program are fully transferrable and must be used within one taxable year following the close of the taxable year in which they are issued.

#### SALES AND USE TAX EXEMPTIONS

Qualified companies, which create a minimum of twenty new jobs with an average wage equal to or exceeding ninety percent of the county average wage, will be eligible to receive up to three years of state and local sales tax exemption for purchases of tangible personal property and building materials used to construct, repair, or remodel a project facility. If a qualified company is an information technology business, it may also receive up to five years of state and local sales tax exemptions for utilities and telecommunications services purchased for use at the project facility. The department of economic development will certify qualified companies for the state sales tax exemptions while local governments will have the option to certify qualified companies for exemptions from their local sales taxes. The act contains recapture provisions requiring repayment of tax incentives in the event a qualified company fails to meet program requirements.

#### JOB CREATION BENEFITS

Qualified companies that create twenty or more new jobs with an average wage equal to or in excess of ninety percent of the county average wage will be entitled to retain withholding taxes from new payroll for a period of five years. Such a company will also be entitled to tax credits equal to up to two percent of new payroll to be issued each year for five years, provided that the combined tax credit and retained withholding benefits cannot exceed five percent of new payroll. The act gives the department of economic development the discretion to issue such company additional tax credits, equal to up to four percent of payroll, for five years provided that the total amount of all benefits received does not exceed nine percent of new payroll annually. In addition, discretionary tax credits authorized by the department cannot exceed the projected net state benefit.



If a qualified company is in a targeted industry and it creates ten or more new jobs with an average wage equal to or in excess of ninety percent of the county average wage, it will be entitled to retain withholding taxes from new payroll for a period of five years. Such a company will also be entitled to tax credits equal to up to three percent of new payroll to be issued each year for five years, provided that the combined tax credit and retained withholding benefits cannot exceed six percent of new payroll. The act gives the department of economic development the discretion to issue such company additional tax credits, equal to up to six percent of new payroll, for five years provided that the total amount of all benefits received does not exceed nine percent of new payroll annually. Discretionary tax credits authorized by the department cannot exceed the projected net state benefit.

Qualified companies, located within an enhanced enterprise zone, that create two or more new jobs with an average wage equal to or in excess of eighty percent of the county average wage and make a capital investment of at least one hundred thousand dollars will be entitled to retain withholding taxes for a period of five years. If a qualified company is located within a dormant manufacturing zone and it creates two or more jobs with an average wage equal to or in excess of eighty percent of the county average wage, it will be entitled to retain withholding taxes from the new payroll for five years.

Any qualified company that is an existing Missouri business and meets the aforementioned conditions under the compete Missouri program will be entitled to retain withholding taxes for an additional year.

As an alternative to all other benefits available under the program, the department of economic development may provide up-front financing to qualified companies in the form of refundable tax credits capable of being issued upon approval of the project. To receive such benefits, a qualified company must enter into a written agreement with the department that provides performance requirements and clawback provisions. Qualified companies in targeted industries could receive tax credits equal to as much as nine percent of new payroll projected over a five year period. Non-targeted industry qualified companies could receive tax credits equal to as much as seven percent of new payroll projected over a five year period.

#### GENERAL PROGRAM REQUIREMENTS

The Department of Economic Development is required to respond to a request for a proposed benefit award under the Compete Missouri Program within five business days of the receipt of such request. The response must contain either a proposal of benefits or a written refusal stating the reasons no proposal will be provided. Failure by the department to approve or disapprove a notice of intent for benefits under the program will result in a deemed approval. Beginning January 1, 2012, the department of economic development must provide quarterly reports on the program to the general assembly, including a listing of all approved and disapproved applicants and the department's response time to requests for proposed benefit awards. Qualified companies that receive benefits under the program will be required to provide annual reports to the department, in order to document compliance with all applicable requirements and stating the amount of sales taxes exempted.

The act prohibits the approval of new projects after August 28, 2011, under the Quality Jobs, Enhanced Enterprise Zone, BUILD, Development, Rebuilding Communities, and Business Facilities programs.

The act limits the amount of up-front job creation tax credits that may be authorized each fiscal year to no more than:

- 1) \$15 million for FY 2012;
- 2) \$30 million for FY 2013;
- 3) \$45 million for FY 2014; and
- 4) \$60 million for FY 2015 and all subsequent fiscal years.

The total amount of all tax credits authorized for each fiscal year under the Compete Missouri Program including any up-front job creation tax credits and any outstanding authorizations for tax credits under the six programs prohibited from approving new projects after August 28, 2011, cannot exceed:

- 1) \$111 million for FY 2012;
- 2) \$126 million for FY 2013; and
- 3) \$141 million for FY 2014 and each subsequent fiscal year.

The provisions of the act creating the Compete Missouri Program will automatically sunset six years after the effective date of the act unless reauthorized.

JASON ZAMKUS

02/15/2011 S First Read--SB 279-Schmitt, et al (S252)

02/17/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S285)  
03/02/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
03/09/2011 SCS Voted Do Pass S Jobs, Economic Development and Local Government Committee - (1406S.03C)

EFFECTIVE: August 28, 2011

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\*\*\* SB 280 \*\*\* SCS SB 280

1537S.02C

SENATE SPONSOR: Purgason

SCS/SB 280 - This act modifies provisions of Missouri tax credit programs in accordance with recommendations made by the Missouri Tax Credit Review Commission Report.

#### BROWNFIELD REMEDIATION TAX CREDITS

The act prohibits the authorization of more than twenty-five million dollars in Brownfield remediation tax credits annually. The credit amount for soft costs is reduced from one hundred percent to twenty-five percent. The act prohibits the stacking of other state incentives with Brownfield remediation tax credits unless the project will generate a positive fiscal benefit to the state. The act requires the recapture of Brownfield remediation tax credits to the extent the amount issued exceeds the state benefit. (Section 447.708)

#### NEIGHBORHOOD PRESERVATION TAX CREDITS

The "first-come, first-serve" requirement for tax credit issuance is repealed and replaced with a targeted neighborhood approach that would provide priority for projects which provide the highest impact. Neighborhood Associations will now be able to participate in the program. The annual cap on neighborhood preservation tax credits is reduced from sixteen million dollars to ten million dollars. Tax credits will be allocated among projects located within qualifying and eligible areas based upon demand. Residents which receive tax credits for owner-occupied residences will be subject to recapture if they fail to maintain residency in such home for a five-year period. (Sections 135.481 to 135.487)

#### LOW-INCOME HOUSING TAX CREDITS

Under current law, low-income housing tax credits are allowed over a ten-year period. Beginning July 1, 2011, this act reduces the period of time in which low-income housing tax credits are allowed to a five-year period and limits the total amount of low-income tax credits authorized annually to no more than eighty million dollars. The issuance of four percent low-income housing tax credits will be prohibited after June 30, 2011. The act also prohibits stacking low-income housing tax credits with historic preservation tax credits. Taxpayers will be capable of receiving tax credits once the first low-income unit is occupied by a qualified tenant. The carry-back provision for low-income housing tax credits is reduced from three years to two years. (Section 135.352)

#### AFFORDABLE HOUSING ASSISTANCE

Under current law, tax credits for contributions to non-profit organizations for the construction, rehabilitation, or acquisition of affordable housing are capped at ten million per fiscal year. This act reduces the cap to eight million five hundred thousand dollars per fiscal year. The one million dollar fiscal year cap on tax credits for contributions to non-profit housing organizations to assist with their basic operating expenses is increased to two million five hundred thousand dollars. The credit amount for affordable housing tax credits is reduced from fifty-five percent of an eligible donation or contribution to forty percent of such donation or contribution. (Sections 32.105 to 32.120)

#### HISTORIC PRESERVATION TAX CREDITS

Under current law, the Department of Economic Development is prohibited from issuing more than one hundred forty million dollars in historic preservation tax credits in any fiscal year for projects which will receive more than two hundred and seventy-five thousand dollars in tax credits. Beginning fiscal year 2012, and each fiscal year thereafter, this act would prohibit the Department of Economic Development from issuing more than seventy-five million dollars in historic preservation tax credits increased by the amount of any rescissions of approved applications for tax such credits. Projects which would receive less than two hundred seventy-five thousand dollars in tax credits will be subject to the seventy-five million dollar cap.

The act prohibits the department from issuing more than fifty thousand dollars in historic preservation tax credits per project for non-income producing residential rehabilitation projects. Non-income producing residential rehabilitation projects involving a subject property with a purchase price in excess of one hundred fifty thousand dollars will be ineligible for tax credits. Applicants for projects that, as of June 30, 2011, have:

received approval from the department of economic development; incurred certain levels of expenses; been approved for 4% federal low-income housing tax credits; or received certification from the state historical preservation officer will not be subject to the new limitations on tax credit issuance, but will be subject to the current law limitations on tax credit issuance. The act also prohibits the stacking of historic preservation tax credits with neighborhood preservation tax credits or low-income housing tax credits. Historic preservation tax credits will now be capable of being carried back one year or forward five years. (Sections 253.545 to 253.559)

#### SOCIAL AND CONTRIBUTION TAX CREDITS

The definition of taxpayer contained in social and contribution tax credit programs is broadened to allow additional donors to participate. Social and contribution tax credits which under current law are non-transferrable will now be transferrable, but once transferred the value of the credit will be reduced by ten percent. For all taxable years beginning on or after January 1, 2012, the act decreases the Missouri Development Finance Board Infrastructure Contribution credit from a fifty percent credit for contributions received to a credit equal to thirty-five percent of the amount contributed. The Affordable Housing Assistance Program tax credit is also reduced from fifty-five percent of the eligible donation to forty percent of such donation. The Disabled Access Tax Credit is reduced from fifty percent to thirty-five percent of eligible access expenditures. The per donor contribution limit for food pantry tax credits is increased to \$10,000 for donations of food and \$50,000 for donations of cash. The act excludes international adoption expenses from qualifying under the special needs adoption tax credit program. Beginning January 1, 2012, social and contribution tax credits will be reduced from fifty percent of the eligible contribution or donation to thirty-five percent and where applicable from seventy-percent of the eligible donation or contribution to fifty percent of such contribution or donation.

#### SUNSET PROVISIONS FOR CERTAIN TAX CREDIT PROGRAMS

Due to the commission's recommendation that reforms to programs be made on a prospective basis, rather than utilizing traditional sunset provisions, this act prohibits the authorization of tax credits under the following programs after August 28, 2014:

- 1) The Brownfield Remediation Tax Credit;
- 2) The Neighborhood Preservation Tax Credit
- 3) The MDFB Bond Guarantee Tax Credit;
- 4) The MDFB Infrastructure Development Contribution Tax Credit;
- 5) The Family Farm Breeding Livestock Tax Credit;
- 6) The Agricultural Product Utilization Tax Credit;
- 7) The New Generation Cooperative Tax Credit;
- 8) The Qualified Beef Tax Credit; and
- 8) The Neighborhood Assistance Tax Credit.

The authorization of tax credits under the following programs will be prohibited after August 28, 2015:

- 1) The Historic Preservation Tax Credit;
- 2) The Low-Income Housing Tax Credit;
- 3) The Domestic Violence Shelter Tax Credit;
- 4) The Maternity Home Tax Credit;
- 5) The Pregnancy Resource Center Tax Credit;
- 6) The Shared Care Tax Credit;
- 7) The Youth Opportunities Tax Credit;
- 8) The Disabled Access Tax Credit;
- 9) The Family Development Account Tax Credit;
- 10) The Residential Treatment Agency Tax Credit;
- 11) The Food Pantry Tax Credit;
- 12) The Neighborhood Assistance Program; and
- 13) The Property Tax Credit (Circuit Breaker).

Where, under current law, a tax credit was subject to the sunset act, the sunset provision is modified to sunset such program on the date provided above.

The limitations on tax credit authorizations provided in the act will not impair an administering agencies ability to issue tax credits that were authorized prior to the date on which authorizations are prohibited, nor will they affect a taxpayer's ability to redeem such tax credits.

The act prohibits the approval of any new applicants under the Distressed Areas Land Assemblage Tax Credit program after August 28, 2011.

#### REPEAL OF CERTAIN TAX CREDIT PROGRAMS

This act repeals the following tax credit programs:

- 1) The Wine and Grape Production Tax Credit;
- 2) The Charcoal Producers Tax Credit;
- 3) The Self-Employed Health Insurance Tax Credit;
- 4) The Small Business Incubator Tax Credit;
- 5) The Railroad Rolling Stock Tax Credit; and
- 6) The Brownfield Jobs/Investment Credit.

The act also 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.

#### CORPORATE FRANCHISE TAX

The act caps corporate franchise tax liabilities at the amount of each corporation's tax liability for the 2010 tax year. If a corporation did have a corporate franchise tax liability in 2010 because such corporation was not doing business within the state or did not exist, such corporation's franchise tax liability will be capped at the amount of such corporation's franchise tax liability for its first full-year of existence. 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. (Section 147.010)

#### COMPETE MISSOURI

This act establishes the Compete Missouri Program which combines six existing business incentive programs and will provide tax incentives for job creation, job retention, and capital investment. The act also establishes the Compete Missouri Job Training Program which combines three existing job training programs and provides funding for job training.

The act establishes the Compete Missouri Job Training Program which will provide financial assistance for job training for new jobs created by qualified companies. Financial assistance will also be available to business and technology centers established by Missouri community colleges, or state-owned postsecondary technical colleges, to provide business and training services for growth industries. The act provides for the diversion of withholding taxes from new or retained jobs of qualified companies to pay costs incurred by new or retained jobs training projects administered by local educational agencies such as community and technical colleges.

The provisions of the act creating the Compete Missouri Training Program will automatically sunset July 1, 2018, unless reauthorized. (Sections 620.800 to 620.809)

The Compete Missouri Program is established to provide tax incentives in the form of sales and use tax exemptions, retained withholding taxes, and refundable income and financial institutions tax credits for qualified companies that create new or retain existing jobs and make capital investments. The program provides both entitlement and discretionary benefits for qualified companies that offer health insurance to all employees and pay at least fifty percent of the premiums. Tax credits provided under the program are fully transferrable and must be used within one taxable year following the close of the taxable year in which they are issued. (Sections 620.2000 to 620.2020)

Qualified companies, which create a minimum of twenty new jobs with an average wage equal to or exceeding ninety percent of the county average wage or retain at least one hundred and twenty-five jobs with an average wage equal to or in excess of ninety percent of the county average wage and make at least fifteen million dollars in capital investment, will be eligible to receive up to three years of state and local sales tax exemption for purchases of tangible personal property and building materials used to construct, repair, or remodel a project facility. The Department of Economic Development will certify qualified companies for the state sales tax exemptions while local governments will have the option to certify qualified companies for exemptions from their local sales taxes. The act contains recapture provisions requiring repayment of tax incentives in the event a qualified company fails to meet program requirements. (Sections 144.062 and 144.540)

Qualified companies that create twenty or more new jobs with an average wage equal to or in excess of

ninety percent of the county average wage will be entitled to retain withholding taxes from new payroll for a period of five years. Such a company will also be entitled to tax credits equal to up to two percent of new payroll to be issued each year for five years, provided that the combined tax credit and retained withholding benefits cannot exceed five percent of new payroll. The act gives the Department of Economic Development the discretion to issue such company additional tax credits, equal to up to four percent of payroll, for five years provided that the total amount of all benefits received does not exceed nine percent of new payroll annually. In addition, discretionary tax credits authorized by the department cannot exceed the projected net state benefit.

If a qualified company is in a targeted industry and it creates ten or more new jobs with an average wage equal to or in excess of ninety percent of the county average wage, it will be entitled to retain withholding taxes from new payroll for a period of five years. Such a company will also be entitled to tax credits equal to up to three percent of new payroll to be issued each year for five years, provided that the combined tax credit and retained withholding benefits cannot exceed six percent of new payroll. The act gives the Department of Economic Development the discretion to issue such company additional tax credits, equal to up to six percent of new payroll, for five years provided that the total amount of all benefits received does not exceed nine percent of new payroll annually. Discretionary tax credits authorized by the department cannot exceed the projected net state benefit.

Qualified companies, located within an enhanced enterprise zone, that create two or more new jobs with an average wage equal to or in excess of eighty percent of the county average wage and make a capital investment of at least one hundred thousand dollars will be entitled to retain withholding taxes for a period of five years.

Any qualified company that is an existing Missouri business and meets the aforementioned conditions under the compete Missouri program will be entitled to retain withholding taxes for an additional year.

As an alternative to all other benefits available under the program, the Department of Economic Development may provide up-front financing to qualified companies in the form of refundable tax credits capable of being issued upon approval of the project. To receive such benefits, a qualified company must enter into a written agreement with the department that provides performance requirements and clawback provisions. Qualified companies in targeted industries could receive tax credits equal to as much as nine percent of new payroll projected over a five year period. Non-targeted industry qualified companies could receive tax credits equal to as much as seven percent of new payroll projected over a five year period.

The Department of Economic Development may allow qualified companies, that agree to retain at least one hundred and twenty-five existing jobs with an average wage equal to or in excess of ninety percent of the county average wage for at least five years and agree to make a capital investment equal to three times the amount of state benefits provided within two years, to retain withholding taxes from the retained jobs for a period of five years. As an alternative to all other benefits available under the program, the Department of Economic Development may provide up-front financing to qualified companies in the form of refundable tax credits capable of being issued upon approval of the project. Qualified companies, that agree to retain at least one hundred and twenty-five existing jobs with an average wage equal to or in excess of ninety percent of the county average wage for at least five years and agree to make a capital investment equal to three times the amount of state benefits provided within two years, could receive tax credits equal to as much as eighty percent of withholdings from retained job payroll projected over a five year period. In order to receive the job retention benefits, a qualified company must enter into a written agreement with the department providing detailed performance requirements and recapture provisions.

The Department of Economic Development is required to respond to a request for a proposed benefit award under the Compete Missouri Program within five business days of the receipt of such request. The response must contain either a proposal of benefits or a written refusal stating the reasons no proposal will be provided. Failure by the department to approve or disapprove a notice of intent for benefits under the program will result in a deemed approval. Beginning January 1, 2012, the Department of Economic Development must provide quarterly reports on the program to the General Assembly, including a listing of all approved and disapproved applicants and the department's response time to requests for proposed benefit awards. Qualified companies that receive benefits under the program will be required to provide annual reports to the department, in order to document compliance with all applicable requirements and stating the amount of sales taxes exempted.

The act prohibits the approval of new projects after August 28, 2011, under the Quality Jobs, Enhanced Enterprise Zone, BUILD, Development, Rebuilding Communities, and Business Facilities programs.

The act limits the amount of up-front job creation and retention tax credits that may be authorized each fiscal year to no more than:

- 1) \$15 million for FY 2012;
- 2) \$30 million for FY 2013;
- 3) \$45 million for FY 2014; and
- 4) \$60 million for FY 2015 and all subsequent fiscal years.

The total amount of all tax credits authorized for each fiscal year under the Compete Missouri Program including any up-front job creation/retention tax credits and any outstanding authorizations for tax credits under the six programs prohibited from approving new projects after August 28, 2011, cannot exceed:

- 1) \$111 million for FY 2012;
- 2) \$126 million for FY 2013; and
- 3) \$141 million for FY 2014 and each subsequent fiscal year.

The provisions of the act creating the Compete Missouri Program will automatically sunset six years after the effective date of the act unless reauthorized.

This act contains an emergency clause.

JASON ZAMKUS

02/15/2011 S First Read--SB 280-Purgason, et al (S252)  
 02/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S285)  
 03/03/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee  
 03/10/2011 SCS Voted Do Pass S Ways and Means and Fiscal Oversight Committee - (1537S.02C)  
 03/10/2011 Reported from S Ways and Means and Fiscal Oversight Committee to Floor w/SCS (S433)  
 03/16/2011 Bill Placed on Informal Calendar (S469)  
 03/25/2011 S Informal Calendar S Bills for Perfection--SB 280-Purgason, et al, with SCS

EFFECTIVE: Emergency Clause

\*\*\* SB 281 \*\*\*

0940S.011

SENATE SPONSOR: Kraus

SB 281 - This act requires sellers of property or services that are subject to sales tax to print the applicable cumulative state and local sales tax rate on the receipt provided to the consumer. This requirement will only apply to electronically printed receipts.

JASON ZAMKUS

02/16/2011 S First Read--SB 281-Kraus (S265)  
 02/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S285)  
 03/17/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 282 \*\*\*

1542S.01P

SENATE SPONSOR: Engler

SB 282 - This act changes the date of the presidential primary from the first Tuesday after the first Monday in February to seven days after the New Hampshire primary.

This act removes the first Tuesday after the first Monday in February and June as dates available for public elections.

CHRIS HOGERTY

02/16/2011 S First Read--SB 282-Engler (S265)  
 02/17/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S285)  
 02/21/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/28/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee - Consent  
 03/03/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor - Consent (S388)

03/04/2011 Removed S Consent Calendar (S403)  
 03/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S433)  
 03/16/2011 SA 1 S offered (Kraus)--(1542S01.01S) (S469)  
 03/16/2011 Bill Placed on Informal Calendar (S469)  
 03/16/2011 SA 1 S adopted (S471)  
 03/16/2011 SA 2 S offered & adopted (Lager)--(1542S01.02S) (S471-472)  
 03/16/2011 SA 3 S offered & Ruled out of order (Lager)--(1542S01.05S) (S472)  
 03/16/2011 SA 4 S offered & defeated (Schaefer)--(1542S01.08S) (S472-473)  
 03/16/2011 SA 5 S offered & Ruled out of order (Schaaf)--(1542S01.09S) (S473-474)  
 03/16/2011 Perfected (S474)  
 03/17/2011 Reported Truly Perfected S Rules Committee (S494)  
 03/25/2011 S Formal Calendar S Bills for Third Reading--SB 282-Engler

EFFECTIVE: August 28, 2011

\*\*\* SB 283 \*\*\*

1301S.03I

SENATE SPONSOR: Munzlinger

SB 283 - Under this act, for the period between October 15th and December 15th of each year, any motor vehicle or combination of motor vehicles carrying agricultural products may operate with a load that exceeds the maximum weight load permitted by this chapter by ten percent on any tandem axle, group of axles, and gross weight. If enforcement action is taken pursuant to this act, the fine or penalty shall only apply to that portion of the load that is more than ten percent above the legal limit. The weight tolerance authorized by the act shall apply to all highways within the state of Missouri except for the interstate highway system and the strategic highway network (STRAHNET).

STEPHEN WITTE

02/16/2011 S First Read--SB 283-Munzlinger (S265)  
 02/17/2011 Second Read and Referred S Transportation Committee (S285)  
 02/23/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 284 \*\*\*

1412S.02P

SENATE SPONSOR: Wasson

SB 284 - This act allows the Board of Pharmacy to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed an act that would be grounds for discipline under the Board of Pharmacy's disciplinary statute.

This act defines the term "legend drug" for the purpose of certain pharmacy laws. Legend drugs will mean any drug or biological product that is subject to a certain federal law, is required to be labeled in certain ways, or is required to be dispensed by prescription only or is restricted to use by practitioners only. The act excludes certain drugs and drug products that are being used in clinical trials.

This act has an emergency clause for the section regarding legend drugs.

EMILY KALMER

02/16/2011 S First Read--SB 284-Wasson (S265)  
 02/17/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S285)  
 02/21/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/28/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee  
 03/03/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S388)  
 03/07/2011 SA 1 S offered & adopted (Ridgeway)--(1412S02.02S) (S400)  
 03/07/2011 Perfected, as amended (S400)  
 03/08/2011 Reported Truly Perfected S Rules Committee (S410)  
 03/10/2011 S Third Read and Passed - EC adopted (S427-428)  
 03/10/2011 H First Read (H594)  
 03/14/2011 H Second Read (H602)

EFFECTIVE: Emergency clause

\*\*\* SB 285 \*\*\*

1514S.011

SENATE SPONSOR: McKenna

SB 285 - This act removes February 12th (Lincoln's birthday) as a public holiday in the State of Missouri.

This act is similar to a provision in SS/HB 1268 (2010), SCS/HB 1677 (2010), and SCS/HB 1778 (2010).  
JIM ERTL

02/16/2011 S First Read--SB 285-McKenna and Lamping (S265)

02/17/2011 Second Read and Referred S General Laws Committee (S285)

EFFECTIVE: August 28, 2011

\*\*\* SB 286 \*\*\*

1556S.011

SENATE SPONSOR: McKenna

SB 286 – This act creates the Task Force on the Prevention of Sexual Abuse of Children.

Task Force members must be individuals who are actively involved in the prevention of child abuse and neglect and child welfare. The President Pro Tem of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the Senate may each appoint one member of the General Assembly to the task force. The following additional members will be on the task force: the director of the Department of Social Services, or his or her designee; the Commissioner of Education, or his or her designee; the director of the Department of Health and Senior Services, or his or her designee; a representative of an agency that leads the collaboration of the investigation, prosecution, and treatment of child sexual and physical abuse cases, appointed by the Governor; a representative of an organization representing law enforcement, appointed by the Governor; three active teachers employed in Missouri, appointed by the Governor; a representative of an organization involved in the prevention of child abuse, appointed by the Governor; a school superintendent, appointed by the Governor; a representative of a domestic violence shelter, appointed by the Governor; and an at-large member, appointed by the Governor.

The Task Force must make recommendations for reducing child sexual abuse. The Task Force must submit a final report with its recommendations to the Governor, General Assembly, and State Board of Education by January 1, 2012.

The Task Force may also adopt a policy addressing sexual abuse of children, including a curriculum.  
MICHAEL RUFF

02/16/2011 S First Read--SB 286-McKenna (S266)

02/17/2011 Second Read and Referred S General Laws Committee (S285)

03/01/2011 Hearing Scheduled But Not Heard S General Laws Committee

03/08/2011 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 287 \*\*\*

0441S.011

SENATE SPONSOR: Ridgeway

SB 287 – This act creates a special liquor license for wine shops to allow them to serve alcohol on Sundays from 9 a.m. to midnight. A wine shop is defined by the act as an establishment that serves wine by the drink out of dispensing accessories. There is a \$200 fee for the special license.

MEGHAN LUECKE

02/16/2011 S First Read--SB 287-Ridgeway (S266)

02/17/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S286)

03/15/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 288 \*\*\*

1587S.011



SENATE SPONSOR: Ridgeway

SB 288 - Under current law, all fees paid for admission or participation for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos, and planetariums, owned or operated by a municipality or other political subdivision are exempt from state and local sales and use taxes provided all proceeds derived from such fees do not inure to any private entity. This act removes the requirements that such places be owned or operated by a municipality or other political subdivision and that the proceeds from such fees not inure to private entities.

JASON ZAMKUS

02/16/2011 S First Read--SB 288-Ridgeway (S266)

02/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S286)

EFFECTIVE: August 28, 2011

\*\*\* SB 289 \*\*\*

1513S.011

SENATE SPONSOR: Lembke

SB 289 - This act prohibits smoking or use of tobacco products in any area of a state correctional center or the surrounding grounds. Any person who violates the provisions of this act is guilty of an infraction.

This act is identical to HB 445 (2011).

ADRIANE CROUSE

02/16/2011 S First Read--SB 289-Lembke (S266)

02/17/2011 Second Read and Referred S General Laws Committee (S286)

EFFECTIVE: August 28, 2011

\*\*\* SB 290 \*\*\*

1449S.011

SENATE SPONSOR: Lembke

SB 290 - Under current law, §434.100, RSMo, most indemnities for construction work are considered void and against public policy. Unless one of the statute's exceptions applies, a party to a contract for construction work cannot transfer a significant portion of its project risks to others via a broad indemnity agreement. The current statute contains nine exceptions to the general rule that these types of indemnity agreements are void.

Under this act, the general prohibition against indemnity agreements is expanded to specifically prohibit agreements to hold harmless the negligence of the party's employees, or agents. The current law only specifically prohibits agreements that hold harmless another person from that person's own negligence.

Under current law, the anti-indemnity provision does not apply to a party's own promise to hold another party harmless from the party's own negligence. This act expands the exception to include the party's officers, employees, and agents.

The act modifies the additional insured exception by providing that the anti-indemnity prohibition does not apply to a party's promise to purchase project-specific insurance policies, other types of protective liability insurance policies, or builder's risk insurance.

The act expands the definition of "construction work" and defines the terms "indemnify" or "hold harmless" as including any requirement to name the indemnified party as an additional insured in the indemnitor's insurance coverage for the purpose of providing an indemnification for any liability not otherwise allowed.

This act is similar to SB 1013 (2010), SB 311 (2009) and SB 1077 (2008).

STEPHEN WITTE

02/16/2011 S First Read--SB 290-Lembke (S266)

02/17/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S286)

EFFECTIVE: August 28, 2011

\*\*\* SB 291 \*\*\*

1374S.021

SENATE SPONSOR: Pearce

SB 291 – This act modifies the charter school laws.

SECTION 160.400 - Charter schools may be operated in school districts other than St. Louis and Kansas City provided they are sponsored by the school board of the district in which they are located.

This act prohibits a charter school governing board member from being selected by an employee of a company that provides substantial services to the school.

A charter school sponsor must develop policies and procedures for the review of a charter school proposal and the awarding of a charter, including procedures to be used when a school closes for the transfer or repository of student records and the disposition of school assets.

If the state board serves as interim sponsor of a charter school, the board may revoke the school's charter if the school fails to meet academic performance or other goals in the charter.

SECTION 160.405 - This act replaces the requirement that a charter state educational goals and objectives to be achieved by the school with the requirement that the charter contain an accountability plan, as described in the act. If the charter school is operated by a management company, the charter must also contain a copy of the written contract.

A charter must be submitted to the sponsor by August 15 of the year prior to the proposed opening date.

Charter schools must conduct a background check of education personnel, including through the Family Care Safety Registry.

Charter schools may be classified as experiencing financial stress by the Department of Elementary and Secondary education. When a charter school finishes a school year with a combined fund balance of less than one percent of the amount spent from the previous fiscal year, the Department of Elementary and Secondary Education must notify the charter school.

Charter school board members who neglect or refuse to comply with statutory duties will be subject to a misdemeanor violation.

Charter schools will be subject to the annual financial report currently required of school districts in section 162.821.

Currently, charter schools must collect baseline data during at least the first three years to determine performance. This act requires charter schools to establish baseline student performance during the first year of operation and collect student performance data, as described in the act, throughout the duration of the charter based upon grade levels offered by the school.

The sponsor, governing board, and charter school staff must jointly review the school's performance, management, and operations during the first year of operation and then every other year, instead of the current requirement of at least once every two years.

SECTION 160.415 - Charter schools will be eligible to receive Proposition C funds. Charter school weighted average daily attendance will be included in the distribution of Proposition C funds.

SECTION 160.420 - In addition to existing criminal background check requirements, charter schools must ensure that a Family Care Safety Registry check is conducted for employees.

This act contains provisions similar to provisions contained in SB 838 (2010) and HB 2200 (2010).

MICHAEL RUFF

02/17/2011 S First Read--SB 291-Pearce (S271)

02/24/2011 Second Read and Referred S Education Committee (S332)

03/16/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

SENATE SPONSOR: Schaaf

SB 292 - Presidential and vice presidential candidates are required to provide evidence of being nationals and citizens of the United States at birth to the Secretary of State in order to be certified as candidates. Long form birth certificates that record the name or address of the birthing facility along with the signature of certain legally authorized persons in attendance will be required as proof if one exists. Those that don't, will not be accepted.

The Secretary of State shall post the proof of birth on the internet.

CHRIS HOGERTY

02/17/2011 S First Read--SB 292-Schaaf (S271)

02/24/2011 Second Read and Referred S General Laws Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 293 \*\*\*

1593S.011

SENATE SPONSOR: Schaaf

SB 293 - Current allocations of tax revenues derived from the nonresident entertainer and athlete tax to the Missouri arts council trust fund, the Missouri state library networking fund, Missouri public television broadcasting corporation special fund, and the Missouri Department of Natural Resources Missouri historic preservation revolving fund are authorized to be made for all taxable years beginning on or after January 1, 1999, but ending on or before December 31, 2015. This act will allow such allocations perpetually.

This act is identical to House Bill 429 (2011).

JASON ZAMKUS

02/17/2011 S First Read--SB 293-Schaaf (S271)

02/24/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S332)

03/10/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 294 \*\*\*

1257S.031

SENATE SPONSOR: Keaveny

SB 294 – This act allows proposed or existing high risk or alternative charter schools to include alternative arrangements for students to obtain credits for satisfying graduation requirements in the charter application and charter. Alternative arrangements may include credit for off-campus instruction, embedded credit, work experience, independent studies, and performance-based credit options. Upon approval of the charter by the State Board of Education, any alternative arrangements will be approved at the same time.

The Department of Elementary and Secondary Education must conduct a study of any such charter school granted alternative arrangements for students to obtain credit to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education. (Section 160.405)

This act requires charter schools whose mission includes student drop-out prevention or recovery to enroll nonresident pupils from the same or an adjacent county who reside in residential care facilities, transitional living group homes, or independent living programs, whose last school of enrollment is in the school district where the charter school is established, who submit a timely application. Preference will be given to resident pupils over non-resident pupils if there is insufficient capacity. Charter schools may also give an admissions preference to high-risk and dropout students. (Section 160.410)

This act also allows charter schools to participate in the School Flex Program. In addition, the program will be expanded to include students ages seventeen to twenty-one who have not obtained a high school degree, who meet the other program requirements. (Section 160.539)

This act is substantially similar to SB 835 (2010) and contains provisions similar to SB 317 (2009), SB 1027 (2008) and similar to provisions also contained in SB 64 (2009).

MICHAEL RUFF

02/17/2011 S First Read--SB 294-Keaveny (S271)

02/24/2011 Second Read and Referred S Education Committee (S332)

03/16/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 295 \*\*\*

0560S.021

SENATE SPONSOR: Keaveny

SB 295 - This act amends the law relating to unsecured loans of \$500 or less.

Under current law, lenders may renew such loans upon the borrower's request. This act prohibits lenders from renewing such loans. Lenders shall not make loans to consumers who have one outstanding or within 1 week of a borrower paying a previous loan.

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

Lenders shall make certain disclosures to consumers at loan signing, including the duration of the loan, amount and date of payments due, and amount of interest and fees to be charged through the duration of the loan.

Under current law, loans have a minimum term of 14 days and a maximum term of 31 days. Under the act, lenders shall give the borrower a minimum of 90 days for repayment and a payment shall be required every 2 weeks.

The lender's exclusive remedy against consumers who deliver checks that are not honored in relation to the loan shall be a breach of contract claim and lenders shall be barred from bringing a civil action for passing bad checks.

This act establishes a pilot program whereby the Division of Finance is charged to develop a real-time statewide compliance system for licensed payday lenders to record each payday loan transaction. The division shall deliver reports to the legislature documenting the usefulness of the system and the general compliance of licensees. The program shall be fully implemented by September 1, 2011 and sunset on August 31, 2012.

This act is similar to HB 1171 (2006), SB 975 (2006), SB 96 (2007), SB 744 (2008), HB 81 (2009), HB 150 (2009), SB 20 (2009), HB 1508 (2010), HB 2116 (2010), SB 593 (2010), SB 699 (2010), and SB 811 (2010).  
CHRIS HOGERTY

02/17/2011 S First Read--SB 295-Keaveny (S271)

02/24/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 296 \*\*\*

1370S.011

SENATE SPONSOR: Schmitt

SB 296 - This act establishes the Compete Missouri Job Training Program which combines three existing job training programs that provide financial assistance for job training for new jobs created by qualified companies. Financial assistance will also be available to business and technology centers established by Missouri community colleges, or state-owned postsecondary technical colleges, to provide business and training services for growth industries. The act provides for the diversion of withholding taxes from new or retained jobs of qualified companies to pay costs incurred by new or retained jobs training projects administered by local educational agencies such as community and technical colleges.

The provisions of the act will automatically sunset July 1, 2018, unless reauthorized.  
JASON ZAMKUS

02/17/2011 S First Read--SB 296-Schmitt, et al (S271)

02/24/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S332)

03/02/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 297 \*\*\*

0834S.011

SENATE SPONSOR: Munzlinger

SB 297 - Under current law, a Missouri resident conforming to all applicable state and federal gun laws may purchase rifles and shotguns in states contiguous to Missouri. Also, residents of the contiguous states who conform to applicable state and federal gun laws may purchase rifles and shotguns in Missouri.

This act allows Missouri residents to purchase rifles and shotguns in any state so long as the resident follows all applicable provisions of the Federal Gun Control Act of 1968, Missouri law and the law of the state in which the purchase occurs. A resident of any state who abides by the applicable federal laws, Missouri laws and laws of the resident's home state may purchase rifles and shotguns in Missouri.

In addition, the current provisions regarding such gun purchases are moved from the merchandising practices chapter to the chapter on weapons offenses. As a result, certain provisions governing the entire merchandising practices chapter will no longer apply, including provisions that detail the power of the Attorney General to investigate violations of the law.

This act is identical to HB 1910 (2010).

MEGHAN LUECKE

02/17/2011 S First Read--SB 297-Munzlinger (S271)

02/24/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S332)

03/15/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 298 \*\*\*

0829S.021

SENATE SPONSOR: Munzlinger

SB 298 - The minimum age for an applicant of a concealed carry endorsement is lowered from twenty-three to twenty-one.

This act is identical to SB 968 (2010) and similar to HB 1206 (2010).

MEGHAN LUECKE

02/17/2011 S First Read--SB 298-Munzlinger (S271)

02/24/2011 Second Read and Referred S General Laws Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 299 \*\*\*

0348S.011

SENATE SPONSOR: Munzlinger

SCS/SB 299 - Under the act, the Department of Conservation must compensate individuals for any damage caused to them by wild elk. Such damage may include damage to crops, pasture, livestock, property, or vehicles, as well as personal injury or death that results from a vehicle collision with an elk. The act allows landowners to kill any wild elk if the elk has damaged their property.

This act is almost identical to SB 38 (2001).

ERIKA JAQUES

02/17/2011 S First Read--SB 299-Munzlinger (S271)

02/24/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S332)

03/09/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

03/16/2011 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - (0348S.02C)

EFFECTIVE: August 28, 2011

\*\*\* SB 300 \*\*\*

0886S.011

SENATE SPONSOR: Munzlinger

SCS/SB 300 - The act specifies that the use of centerfire handguns of any barrel length shall be an allowable hunting method during the muzzleloader portion of the firearms deer season.

ERIKA JAQUES

02/17/2011 S First Read--SB 300-Munzlinger (S271)

02/24/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S332)

03/02/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

03/16/2011 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - (0886S.02C)

EFFECTIVE: August 28, 2011

\*\*\* SB 301 \*\*\*

1540S.011

SENATE SPONSOR: Mayer

SB 301 - This act creates the Missouri Homeowners Mutual Insurance Company Act. The Missouri Homeowners Mutual Insurance Company is created as an independent public corporation for the purpose of providing insurance coverage for the physical and personal property of Missouri home and apartment owners and renters. The company will be organized as a mutual insurance company and shall not be a state agency. The company shall be a member of the Missouri property and casualty guaranty association and shall be subject to assessments. Members of that association shall bear responsibility in the event the company becomes insolvent.

BOARD OF DIRECTORS - The company shall be administered by a board of directors consisting of 5 members. The initial members shall be appointed by the Governor with the advice and consent of the Senate. The board shall hire an administrator who shall be in charge of the day-to-day operations and management of the company.

RATE SETTING AND INVESTMENTS - The board shall have full power and authority to establish rates to be charged by the company for homeowners insurance. Rates shall be set at amounts sufficient to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The board shall invest and reinvest the surplus or reserves of the company.

PRODUCERS MAY SELL COMPANY POLICIES - Any insurance producer licensed to sell professional negligence insurance in Missouri shall be authorized to sell homeowners insurance policies for the company.

STATE APPROPRIATIONS/OPERATING EXPENSES - The company shall not receive any state appropriation, directly or indirectly, except it may receive loans from the State Treasurer. After October 1, 2011, the State Treasurer shall make one or more loans to the company not to exceed \$5 million. These monies shall come from a fund known as the Missouri Homeowners Mutual Insurance Company Loan Fund which shall be funded by the legislature by an appropriation. The loans shall be for a term of 10 years and shall bear interest at the annual rate on the rate for linked deposit loans as calculated by the state treasurer pursuant to Section 30.758.

REVENUE BONDS - The board is authorized to issue revenue bonds in an amount not to exceed \$50 million. The bonds shall have a maturity of no more than 10 years from the date of issuance. The bonds may be sold at a public or a private sale.

AUDITS - The board shall have an audit of its books, accounts, and funds conducted annually by a competent and independent CPA firm. A copy of the audit shall be filed with the director of the Department of Insurance and the administrator.

The incurred loss experience and expense of the company shall be ascertained each year to include but not be limited to estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from losses which have occurred but have not yet been reported to the company.

The Department of Insurance shall conduct an examination of the company. The board shall pay the cost of the examination.

STEPHEN WITTE

02/17/2011 S First Read--SB 301-Mayer (S272)  
02/24/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S332)  
03/15/2011 Hearing Cancelled S Small Business, Insurance and Industry Committee  
03/16/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 302 \*\*\*

1599S.011

SENATE SPONSOR: Engler

SB 302 - This act subjects Chapter 383 malpractice associations to stricter insurance regulations.

**383 ASSESSMENTS** - Under the terms of this act, 383 malpractice association assessments are broken into 4 types of assessments: initial assessments, regular assessments, operating assessments, and special assessments. A 383 malpractice association's articles of association and bylaws must specify how the various assessments apply to current and former members. Under the act, special assessments made by an association after the 5th anniversary of the termination date of a former member's coverage under the association's policy shall not apply to the former member.

**ARTICLES OF ASSOCIATION AND BYLAWS** - Under the act, a copy of the articles of association and bylaws shall be attached to a policy issued by an assessable association (Section 383.018).

**383 AUDITS** - Under the terms of this act, 383 malpractice associations shall be subject to various auditing and financial reporting insurance laws (Section 383.035).

**LIMITATIONS ON AMOUNT OF INSURANCE PREMIUM AN ASSOCIATION CAN WRITE** - The act removes the prohibition on the Department of Insurance which precluded it from placing limitations on the amount of premium an association can write or on the amount of insurance or liability limit an association can provide (Section 383.035).

**ASSOCIATION SURPLUS REQUIREMENTS** - The act requires assessable associations to maintain a policyholder's surplus of at least \$600,000. Assessable associations licensed under Chapter 383 as of February 9, 2011, may renew their licenses with lower surplus requirements over a three year period (\$200,000 surplus after 2011, \$400,000 surplus after 2012, and \$600,000 surplus after 2013). Under current law, 383 malpractice associations are not required to maintain positive surpluses.

**PREMIUMS WRITTEN/SURPLUS HELD MINIMUM RATIO** - The act requires 383 associations to maintain a specified ratio of premiums written to surplus held. A 383 malpractice associations shall not cause the ratio of its net written premiums to its policyholder's surplus to exceed 3 to 1 without approval of the director. Assessable associations licensed under Chapter 383 as of February 9, 2011, may renew their licenses with higher ratios over a three year period (4 to 1 after 2011, 3.5 to 1 after 2012, and 3 to 1 after 2013).

Failure to comply with the surplus or premiums written/surplus ratio requirements constitutes grounds for revocation of an association's license (Section 383.035).

**383 MALPRACTICE ASSOCIATION RATES** - The act repeals a provision of law which currently provides that 383 malpractice association rates shall not be excessive or inadequate, nor shall they be unfairly discriminatory (Section 383.037).

**DETERMINATION OF WHETHER A MEDICAL MALPRACTICE INSURANCE RATE IS EXCESSIVE, INADEQUATE, OR DISCRIMINATORY** - Under current law, medical malpractice insurers are prohibited from issuing medical malpractice policies in which the rates are excessive, inadequate, or unfairly discriminatory. A determination of whether a base rate is excessive, inadequate, or unfairly discriminatory is determined by the director. This act clarifies this statute by requiring the director to hold a hearing before making such a finding and that the director must base the decision on competent and substantial evidence on the whole record rather than competent and compelling evidence (Section 383.206).

**COMPLIANCE WITH THE NEW 383 ASSOCIATION LAWS** - Assessable associations operating under the 383 malpractice association laws prior to August 28, 2011, shall have 180 days following such date to come into compliance with the requirements of the modified provisions and to file their articles of association and bylaws conforming to the modified provisions or the director may suspend the assessable association's certificate of authority or issue a cease and desist order prohibiting the assessable association from writing

new business (Section 383.009).

STEPHEN WITTE

02/21/2011 S First Read--SB 302-Engler (S290)

02/24/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S332)

EFFECTIVE: August 28, 2011

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\*\*\* SB 303 \*\*\*

1624S.011

SENATE SPONSOR: Engler

SCS/SB 303 - This act modifies disciplinary and administrative procedure provisions that apply to professions and businesses licensed by the Division of Professional Registration or by any board committee, commission or office within the Division of Professional Registration. The act also modifies the licensing requirements and disciplinary powers of the Board of Registration for the Healing Arts.

If a person who is licensed by any board, committee, commission, or office under the Division of Professional Registration does not defend against a disciplinary proceeding, the appropriate board or the Administrative Hearing Commission is required to enter a default decision against the person. The board or the Administrative Hearing Commission may set aside the default decision for good cause if the person files a motion within thirty days after the default decision.

Evidence contesting the basis of a criminal conviction or disciplinary action from another state will not be admissible in an administrative hearing.

The Administrative Hearing Commission is required to deliver the findings of fact and conclusions of law in disciplinary cases to the appropriate agency within one hundred and twenty days of the date the case became ready for decision.

#### BOARD OF REGISTRATION FOR THE HEALING ARTS

The Board of Registration for the Healing Arts is authorized to list certain information about individuals who are licensed by the board and applicants for licenses from the board on its website. The board is also required to disclose confidential information to applicants for licenses and licensees without a fee, if the information is less than five years old.

The board is no longer authorized to require doctors licensed in other states to take certain examinations prior to waiving the Missouri examination requirement. The board is authorized to require another examination, more education, or further training before issuing a permanent medical license to applicants who have not actively practiced clinical medicine or held a teaching position for two of the three years before their application.

Doctors are no longer required to display their certificate of registration in the office.

The board is authorized to impose civil penalties up to \$25,000 in disciplinary actions against licensees.

The board is required to make individuals applying for a license or holding a license submit to an evaluation of their skills, a multi-disciplinary evaluation, or a substance abuse evaluation, if there is cause to believe that the individual is incompetent about the medical or osteopathic profession, mentally or physically incapacitated, or excessively uses or abuses drugs.

The disciplinary authority of the board is modified to allow the board to discipline licensees for prescribing drugs through the internet without a valid physician-patient relationship, for being listed on a sex offender registry, for a single act of negligence, for knowingly making a false statement to the board, for violating a settlement agreement with the board, for failing to comply with a treatment program, and for violating any professional trust or confidence.

The board's authority to issue an emergency suspension or restriction of a licensee's license is modified to allow additional reasons for an emergency suspension or restriction, including: sexual conduct with a patient, sexual misconduct with a minor, possession or use of a controlled substance, a court finding that the licensee is incapacitated, habitual intoxication or dependence on alcohol or a controlled substance or failing to comply with a treatment program. The procedure for issuing emergency restrictions or suspensions is also modified. Emergency suspensions will take effect when the documents are served, rather than after a preliminary hearing before the Administrative Hearing Commission. The emergency restriction or suspension



may be appealed to the circuit court.

The board is also authorized to initiate hearings before itself when disciplining a licensee's license for certain actions. The board's disciplinary decision is appealable to the circuit court.

The act requires a person prescribing a controlled substance to document certain information in a patient's medical record prior to prescribing the medication. If the prescription is for more than ninety days, a doctor is required to have the patient sign a medication agreement, unless the patient is unable to sign and abide by the agreement. The doctor is authorized to conduct random drug tests to document compliance with the prescribed medication.

Doctors who prescribe any drug, controlled substance, or other treatment through the Internet are required to meet certain requirements to establish that there is a valid physician-patient relationship.

The board's authority to discipline athletic trainers is also modified.  
EMILY KALMER

02/21/2011 S First Read--SB 303-Engler (S290)

02/24/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S332)

02/28/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

03/14/2011 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee - (1624S.05C)

EFFECTIVE: August 28, 2011

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\*\*\* SB 304 \*\*\*

1623S.011

SENATE SPONSOR: Rupp

SB 304 - This act modifies the Insurers Supervision, Rehabilitation and Liquidation Act. This act adopts a provision of the National Association of Insurance Commissioners Insurance Receivership Model Act ("IRMA"), which clarifies the handling of life and health reinsurance in the event that a Missouri domestic insurance company has been placed in conservation or rehabilitation proceedings pursuant to the Insurers Supervision, Rehabilitation and Liquidation Act.

Under the terms of the act, contracts reinsuring policies of life or health insurance or annuities issued by a ceding insurer that has been placed in conservation or rehabilitation proceedings shall be continued or terminated under the terms of each contract and the provisions of this act. Such reinsurance contracts shall be continued unless the contracts were terminated under their own terms prior to the date of the order of liquidation ("coverage date") or the contracts were terminated under an order of liquidation.

Within 180 days of the date of the order of liquidation, guaranty associations covering policies of life or health insurance or annuities may elect to succeed to the rights of the insolvent insurer with respect to its existing reinsurance contracts.

In order to facilitate the decision of whether to assume the reinsurance contracts, the act requires the receiver and reinsurer of a ceding insurer to make copies of the reinsurance contracts and all related files available to the applicable guaranty association.

If the guaranty association assumes the reinsurance contracts, then it shall be responsible for all unpaid premiums due under such contracts and shall be responsible for the performance of all other obligations to be performed after the coverage date. The guaranty association may charge policies or annuities covered by it the costs for reinsurance in excess of the obligations of the guaranty association.

The act requires the guaranty association and each reinsurer, within 30 days following the guaranty association's election to assume the reinsurance contracts, to calculate the net balance due on the reinsurance contracts. The reinsurer must pay the receiver any amounts due for losses or events prior to the coverage date, subject to any setoff for premiums unpaid for periods prior to the date. Disputes over the amounts due to either the guaranty association or the reinsurer must be resolved by arbitration (either under the terms of the reinsurance contracts or the terms of this act).

Under the act, reinsurers shall not be entitled to terminate reinsurance contracts for failure to pay premiums if the guaranty association pays premiums due within 60 days of assumption.

The act also allows a receiver to elect to succeed to the rights or an reinsurance contract if the policies of insurance are not covered in whole or in part by one or more guaranty associations.

If a guaranty association elects not to assume a reinsurance contract by the election date, then the guaranty association shall no rights or obligations with respect to the reinsurance contract.

Under the act, reinsurance contracts may be transferred by the guaranty association to an assuming insurer when policies and annuities are transferred to the assuming insurer. The transferred reinsurance contract shall not cover any new policies or annuities unless the reinsurer and the assuming insurer agree otherwise.

The act sets forth procedures to follow when a reinsurance contract is terminated. Upon notice of termination, the reinsurer and receiver shall commence a mandatory negotiation and arbitration procedure. Each party must appoint an actuary to determine an estimated sum due as a result of the termination of the reinsurance contract. Each party shall provide the other party with its estimate of the sum due as a result of the termination of the reinsurance contract. If the parties cannot agree on a sum due, either party may initiate arbitration proceedings as provided in the reinsurance contract. If the reinsurance contract does not provide for arbitration, either party may initiate arbitration by providing the other party with a written demand for arbitration. The act establishes the procedures in which the arbitration must be conducted (venue, appointment of arbitrators, discovery, hearings, issuance of an award, etc.).

STEPHEN WITTE

02/21/2011 S First Read--SB 304-Rupp (S290)

02/24/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 305 \*\*\*

1492S.011

SENATE SPONSOR: Parson

SB 305 - The act creates record-keeping requirements for businesses that purchase plastic bulk merchandise containers for recycling, shredding, or destruction. When such a business purchases ten or more containers at one time from a single seller, the business must: obtain proof that the containers are lawfully owned; create a record with the seller's name, address, telephone number and information about the transaction; and verify the identity of the seller by using a driver's license or other government-issued photo id.

Businesses must not conduct sales transactions in such a way so as to purposefully avoid the act's requirements. Businesses must retain the record of the sales transaction for one year and the record must be made available to law enforcement agents upon request.

A violation of the act is a class A misdemeanor.

ERIKA JAQUES

02/21/2011 S First Read--SB 305-Parson (S290)

02/24/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 306 \*\*\*

SS SB 306

1302S.02P

SENATE SPONSOR: Wasson

SS/SB 306 - This act modifies and updates the law relating to credit unions.

The act updates the credit union statutes to designate the department of insurance, financial institutions and professional registration as the department overseeing credit unions and designates the director of credit unions as the head of the division of credit unions.

The director of the division of credit unions and division employees and special agents shall take an oath of confidentiality and are barred from disclosing certain information. Certain exceptions are enumerated. Those individuals, other than the members of the credit union commission, who examine credit unions or make official decisions regarding credit unions shall not be an officer or director of, or receive payment from,

a credit union the division regulates.

In the course of an investigation, the director may compel the production of documents and the attendance of persons having knowledge of pertinent issues, administer oaths, and seek enforcement of an administrative subpoena.

Officers, directors, and employees shall not be charged with libel, slander, or defamation for good faith communications with the director or employees of the division.

The act updates the process by which directors, officers, and employees may be removed from office or suspended by the director of the division of credit unions. The director of the division shall deliver a notice of intention to remove or prohibit the party from acting in connection with a credit union stating the grounds for such action and the time and place for a hearing for removal or prohibition. Those suspended or prohibited from participating in the affairs of the credit union may file a stay of such suspension or prohibition in circuit court.

If suspensions cause a lack of a quorum for a board of directors, the board may function under those not suspended. If all the directors are suspended, the director of the division shall appoint temporary directors to take their place.

This act removes a provision of law restricting credit unions from issuing certain loans to directors and credit and supervisory committee members exceeding \$25,000.

The act removes provisions establishing requirements for reserve funds and instead requires credit unions to maintain reserves sufficient to qualify for federal share insurance and satisfy regulations relating to reserve fund requirements.

Currently, notice of a meeting at which a plan for merger is to be submitted shall be as provided in the credit unions bylaws or by letter to shareholders. This act requires notice to be mailed to each member between 14 and 30 days before the meeting. Members may vote remotely by electronic ballot. The same procedures shall be allowed when a state-chartered credit union votes to convert to a federal credit union.

CHRIS HOGERTY

02/21/2011 S First Read--SB 306-Wasson (S291)  
 02/24/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S332)  
 02/28/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 03/07/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee  
 03/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S433)  
 03/16/2011 SS S offered & adopted (Wasson)--(1302S.02F) (S469)  
 03/16/2011 Perfected (S469)  
 03/16/2011 Reported Truly Perfected S Rules Committee (S479)  
 03/17/2011 S Third Read and Passed (S492)  
 03/17/2011 H First Read (H702)  
 03/18/2011 H Second Read (H707)

EFFECTIVE: August 28, 2011

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\*\*\* SB 307 \*\*\*

1665S.011

SENATE SPONSOR: Justus

SB 307 - This act allows Kansas City to charge an additional fourteen dollar per case court cost for municipal ordinance violation cases. This additional court cost shall be used to fund legal representation for indigent defendants who participate in the municipal court's mental health court, drug court, or veterans court. After funding legal representation for these individuals, the money may also be used to fund legal representation for indigent defendants in other municipal court matters or other expenses of the municipal court.

EMILY KALMER

02/21/2011 S First Read--SB 307-Justus (S291)  
 02/24/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 308 \*\*\*

1628S.011

SENATE SPONSOR: Nieves

SB 308 - This act specifies how the courts and administrative agencies may rule when a dispute involves other countries or their laws.

This act provides that any court, arbitration, tribunal, or administrative agency ruling is void and unenforceable, if the ruling is based in any way on a foreign law, legal code, or system that would not grant the parties affected by the ruling the same rights as the United States and Missouri constitutions.

The act also makes contracts that choose to apply a foreign law to contractual disputes or to have disputes settled in another country void and unenforceable in Missouri, if the foreign law or country would not grant the parties to the contract the same rights as the United States and Missouri constitutions.

In some cases, a court may refuse to take jurisdiction over matters, where the court believes there is a more appropriate forum for the dispute. This act requires that the court hear the case in Missouri, if a state resident brings the case and if the court finds that refusing to hear the case in Missouri violates or would likely violate the rights of the person who brought the case.

EMILY KALMER

02/21/2011 S First Read--SB 308-Nieves (S291)

02/24/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 309 \*\*\*

1663S.011

SENATE SPONSOR: Kehoe

SB 309 - This act allows for the organization of ambulance districts which may impose either a property tax not to exceed thirty cents on the one hundred dollars of assessed valuation or a sales tax not to exceed one-half of one percent.

Under current law, ambulance and fire protection districts located in any county in this state, except Greene, Platte, Clay, St. Louis and St. Charles counties, are authorized to seek voter approval for a sales tax of up to one-half of one percent to fund the operation of such districts, provided such sales tax is accompanied by a reduction in the district's property tax rate. This act would allow ambulance and fire protection districts located within St. Louis County to seek voter approval to impose the sales tax, provided such tax is accompanied by a reduction in the districts property tax rate.

This act contains provisions that are identical to Senate Bill 826 (2010).

JASON ZAMKUS

02/21/2011 S First Read--SB 309-Kehoe (S291)

02/24/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 310 \*\*\*

0753S.011

SENATE SPONSOR: Justus

SB 310 - This act modifies provisions relating to lead abatement and renovation licensing and training, allowing the Department of Health and Senior Services to implement a renovation program authorized by the federal Environmental Protection Agency (EPA).

This act adds definitions for "dust sampling technician", "emergency", "minor repair and maintenance activities", "renovation", "renovation firm", "renovator", "replacement" and "target housing."

This act also modifies various current definitions. The term "lead abatement contractor" is changed to "licensed firm" and is modified to reflect such changes throughout the act. The term "lead bearing substance activity" is amended to include clearance sampling.

The licensed firm conducting the lead abatement project shall provide an occupant protection plan to the dwelling occupant notifying the occupant that information regarding potential lead hazards is available on the department's website. Also, the time frame for contractors to notify the department of a project was changed from ten days to five days.

This act authorizes representatives of the department to conduct training audits in addition to compliance inspections of licensed firms, renovations firms or training providers. This act also allows for the department to train as well as issue licenses to lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers, dust sampling technicians and licensed firms.

This act adds licensing requirements for renovators, renovation firms and dust sampling technicians. Also, the department shall require a licensed firm to provide evidence of current insurance coverage prior to conducting lead-bearing substance activities.

This act provides that no person shall engage in or conduct renovation activities in target housing or child occupied facilities without having a licensed renovator on each renovation site. Also, the list of qualified individuals and companies available to the public is updated to include risk assessors, licensed firms, lead abatement supervisors, renovation firms, renovators and dust sampling technicians.

ADRIANE CROUSE

02/22/2011 S First Read--SB 310-Justus (S296)

02/24/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 311 \*\*\*

1595S.011

SENATE SPONSOR: Pearce

SB 311 - Under current law, the Children's Vision Examination Program is set to sunset on June 30, 2012. This act repeals the sunset provision.

ADRIANE CROUSE

02/22/2011 S First Read--SB 311-Pearce (S296)

02/24/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 312 \*\*\*

1677S.011

SENATE SPONSOR: Keaveny

SB 312 - This act gives administrative hearing officers from the Department of Social Services the authority to set aside administrative child support decisions on behalf of the Director to correct oversights and omissions due to mistake of law or fact, surprise, fraud, misrepresentation, excusable neglect or inadvertence. The hearing officer may correct the decision by amendment, after notice to the parties, on his or her own initiative or upon the motion of any party or the Family Support Division.

In cases of lack of jurisdiction, the hearing officer may, after notice to the parties, on his or her own initiative or upon the motion of any party or the Family Support Division, vacate the administrative order if it is found the order was without subject matter or personal jurisdiction or due process and the order had not been filed with the court and no party has filed a petition for judicial review with the court.

ADRIANE CROUSE

02/22/2011 S First Read--SB 312-Keaveny (S296)

02/24/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S332)

EFFECTIVE: August 28, 2011

\*\*\* SB 313 \*\*\*

1622S.011

SENATE SPONSOR: Schaaf

SB 313 - This act removes provisions of current law that require a member of a board of directors for a tourism community enhancement district to meet one of the following requirements: reside in the district; own real property within the district; or work in, or operate, a business in the district.

This act is identical to HB 545 (2011).

MEGHAN LUECKE

02/22/2011 S First Read--SB 313-Schaaf (S296)

02/24/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S332)

EFFECTIVE: August 28, 2011

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\*\*\* SB 314 \*\*\*

0192S.011

SENATE SPONSOR: Chappelle-Nadal

SB 314 - This act creates a Class B misdemeanor for employers who transmit an employee's or customer's name on a public address system or provides an employee's work schedule or personal information to another.

Employers are barred from evicting, harassing, dismissing, or retaliating against employees and patrons that have reported violations of the crime.

This act is identical to HB 1755 (2010).

CHRIS HOGERTY

02/22/2011 S First Read--SB 314-Chappelle-Nadal (S296)

02/24/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S332)

EFFECTIVE: August 28, 2011

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\*\*\* SB 315 \*\*\*

0181S.011

SENATE SPONSOR: Chappelle-Nadal

SB 315 - Public bodies are barred from entering into public works contracts with a company that has conducted discriminatory employment practices.

Employers shall provide written cause to terminated employees.

This act is identical to HB 1356 (2010).

CHRIS HOGERTY

02/22/2011 S First Read--SB 315-Chappelle-Nadal (S296)

02/24/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S332)

EFFECTIVE: August 28, 2011

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\*\*\* SB 316 \*\*\*

1666S.011

SENATE SPONSOR: McKenna

SB 316 - This act establishes a four day work week for state merit system employees. Full-time employment shall be fixed at 40 hours, Monday through Thursday, from 7 a.m. to 6 p.m. The division of personnel in cooperation with the departments shall establish alternative working hours for essential personnel. The four day work week shall be implemented by January 1, 2012.

CHRIS HOGERTY

02/22/2011 S First Read--SB 316-McKenna (S296)

02/24/2011 Second Read and Referred S General Laws Committee (S332)

EFFECTIVE: August 28, 2011

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\*\*\* SB 317 \*\*\*

1590S.011

SENATE SPONSOR: Stouffer

SB 317 - This act exempts securities issued by agricultural cooperative corporations from security registration requirements, provided that the Commissioner of Securities is notified within 30 days of the sale of the securities. The notification must include the prospectus or other sales literature to be used and financial statements. The act defines what is considered to be an agricultural cooperative corporation for

purposes of the exemption.

ERIKA JAQUES

02/22/2011 S First Read--SB 317-Stouffer (S297)

02/24/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S333)

EFFECTIVE: August 28, 2011

\*\*\* SB 318 \*\*\*

1671S.011

SENATE SPONSOR: Dixon

SB 318 - This act requires the Secretary of State to provide voter registration application forms to the Department of Conservation to distribute from its offices and permit vendors authorized to issue resident hunting and fishing permits. Such offices and vendors may mail applications to applicants.

This act is similar to HB 845 (2007), SB 586 (2008), SB 1236 (2008), and HB 277 (2011).

CHRIS HOGERTY

02/22/2011 S First Read--SB 318-Dixon (S297)

02/24/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S333)

EFFECTIVE: August 28, 2011

\*\*\* SB 319 \*\*\*

1673S.011

SENATE SPONSOR: Dixon

SB 319 - Under current law, the department of health and senior services processes claims submitted by health care providers requesting setoffs of income tax refunds to satisfy outstanding debts owed by taxpayers. This act repeals the authority of the department of health and senior services to administer such a program and creates a system for ambulance service providers to utilize a private claim clearinghouse to process and verify requests for setoffs of taxpayer income tax refunds and lottery winnings to satisfy outstanding debts for ambulance services received. Prior to utilizing the clearinghouse, an ambulance service provider must provide certain notices to patients and allow for various levels of review and appeals of such claims. To offset expenses incurred in collecting debts owed to ambulance service providers, a collection fee is assessed to each offset which is allocated among the clearinghouse and the department of revenue. The act establishes a priority, with regard to setoffs, in which debts owed to ambulance service providers receive the least priority.

This act is identical to the House Bill 312 (2011) and the Senate Committee Substitute for Senate Bill 878 (2010).

JASON ZAMKUS

02/22/2011 S First Read--SB 319-Dixon (S297)

02/24/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S333)

EFFECTIVE: August 28, 2011

\*\*\* SB 320 \*\*\*

1450S.021

SENATE SPONSOR: Lamping

SB 320 – This act modifies the provisions relating to domestic violence.

#### DEFINITIONS

This act provides the same definition for "domestic violence" and "family and household member" in various chapters and statutes relating to domestic violence and orders of protection. The definitions sections pertaining to child orders of protection are repealed. Sections 43.545, 452.375, 455.010, 455.200, 455.501, 455.540, 527.290

#### ALIGNING ADULT AND CHILD ABUSE ORDERS OF PROTECTION

This act also provides consistency relating to adult and child orders of protection, including the definitions for "abuse," "adult," and "child." This act provides that the grounds for issuing ex parte or full orders of protection for both adults and children include stalking. In addition, adult and child orders now both prohibit

communicating with the petitioner. This act also now provides for enhanced penalties for violating child orders of protection as with repeated violations of adult orders. Sections 455.010; 455.035; 455.516; 455.520; 455.523; 455.538

#### JUVENILE COURT JURISDICTION

This act provides juvenile court jurisdiction for respondents to orders of protection under the age of 17. Sections 211.031; 455.035; 455.513

#### AUTOMATIC ONE-YEAR RENEWAL

The court may, upon a finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing within thirty days of the expiration of the order. Sections 455.040; 455.516

#### OTHER CHANGES TO ORDERS OF PROTECTION PROCESS

This act authorizes that terms of orders reflect the individual circumstances of parties and allows for a judge to determine if a petitioner's dismissal of an order of protection proceeding is voluntary. Sections 455.050; 455.060; 455.520; 455.523

This act prescribes the types of violations that may result in criminal offenses. Section 455.085

This act prohibits a petitioner from being charged a filing fee in any action relating to adult orders of protection, including motions for contempt seeking to enforce an existing order of protection. Section 455.027

#### BATTERER INTERVENTION PROGRAMS

In consultation with the statewide domestic violence coalition, the Division of Probation and Parole shall promulgate rules to establish standards and to adopt a credentialing process for any court-ordered Batterer Intervention program. Section 455.549

#### REPEAT OFFENDERS AND MUNICIPAL OFFENSES

This act limits municipal jurisdiction over offenders who repeatedly commit domestic assault or violate an order of protection. Also, municipal offenses are allowed to be used to enhance the level of criminal offense that is charged by the prosecutor. Sections 455.085; 455.538; 565.074

#### SERVICES TO VICTIMS FUND

This act amends the Services to Victims Fund to provide that public or private agencies shall use no more than ten percent of any funds received for administrative purposes. Section 595.100

#### ADRIANE CROUSE

02/22/2011 S First Read--SB 320-Lamping, et al (S297)

02/24/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S333)

03/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 321 \*\*\*

1004S.041

SENATE SPONSOR: Kehoe

SB 321 - After 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 during the entire permitting process. 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.

Once the Early Site Permit is obtained, and provided the company complied with the reporting requirement, the electric company may recover up to \$45 million of the expenditures, plus interest, 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, or the company receives reimbursement for the costs from another source, the PSC must decide how the electric company will credit its ratepayers for



the moneys received in the sale, transfer or reimbursement. The PSC must also decide how any profits from a sale or transfer of an Early Site Permit will be shared with ratepayers. Credits made to ratepayers must also include interest.

If the power plant for which the Early Site Permit was acquired is not constructed before the Early Site Permit expires, the PSC must hold a hearing to determine if the electric company acted imprudently by failing to construct the plant. If the PSC determines that the electric company acted imprudently, the PSC must order any company that recovered costs for the Early Site Permit to credit its ratepayers for the costs determined by the PSC to be imprudent. The companies must issue the credits, including interest, over a period of 5 to 10 years.

This act is similar to SB 50 (2011).

ERIKA JAQUES

02/23/2011 S First Read--SB 321-Kehoe, et al (S307)

03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S390)

03/09/2011 Hearing Conducted S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 322 \*\*\*

1743S.011

SENATE SPONSOR: Schaefer

SB 322 - This act extends the sunsets from September 30, 2011, to September 30, 2016, for the Ground Ambulance, Nursing Facility, Medicaid Managed Care Organization, Hospital, Pharmacy, and Intermediate Care Facility for the Mentally Retarded Reimbursement Allowance Taxes.

This act is identical to SB 235 (2011).

ADRIANE CROUSE

02/23/2011 S First Read--SB 322-Schaefer (S307)

03/03/2011 Second Read and Referred S Appropriations Committee (S390)

03/10/2011 Voted Do Pass S Appropriations Committee

03/10/2011 Reported from S Appropriations Committee to Floor (S435)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 322-Schaefer

EFFECTIVE: August 28, 2011

\*\*\* SB 323 \*\*\*

SCS SB 323

1627S.02C

SENATE SPONSOR: Schaefer

SCS/SB 323 - This act requires the State Auditor to conduct a one-time comparative audit of 5 to 10 of the largest state agencies by August 28, 2013. The Auditor shall issue a report containing recommendations including the optimal fiscal practices to be promoted across all state agencies and other efficiency or cost saving measures.

This act contains an emergency clause.

CHRIS HOGERTY

02/23/2011 S First Read--SB 323-Schaefer (S307)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S390)

03/07/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

03/14/2011 SCS Voted Do Pass S Financial and Governmental Organizations and Elections Committee - (1627S.02C)

03/17/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor w/SCS (S492)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 323-Schaefer, with SCS

EFFECTIVE: Emergency clause

\*\*\* SB 324 \*\*\*

1706S.011

SENATE SPONSOR: Kraus

SB 324 - Under this act, the state will only issue one license plate beginning August 28, 2011, to motorists unless the registered owner is eligible to receive a second plate (property-carrying commercial motor vehicle applicants can request 2 plates) Currently, property-carrying commercial motor vehicles are only issued one license plate. This act allows the owners of these vehicles to request and be issued two plates. The Director of the Department of Revenue may assess and collect an additional fee for the second plate (Sections 301.064, 301.120, 301.130 and 301.144).

The provisions contained in this act were contained in SS/SCS/HB 2111 (2010).  
STEPHEN WITTE

02/23/2011 S First Read--SB 324-Kraus and Nieves (S307)  
03/03/2011 Second Read and Referred S Transportation Committee (S390)  
03/09/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 325 \*\*\*

1709S.011

SENATE SPONSOR: Wasson

SB 325 - This act requires any board, commission, committee, council, or office within the Division of Professional Registration to notify a licensee's current employer, if the employer is known, of a change in the licensee's license or disciplinary status. Employers may also provide a list of current licensed employees and make a written request to the appropriate board to be notified when there is a change in the licensing status of any of those employees.

EMILY KALMER

02/23/2011 S First Read--SB 325-Wasson (S307)  
03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S390)  
03/07/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
03/14/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 326 \*\*\*

1120S.031

SENATE SPONSOR: Wasson

SB 326 - This act authorizes the establishment of a peer review process for architects, landscape architects, professional land surveyors, or professional engineers.

Peer reviewers and each person who testifies before them, provides information to them, acts upon their recommendation, or participates in the peer review process are immune from civil liability for these actions, as long as the actions are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review process.

Certain documents created during the peer review process are privileged and are prohibited from being released to any person. These documents are not admissible in any judicial or administrative action for failure to provide appropriate architectural, landscape architectural, land surveying, or engineering services. A person who participated in the peer review process shall not be permitted or required to disclose information they learned from the peer review process.

This act does not limit the authority of the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to obtain information from a peer reviewer.

EMILY KALMER

02/23/2011 S First Read--SB 326-Wasson (S307)  
03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S390)  
03/28/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 327 \*\*\*

1703S.011

SENATE SPONSOR: Richard

SB 327 - Any recycling company that converts animal parts into petroleum that violates any state air, water, or odor pollution standard at least 6 times in a 12-month period or 12 times in a 36-month period shall forfeit any air or water-related permits issued by the Department of Natural Resources.

Any such recycling company that violates any air, water, or odor pollution standard more than one time in a 36-month period shall be subject to a higher penalty than what is currently charged for a first violation. The higher penalty for subsequent violations in any 36-month period shall be between \$10,000 and \$30,000 per violation.

The act is identical to HB 96 (2010) and is similar to HB 127 (2009), the perfected SB 738 (2008), and SB 534 (2007).

ERIKA JAQUES

02/23/2011 S First Read--SB 327-Richard (S307)

03/03/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 328 \*\*\*

1621S.011

SENATE SPONSOR: Goodman

SB 328 - This act allows actions required to be taken at corporate committee meetings to be taken without a meeting if all of the board or committee members consent by electronic transmission. Such transmissions shall be filed with the minutes of the corporate meetings.

This act is identical to HB 1741 (2009), and SB 833 (2010).

CHRIS HOGERTY

02/23/2011 S First Read--SB 328-Goodman (S307)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 329 \*\*\*

1620S.021

SENATE SPONSOR: Nieves

SB 329 – This act allows students to enroll in a school district other than their school district of residence or a charter school for the purpose of attending virtual courses or programs. For purposes of state school aid, the student will be included in the average daily attendance of the school district of residence. The Department of Elementary and Secondary Education must pay the district or charter school an amount equal to eighty-five percent of its tuition fee or the state adequacy target, whichever is greater. This amount cannot exceed one and twenty-five hundredths times the state adequacy target for each enrolled virtual student. In addition, if the average local tax effort per average daily attendance of the student's district of residence does not exceed eighty-five percent of the amount paid to the school district or charter school enrolling the student, the Department of Elementary and Secondary Education must pay to the general revenue fund an amount equal to ten percent of the amount of the local educational agency's tuition fee, or of the state adequacy target, whichever is greater, for each student. The Department must also withhold from the student's district of residence an amount equal to the amount paid for the virtual education plus the amount deposited in the general revenue fund.

Any institution of higher education with its primary campus located in Missouri with an approved teacher education program may sponsor virtual charter schools. Virtual charter schools are subject to all charter school laws. They may only offer instruction in a virtual setting using technology, intranet and internet methods of communication.

This act is substantially similar to HB 463 (2011).

MICHAEL RUFF

02/23/2011 S First Read--SB 329-Nieves (S307)

03/03/2011 Second Read and Referred S General Laws Committee (S391)

03/15/2011 Hearing Cancelled S General Laws Committee

03/29/2011 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 330 \*\*\*

1675S.011

SENATE SPONSOR: Dixon

SB 330 - This act allows legislators, full time and legislative employees of the General Assembly, and statewide elected officials and their employees to carry concealed firearms in the state capitol building, or at any meeting in the building, if they have a concealed carry endorsement.

MEGHAN LUECKE

02/23/2011 S First Read--SB 330-Dixon (S307)

03/03/2011 Second Read and Referred S General Laws Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 331 \*\*\*

1267S.021

SENATE SPONSOR: Lamping

SB 331 - This act modifies provisions relating to human trafficking. The act adds definitions for "blackmail", "financial harm", "nudity", "sexual conduct", "sexual performance" and "victim of trafficking."

This act adds the elements of blackmail or causing or threatening to cause financial harm to the crime of abusing an individual through forced labor.

Blackmail, causing or threatening to cause financial harm as well as using force, abduction, coercion and deception were also added as elements to the crimes of trafficking for the purposes of slavery, trafficking for the purposes of sexual exploitation, sexual trafficking of a child, and sexual trafficking of a child under the age of twelve. This act also adds the elements of sexual performance and production of explicit sexual material to the crimes of trafficking for the purposes of sexual exploitation, sexual trafficking of a child and sexual trafficking of a child under the age of twelve.

A court sentencing a defendant under the human trafficking provisions shall order the defendant to pay restitution to the victim in the amount the court finds appropriate under the facts of the case including an amount necessary for the mental and physical rehabilitation of the victim and any child of the victim.

It shall be an affirmative defense for any victim of trafficking under any prosecution for prostitution that such person was a victim of trafficking during the time of the alleged offense and that such crime was committed at the direction of another or in furtherance of the trafficking enterprise.

This act also authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the Children's Division of the Department of Social Services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators.

Law enforcement officers or prosecuting attorneys shall notify the Department of Social Services and, where applicable, juvenile justice authorities, of persons who reasonably appear to be a victim of trafficking in order that such agencies may determine whether the person may be eligible for state or federal services, programs, or assistance. The department may coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking.

State agencies may implement programs and enter into contracts with nonprofit agencies and other nongovernment organizations to provide services to confirmed victims of trafficking, insofar as funds are available for that purpose. The list of possible services is prescribed under the act.

A victim of trafficking may bring a civil action against a person or persons who plead guilty to or are found guilty of a violation of human trafficking to recover the actual damages sustained by the victim, court costs, including reasonable attorney's fees, and punitive damages, when determined to be appropriate by the court. Any such action must be commenced within three years after the later of (1) the final order in the related

criminal case;(2) the victim's emancipation from the defendant; or(3) the victim's eighteenth birthday.

The Attorney General may bring a civil action, in the circuit court in which the victim of trafficking was found, to recover from any person or entity that benefits, financially or by receiving anything of value, from violations of human trafficking, a civil penalty of not more than fifty thousand dollars for each violation of human trafficking, and injunctive and other equitable relief as the court may, in its discretion, order. The first priority of any money or property collected under such an action shall be to pay restitution to the victims of trafficking on whose behalf the civil action was brought.

This act is substantially similar to HB 214 (2011).

ADRIANE CROUSE

02/23/2011 S First Read--SB 331-Lamping and Goodman (S307-308)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

03/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 332 \*\*\*

0888S.011

SENATE SPONSOR: Justus

SB 332 - This act provides that any course materials relating to human sexuality shall not only be medically and factually accurate, but shall also be age appropriate and based on peer reviewed projects that have been demonstrated to influence healthy behavior. The course instruction shall also present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections. The students shall also be presented with information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and to reduce the risk of contracting sexually transmitted infections or other diseases as well as information regarding the vaccine for the human papillomavirus.

The instruction shall also help the students gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent states of human maturation. In addition, the students shall be encouraged to communicate with their family regarding sexuality. This act also requires instruction on the dangers of sexual predators, including online predators as well as the effects of electronic media on sexuality and relationships.

This act also repeals the prohibition on abortion providers providing human sexuality instruction and instead provides that a school district shall make all curriculum materials and names and affiliations of presenters used in the school district available for public inspection.

This act is identical to the sexual education portion of SB 982 (2010).

ADRIANE CROUSE

02/23/2011 S First Read--SB 332-Justus, et al (S308)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 333 \*\*\*

1755S.011

SENATE SPONSOR: Schaaf

SB 333 - This act requires the Departments of Health and Senior Services; Social Services; Insurance, Financial Institutions, and Professional Registration; and Mental Health to update and verify the accuracy of the information on the respective websites, as the websites pertain to health care, at least twice annually.

ADRIANE CROUSE

02/24/2011 S First Read--SB 333-Schaaf (S321)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 334 \*\*\*

1751S.011

SENATE SPONSOR: Schaaf

SB 334 - This act requires each MO HealthNet managed care organization to provide to the MO HealthNet division all utilization, access, and spending data for the cost of care to each MO HealthNet participant covered under the organization. Such data shall be in the form of all payments made to health care providers for services rendered to MO HealthNet participants and shall also identify claim-specific data for each patient service or procedure. The Department of Social Services may require additional information through the promulgation of rules to meet the requirements of this act.

ADRIANE CROUSE

02/24/2011 S First Read--SB 334-Schaaf (S321)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 335 \*\*\*

1746S.011

SENATE SPONSOR: Schaaf

SB 335 - This act creates a exception to the prohibition on disclosure of information provided on reports or returns filed with the department of revenue for public disclosure of information relating to the number of cigarettes sold annually by each tobacco product manufacturer.

JASON ZAMKUS

02/24/2011 S First Read--SB 335-Schaaf (S321)

03/03/2011 Second Read and Referred S General Laws Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 336 \*\*\*

1711S.011

SENATE SPONSOR: Munzlinger

SB 336 - Under current law, all landowners are required to control the growth and spread of the plants musk thistle, scotch thistle, and canada thistle. Additionally under current law, where a landowner does not control the thistle, the county commission has a duty to enter upon the property in order to control the thistle. This act expands these requirements to apply not only to the thistles, but to all plants that are designated by rule as a "noxious weed" by the Department of Agriculture. The act also allows an adjoining or aggrieved entity to take civil action against a landowner for not controlling the spread of any of the designated noxious weeds.

The act prohibits the sale of noxious weeds.

The act repeals the provisions of law that apply specifically to the following plants: multiflora rose, field bindweed, cut-leaved teasel, common teasel, kudzu, spotted knapweed, purple looserstrife, and johnson grass.

ERIKA JAQUES

02/24/2011 S First Read--SB 336-Munzlinger (S321)

03/03/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S391)

03/16/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 337 \*\*\*

1710S.011

SENATE SPONSOR: Munzlinger

SB 337 - Under current law, the Department of Agriculture must publish a book of all livestock brands on record and must send copies of the book to all county recorders of deeds, livestock markets, and slaughter plants. This act removes the requirement that the Department must publish the list of brands in book form, and instead requires the Department to make the list available to the public on the Internet. The act also removes the requirement that the Department send a book to the counties, livestock markets, and slaughter plants.

ERIKA JAQUES

02/24/2011 S First Read--SB 337-Munzlinger (S321)

03/03/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S391)

03/16/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 338 \*\*\*

1741S.011

SENATE SPONSOR: Lager

SB 338 - Under current law, the Supreme Court accumulates records for review of all cases in which the death penalty has been imposed and all cases in which life imprisonment without probation and parole has been imposed after May 26, 1977 or an earlier date deemed appropriate by the court. This act limits this requirement to only those cases in which the death penalty has been imposed, but removes the time limitation so that all death penalty cases must be accumulated for review.

MEGHAN LUECKE

02/24/2011 S First Read--SB 338-Lager (S321)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

EFFECTIVE: August 28, 2011

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\*\*\* SB 339 \*\*\*

1778S.011

SENATE SPONSOR: Rupp

SB 339 – This act establishes "Sam Pratt's Law" and "Nathan's Law" and modifies provisions relating to child care providers.

#### SAM PRATT'S LAW

This act authorizes the Department of Health and Senior Services to investigate child care providers who are exempt from licensure if the department learns or is notified that such provider has pending criminal charges.

The department is also authorized to prohibit a licensure exempt child care provider from continuing to provide child care services if there are criminal charges pending against him or her that would similarly result in licensure actions for a licensed child care provider. Such licensure exempt provider shall be prohibited from continuing services pending a resolution of such criminal charges in favor of the provider.

Any licensure exempt child care provider who continues to provide child care services after notification by the department to stop such services shall be guilty of a Class B misdemeanor for the first violation and a Class A misdemeanor for any subsequent violation.

The department shall report any known violation to an appropriate prosecuting attorney's office or law enforcement agency. SECTION 210.165

This provision is identical to HB 156 (2011).

#### NATHAN'S LAW

Under current law, a child care provider may be exempt from licensure if the person is caring for four or fewer children and children who are related to the provider are not considered in the total number of children being cared for. This act provides that such relative children shall be included in the total number of children being counted, except that children of such person who live in the home and attend school for a full school day shall not be included in the total number cared for. Any child-care facility exempt from licensure shall disclose the licensure-exempt status to the parents or guardians of children for which the facility provides care.

This act increases the penalty for violations of child care licensure provisions to include a fine of two hundred dollars per day, not to exceed a total of ten thousand dollars for subsequent offenses.

This act also authorizes the Department of Health and Senior Services to immediately close any illegally operating unlicensed child-care facility. The prosecuting attorney of the county where such illegal child-care facility is located may file suit for a permanent order preventing the operation of a child-care facility. The order shall remain in effect until such time as the court determines that the child-care facility is in compliance with all licensure requirements. Any person who operates an illegal unlicensed child-care facility shall be subject

to penalties prescribed under the act. SECTIONS 210.209, 210.211, 210.245

These provisions are identical to HB 603 (2011).

ADRIANE CROUSE

02/24/2011 S First Read--SB 339-Rupp (S321)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 340 \*\*\*

1674S.021

SENATE SPONSOR: Wasson

SB 340 - This act modifies licensing requirements for funeral directors, embalmers, and funeral establishments.

The act modifies the requirements for applicants for funeral director and embalmer licenses. A general equivalency diploma, or equivalent education, as determined by the board of embalmers and funeral directors, will satisfy the requirement that a person seeking a funeral director or embalmer license have a high school diploma. An applicant for a license to practice funeral directing or embalming is no longer required to be a Missouri citizen or a resident of a county bordering Missouri. An applicant for an embalmer's license is required to complete a funeral service education program, rather than graduate from an institute of mortuary science education. An applicant for a funeral director's license is required to complete the apprenticeship in twelve consecutive months, rather than twelve months.

Also, funeral establishments will no longer be required to keep their register book or log in the preparation or embalming room.

EMILY KALMER

02/24/2011 S First Read--SB 340-Wasson (S321)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S391)

03/07/2011 Hearing Cancelled S Financial and Governmental Organizations and Elections Committee

03/28/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 341 \*\*\*

1678S.021

SENATE SPONSOR: Nieves

SB 341 – This act provides that no parking space upon the capitol grounds shall be specifically designated or set aside for any person that is not an official or employee of the state, however an appropriate number of spaces may be designated for handicapped parking.

No person or entity that is not an official or employee of the state shall be allowed an office or reserved space in the State Capitol building, except for reserved space within the Senate and House chambers and galleries, and any non-public person or entity maintaining an office or space shall remove its office or space from the State Capitol building on or before August 28, 2011.

JIM ERTLE

02/24/2011 S First Read--SB 341-Nieves (S321)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S391)

03/14/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 342 \*\*\*

1555S.011

SENATE SPONSOR: Justus

SB 342 – This act requires the Department of Elementary and Secondary Education to ensure that school districts implement specific criteria relating to the enrollment of foster care children.

School districts will be required to: facilitate the timely enrollment of foster care children; facilitate the



student placement process so that foster care children are not disadvantaged by variations between school districts; facilitate the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities; facilitate the on-time graduation of foster care children; provide for uniform collection and sharing of information between and among schools, foster care children, and families; and promote flexibility and cooperation between the educational system, foster parents, and the student to achieve educational success for the student.

When a foster care student transfers before or during the school year, the receiving school district must initially honor the placement of the student in educational courses based on the student's enrollment or assessments conducted in the sending district. The receiving district may perform subsequent evaluations to ensure appropriate placement. The receiving district must initially provide comparable services to a foster care student with disabilities based on his or her current IEP and provide accommodations under section 504 of the Rehabilitation Act. The receiving district may conduct subsequent evaluations to ensure appropriate placement.

Schools must waive specific courses required for graduation if similar course work has been satisfactorily completed in another school or provide reasonable justification for denial of a waiver. If the school district does not grant a waiver, it must provide an alternative means of acquiring required course work so graduation may occur on time. Receiving schools must accept end-of-course exams required for graduation from the sending school, national norm-referenced achievement tests, or alternative testing in lieu of testing requirements for graduation.

If a foster care student transfers at the beginning or during the senior and is ineligible to graduate from the receiving school, the sending and receiving school must grant a diploma to the student from the sending school, provided the student meets the sending school's graduation requirements.

This act is substantially similar to HB 419 (2011).

MICHAEL RUFF

02/24/2011 S First Read--SB 342-Justus (S321)

03/03/2011 Second Read and Referred S Education Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 343 \*\*\*

1554S.011

SENATE SPONSOR: Wright-Jones

SB 343 - This act creates the crimes of assault of an employee of a mass transit system while in the scope of his or her duties in the first, second, and third degree. Mass transit employees include those working for public bus and light rail companies. The penalties for such crimes are a Class B felony, C felony, or Class B misdemeanor, respectively.

This act is similar to SB 330 (2009) and identical to SB 814 (2010) and HB 487 (2009).

STEPHEN WITTE

02/24/2011 S First Read--SB 343-Wright-Jones (S321-322)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

03/28/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 344 \*\*\*

1385S.011

SENATE SPONSOR: Wright-Jones

SB 344 - Under this act, certain health insurance policies must provide coverage for comprehensive ultrasound screening of an entire breast or breasts if a mammogram demonstrates heterogeneous or dense breast tissue based on the Breast Imaging Reporting and Data System established by the American College of Radiology or if a woman is believed to be at increased risk for breast cancer due to family history or prior personal history of breast cancer, positive genetic testing or other indications as determined by a patient's physician. The act also requires each mammography report provided to a patient to include information about breast density, based on the Breast Imaging Reporting and Data System established by the American College of Radiology. The act further requires the report to include a notice, if applicable, informing the patient of the benefits of additional screening tests associated with dense breast tissue results.

STEPHEN WITTE

02/24/2011 S First Read--SB 344-Wright-Jones (S322)

03/03/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S391)

EFFECTIVE: August 28, 2011

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\*\*\* SB 345 \*\*\*

1596S.011

SENATE SPONSOR: Wright-Jones

SB 345 - The act creates the Council on Digital Inclusion.

The council shall be composed of 8 individuals appointed by the Governor to represent: community technology organizations, telecommunications providers, higher education, elementary and secondary education, public health, public housing, local governments engaged in community technology activities, and the Office of Administration. The council shall meet at least 4 times per year. Members serve three-year terms and may be re-appointed.

Duties of the council are listed in the act and include: serving in an advisory capacity to the Office of Administration regarding broadband deployment and digital inclusion; making recommendations regarding initiatives in communities and schools to ensure equitable digital access for all Missourians; researching and reviewing all funding sources for advancing the state's digital inclusion goals; and assisting with long-term technological planning.

ERIKA JAQUES

02/24/2011 S First Read--SB 345-Wright-Jones (S322)

03/03/2011 Second Read and Referred S Education Committee (S391)

EFFECTIVE: August 28, 2011

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\*\*\* SB 346 \*\*\*

1264S.021

SENATE SPONSOR: Wright-Jones

SB 346 - This act creates the "Medical Harm Disclosure Act" to require reporting of medical harm events. A "medical harm event" is defined as harm to a patient as a result of medical care or in a health care setting including, but not limited to the National Quality Forum's list of Serious Reportable Events. The categories of events are described under the act, but include surgical, anesthesia, medication, product, device, care management or environmental death events. Death of a previously healthy person undergoing medical care is also included.

A health care facility, which includes both hospitals and long-term care facilities, shall report a medical harm event to the Department of Health and Senior Services no later than five days after the event has been detected. If the event is an ongoing urgent or emergent threat to the health, welfare or safety of patients, personnel, or visitors, such event shall be reported no later than 24 hours after the event has been detected. On a quarterly basis, each health care facility that has had no medical harm events to report during the quarter shall affirmatively declare this fact to the department.

Each health care facility shall create facility-wide patient safety programs to routinely review patient records for medical harm, analyze these events to determine if they were preventable and implement changes to prevent similar harmful events. Each health care facility shall provide an annual summary of its patient safety program to the department.

Each health care facility shall inform the patient, in a process prescribed under the act, of the medical harm event by the time the report is made to the department. Each health care facility shall interview patients, family members, and parties responsible for the patient about medical harm events and document a detailed summary of that interview in the patient's medical record. If the medical harm event contributed to the death of a patient, the health care facility shall include that event as a contributing cause on the patient's death certificate.

This act creates the "Medical Harm Reporting Advisory Committee." The members to be appointed by the director of the Department of Health and Senior Services are listed under the act. The advisory committee shall assist the department in the development of all aspects of the department's methodology for collecting, analyzing, and disclosing the information collected under this act. In developing the methodology for collecting the data on medical harm events, the department and advisory committee shall use the forms developed by the Agency for Healthcare Research and Quality as "Common Formats", or a similar

standardized collection method.

The department shall also at least quarterly check the accuracy of information reported by health care facilities under this act by comparing the information with other available data such as patient safety indicators from hospital patient discharge data, complaints filed with the licensing division, death certificates, inspection and survey reports, and medical malpractice information. The department shall annually conduct random reviews of health care facility medical records.

Every three years, the department shall have an independent audit conducted by a state university not affiliated with any health care facility required to report under this act. The data collection, analysis and validation methodologies shall be disclosed to the public. The results of the audit shall be available to the public on the department's website within one month of receiving the final report.

Each quarter, the department shall publish details of the fines assessed to health care facilities for failure to report medical harm events and shall issue a news release about that publication. The department shall annually submit a report to the general assembly detailing medical harm events reported at each health care facility. The report may include policy recommendations, as appropriate. The list of items to be included in the report are detailed under the act. Each quarter, the department shall make information regarding outcomes of inspections and investigations conducted pursuant to its hospital and long-term care facility regulatory duties readily accessible to the public on the department website. No health care facility report or department public disclosure may contain information identifying a patient, employee, or licensed health care professional in connection with a specific infection incident. The act provides for patient social security numbers or any other information that could be used to identify an individual patient to kept private.

This act also prohibits health care facilities retaliating against any employee or applicant for employment for actions taken in furtherance of the enforcement of the provisions of this act.

This act creates the "Patient Safety Trust Fund" to be administered by the Department of Health and Senior Services which shall include funds from annual patient safety surcharges on licensing fees charged to medical facilities required to report under this act. Spending from the fund shall be used for regulatory oversight and public accountability for safe health care.

In any case in which the department receives a report from a health care facility indicating an ongoing threat or imminent danger of death or serious bodily harm, the department shall make an onsite inspection or investigation within 48 hours or two business days, whichever is greater, of the receipt of the report and shall complete that investigation within 45 days.

The department may assess the health care facility a civil penalty in an amount not to exceed 100 dollars for each day that the adverse event is not reported following the initial five-day period or twenty-four-hour period, as applicable. If the health care facility disputes a determination by the department regarding alleged failure to report an adverse event, the licensee may, within ten days, request an administrative hearing.

The department shall promote public awareness regarding where and how consumers can file complaints about health care facilities, including a requirement that information about filing complaints be posted in a visible manner on websites, public areas of the health care facilities and all health care facility correspondence and billing documents.

ADRIANE CROUSE

02/24/2011 S First Read--SB 346-Wright-Jones (S322)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 347 \*\*\*

0837S.011

SENATE SPONSOR: Wright-Jones

SB 347 - This act requires persons convicted of failing to pay a fare for the use of Bi-State Development Agency facilities and conveyances to reimburse the reasonable costs attributable to the enforcement, investigation and prosecution of such offense to the agency.

STEPHEN WITTE

02/24/2011 S First Read--SB 347-Wright-Jones (S322)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 348 \*\*\*

0970S.011

SENATE SPONSOR: Wright-Jones

SB 348 – This act relates to pregnancy and sexually transmitted disease prevention and abortion.

#### SEXUAL EDUCATION

This act provides that any course materials relating to human sexuality shall not only be medically and factually accurate, but shall also be based on peer reviewed projects that have been demonstrated to influence healthy behavior. The course instruction shall also present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections. The students shall also be presented with information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and to reduce the risk of contracting sexually transmitted infections or other diseases and well as information regarding the vaccine for the human papillomavirus. The instruction shall also help the students gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent states of human maturation. In addition, the students shall be encouraged to communicate with their family regarding sexuality. This act also requires instruction on the dangers of sexual predators, including online predators as well as the effects of electronic media on sexuality and relationships.

This act also repeals the prohibition on abortion providers providing human sexuality instruction and instead provides that a school district shall make all curriculum materials and names and affiliations of presenters used in the school district available for public inspection.(SECTION 170.015).

#### COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

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

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

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

The department shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. If a hospital or a health care facility is not in compliance, then the department shall impose an administrative penalty of \$5,000/per woman who is denied information or emergency contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every 30 days that a hospital or health care facility is not in compliance, an additional administrative penalty of \$5,000 shall be imposed. (SECTIONS 191.717 and 191.718).

#### BIRTH CONTROL PROTECTION

This act provides that consenting individuals have a protected interest from unreasonable governmental intrusions into their private lives in regards to obtaining and using safe and effective methods of contraception. This act also provides that the laws of this state will be interpreted to recognize these protected rights.

This act also prohibits governmental actors or entities from interfering in a consenting individual's right to the benefits, facilities, services, or information concerning safe methods of contraception. This act also prohibits any laws, rules, ordinances, taxes, or regulations that are implemented to promote public health and safety from unreasonably hindering the public's access to contraceptives. (SECTION 191.720).

#### WOMEN'S HEALTH SERVICES PROGRAM

This act establishes the Women's Health Services Program. Subject to appropriation, the program shall be implemented by the department of health and senior services by July 1, 2011, and shall be initially funded

with five million dollars. The goal of the program is to reduce the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers, as determined by the department. This program shall sunset in six years, unless reauthorized by the General Assembly (SECTION 192.970).

#### PATIENT PROTECTION

Upon receipt of a valid and lawful prescription or upon a lawful request for contraception approved for over-the-counter use, a licensed pharmacy shall dispense the prescribed drug or device without delay, consistent with the normal time frame for filling any other prescription and shall fulfill the request for the over-counter drug in a timely fashion.

When the customer requests a prescribed drug or device, or contraception approved for over-the-counter use, and such drug or device is not in stock, the pharmacy shall offer the customer the option of having the pharmacy obtain the contraception under the pharmacy's standard procedures for expediting ordering of any drug or device not in stock or the pharmacy may locate another pharmacy of the customer's choice or closest pharmacy that has the drug or device in stock and transfer the customer's prescription to that pharmacy, if necessary. The pharmacy shall perform the customer's chosen option in a timely fashion.

The pharmacy shall ensure that it does not intimidate, threaten, or harass its customers in the delivery of services.

Nothing in this act shall prohibit a licensed pharmacy from refusing to dispense a prescribed drug or device in accordance with standard pharmacy practice if there is a valid medical concern or if the customer is unable to pay for the drug or device. (SECTIONS 338.012 AND 338.014).

This act is substantially similar to SB 696 (2010) and SB 982 (2010).  
ADRIANE CROUSE

02/24/2011 S First Read--SB 348-Wright-Jones, et al (S322)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 349 \*\*\*

1754S.011

SENATE SPONSOR: Ridgeway

SB 349 - This act abolishes the Sentencing Advisory Commission.

This act is identical to HB 257 (2011).  
MEGHAN LUECKE

02/24/2011 S First Read--SB 349-Ridgeway (S322)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 350 \*\*\*

1455S.021

SENATE SPONSOR: Dixon

SB 350 - This act provides that every state administrative rule that is proposed, adopted, or amended by any state agency after August 28, 2011, shall automatically sunset six years after their effective date. If an agency wants to continue the effectiveness of the rule beyond six years, the agency shall repromulgate the rule at least once every six years after its sunset.

For each rule repromulgated under this act, the agency shall review the rule to determine whether the rule needs changes or should be rescinded in order to reduce regulatory burdens on business, eliminate unnecessary paperwork, as well as the continued need for the rule in light of any relevant factors that have changed the subject matter affected by the rule.

JIM ERTLE

02/24/2011 S First Read--SB 350-Dixon and Ridgeway (S322)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 351 \*\*\*

1626S.011

SENATE SPONSOR: Lamping

SB 351 - This act modifies provisions regarding adoption records.

Current law allows for nonidentifying information, if known, concerning undisclosed biological parents or siblings to be furnished by the child placing agency or the juvenile court to the adoptive parents, legal guardians or adopted adult upon request. This act allows such nonidentifying information to also be furnished to the adopted adult's lineal descendants if the adopted adult is deceased. SECTION 453.121.3

This act provides that adopted adults may obtain identifying information on adult siblings with the sibling's consent without the court having to find that such information is necessary for health-related purposes. SECTION 453.121.9

**ADOPTIONS PRIOR TO AUGUST 28, 2011**

This act modifies the provisions regarding adopted adults obtaining identifying information of the undisclosed biological parents by making a request to the circuit court having original jurisdiction. This act provides that such identifying information shall also be furnished to the adopted adult's lineal descendants if the adopted adult is deceased. SECTION 453.121.4

Current law allows the adopted adult to make a request and prescribes a procedure for obtaining consent from both the adoptive and biological parents if prior consent has not been given either through the adoption information registry or through contact by the child-placing agency or juvenile court personnel. This act modifies current law by requiring just the biological parents to be notified about the request for identifying information. SECTION 453.121.4 AND 5

This act modifies current law by providing that if the biological parent is deceased, the court shall disclose the identifying information as to that biological parent to the adopted adult. SECTION 453.121.8

**ADOPTIONS AFTER AUGUST 28, 2011**

Effective for all adoptions completed after August 28, 2011, this act allows an adopted person who is eighteen and born in Missouri, or the adopted person's lineal descendants if the adopted person is deceased, to obtain identifying information from the juvenile court unless the biological mother and biological father object to the release of the information on a form provided by the juvenile court prior to the entry of the adoption decree. The information shall only be released as to the biological parent who did not object.

If the biological parents objected to the disclosure of identifying information at the time of adoption, the adopted person may request a child-placing agency or juvenile court to make reasonable efforts to notify the biological parents of the request of the adopted person to obtain identifying information. The child placing agency or the juvenile court may charge actual costs to the adopted person for the cost of attempting to contact the biological parents.

If one or both of the biological parents consent after having been contacted, a notarized form signed by such biological parent giving such consent shall be provided to the court and the identifying information as to the biological parent who consented shall be released. If neither biological parent consents, the identifying information will not be released. Three years after the last request, the adopted person may request that the biological parents be contacted again.

Upon a biological parent's death, an adopted person may obtain the identifying information of the deceased parent. SECTION 453.123

Provisions of this act are similar to HB 427 (2011).

ADRIANE CROUSE

02/24/2011 S First Read--SB 351-Lamping (S322)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S391)

03/29/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 352 \*\*\*

1740S.011

SENATE SPONSOR: Engler

SB 352 - This act establishes a three-year pilot program that allows a judge in a participating county, upon a motion by the prosecutor, to request a criminal offender be placed in the department of corrections for 120 days for a mental health assessment and treatment. The victim must be given notice and an opportunity to be heard before the judge rules on the motion.

At the end of the 120 days, the department must send an assessment report to the sentencing court, which may release the offender on probation. The state probation and parole officer for the offender must work with the department of mental health to enroll eligible offenders into Community Psychiatric Rehabilitation programs.

Offenders are not eligible for the pilot program who have been found guilty of, or plead guilty to, second-degree murder, forcible or first-degree statutory rape, forcible or first-degree statutory sodomy, first degree child molestation that is classified as a Class A felony, or any other offense that does not allow probation or parole. Those found to be predatory sexual offenders are also ineligible.

The directors of the Departments of Corrections and Mental Health are to report to the Governor and the General Assembly by December 31, 2014 on whether the program should be statewide.

This act is substantially similar to HB 302 (2011).  
MEGHAN LUECKE

02/24/2011 S First Read--SB 352-Engler (S322)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 353 \*\*\*

1789S.011

SENATE SPONSOR: Engler

SB 353 - This act allows the Missouri state Highway Patrol to sell surplus watercraft and watercraft motors and trailers in the same manner that the Highway Patrol may currently sell surplus Highway Patrol vehicles.

Proceeds from the sales will be directed to the "Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund", which is administered by the superintendent of the highway patrol. Proceeds from the fund are used to purchase highway patrol motor vehicles, and may be used under this act to also purchase watercraft, and watercraft motors and trailers.

MEGHAN LUECKE

02/28/2011 S First Read--SB 353-Engler (S342)

03/03/2011 Second Read and Referred S General Laws Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 354 \*\*\*

1781S.011

SENATE SPONSOR: Schaaf

SB 354 - This act adds methylenedioxypyrovalerone (MPDV), which is also known as bath salts, to the list of schedule I controlled substances.

This act is identical to HB 551 (2011) and HB 572 (2011).  
MEGHAN LUECKE

02/28/2011 S First Read--SB 354-Schaaf (S342)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 355 \*\*\*

1851S.021

SENATE SPONSOR: Schaaf

SB 355 - Currently, a prospective gubernatorial appointee to a board or commission must file a financial statement detailing all political contributions made within the four-year period prior to such appointment. This

act increases that time period to the ten year period prior to such appointment.

For all gubernatorial appointments made after August 28, 2011, where the appointee is designated as a "public member", "consumer representative", "patient advocate" or similar designation where specialized knowledge is not a prerequisite to appointment, this act requires that such members shall not have, or have had, a financial interest in the subject regulated by the board or commission within at least the five years immediately preceding appointment. Further, such appointees shall not be, or have been, an employee of the state of Missouri within at least the five years immediately preceding appointment.

When state law requires that an organization or association recommend a prospective member of a board or commission, such organization or association must send a written letter of recommendation to the governor prior to the prospective member being appointed to such board or commission. No employee, or person on behalf of an employee, of the executive branch of the state of Missouri shall request that the organization or association recommend a specific individual for membership on such board or commission.  
JIM ERTLE

02/28/2011 S First Read--SB 355-Schaaf (S342)

03/03/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S391)

EFFECTIVE: August 28, 2011

\*\*\* SB 356 \*\*\* SCS SB 356

1787S.03C

SENATE SPONSOR: Munzlinger

SCS/SB 356 - This act modifies provisions pertaining to grain dealers and grain warehouses.

The act requires that all licensed grain dealers or applicants for a grain dealer license must maintain a minimum net worth of 5% of the total amount of grain purchased in the previous fiscal year. Additionally, all licensed grain dealers and applicants must maintain current assets at least equal to current liabilities and the act specifies certain requirements related to the determination of assets and liabilities.

The act raises the minimum surety bond requirement for licensed grain dealers from \$20,000 to \$50,000 and raises the maximum from \$300,000 to \$600,000. The act modifies the formula for determining the amount of surety bond required by specifying that the amount shall be equal to 2% of the dealer's previous year's grain purchases, instead of within a range of between 1% and 5% of such purchases. The act repeals the section of law that allows a grain dealer who has purchased less than \$400,000 of grain the previous year to satisfy the bond requirement by filing bonds at the rate of \$1,000 per \$20,000 worth of grain purchased. Under current law, the owner of a licensed grain warehouse must maintain a net worth equal to 15 cents per bushel of storage capacity. The act increases the multiplication factor from 15 cents to 25 cents.

ERIKA JAQUES

02/28/2011 S First Read--SB 356-Munzlinger (S342)

03/03/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S391)

03/09/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

03/16/2011 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - (1787S.03C)

03/17/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS (S494)

03/25/2011 S Formal Calendar S Bills for Perfection--SB 356-Munzlinger, with SCS

EFFECTIVE: August 28, 2011

\*\*\* SB 357 \*\*\*

1779S.011

SENATE SPONSOR: Munzlinger

SB 357 - This act classifies hydroelectric power generating equipment as tangible personal property for purposes of property taxation. Hydroelectric power generating equipment will be assessed at one percent of its true value in money.

JASON ZAMKUS

02/28/2011 S First Read--SB 357-Munzlinger (S342)

03/03/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S391)



03/15/2011 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 358 \*\*\*

1805S.011

SENATE SPONSOR: Wasson

SB 358 - This act specifies that licensed professional counseling includes the diagnosis, treatment, prevention, and amelioration of mental, emotional, and behavioral disorders.

Any professional counselor who gives a diagnosis subject to this act is required to have acceptable education or training in the diagnosis of mental and emotional disorders. The type of acceptable education or training will be defined by the rules of the committee for professional counselors, based on certain statutory criteria.

A person under supervision for licensure as a professional counselor is also required to provide documentation to the committee to prove that they have been supervised in diagnosing mental and emotional disorders.

Upon request, a licensed professional counselor who diagnoses mental or emotional disorders is required to provide the committee with proof of acceptable education or training. If a licensee gives a diagnosis after the committee notifies the licensee that he or she does not have sufficient education or training to do so, then in a disciplinary proceeding against the licensee, there is a presumption the licensee was not competent to diagnose the disorder.

This act is similar to SB 295 (2009).

EMILY KALMER

02/28/2011 S First Read--SB 358-Wasson (S342)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S391)

03/07/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 359 \*\*\*

1785S.011

SENATE SPONSOR: Lager

SB 359 - After 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 during the entire permitting process. 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.

Once the Early Site Permit is obtained, and provided the company complied with the reporting requirement, the electric company may recover up to \$45 million of the expenditures, plus interest, 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, or the company receives reimbursement for the costs from another source, the PSC must decide how the electric company will credit its ratepayers for the moneys received in the sale, transfer or reimbursement. The PSC must also decide how any profits from a sale or transfer of an Early Site Permit will be shared with ratepayers. Credits made to ratepayers must also include interest.

If the power plant for which the Early Site Permit was acquired is not constructed before the Early Site Permit expires, the PSC must hold a hearing to determine if the electric company acted imprudently by failing to construct the plant. If the PSC determines that the electric company acted imprudently, the PSC must order any company that recovered costs for the Early Site Permit to credit its ratepayers for the costs determined by the PSC to be imprudent. The companies must issue the credits, including interest, over a

period of 5 to 10 years.

This act is identical to SB 321 (2011) and similar to SB 50 (2011).

ERIKA JAQUES

02/28/2011 S First Read--SB 359-Lager (S342)

03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S392)

03/09/2011 Hearing Scheduled But Not Heard S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 360 \*\*\*

1813S.011

SENATE SPONSOR: Lager

SB 360 - This act creates a county drinking water supply lake authority in Sullivan County to promote a safe drinking water supply through the construction, operation, and maintenance of a drinking water supply lake. The authority shall be a body corporate and politic and a political subdivision of the state. Its income and property shall be exempt from state and local taxation.

The authority shall have power over the reservoir encompassing a drinking water supply lake and within the lake's watershed to acquire or build recreational, water quality, and infrastructure improvement projects; acquire personal and real property; enter contracts; sue and be sued; accept money from and enter into agreements with private and public entities; hire employees and fix their wages; spend money; adopt rules; fix fees; issue revenue bonds; sell and supply water; adopt tax increment financing; exercise the powers of eminent domain and planning and zoning; and provide a police force.

Members of the North Central Missouri Regional Water Commission shall appoint members to the county drinking water supply lake authority for staggered six year terms. The appointees must, for more than five years, be registered voters in Missouri and residents of Sullivan County, and the appointees must be over the age of 25.

The water commission shall also establish the date and time for the lake authority's first meeting where a chairman, vice chairmen, secretary and treasurer are to be elected or appointed. An executive director who is not a member of the lake authority may also be appointed who will be compensated or the secretary may be designated to act as executive director.

Surety bonds in the penal sum of \$50,000 or a blanket bond covering the members of the authority, shall be purchased and conditioned upon the faithful performance of the duties of the offices covered.

Authority members are barred from participating in any deliberations or decisions in which the member has a direct financial interest. Such members are subject to the limitations regarding the conduct of public officials provided in Chapter 105, RSMo.

This act defines the terms conservation storage level, costs, project, water commission, and watershed.  
MEGHAN LUECKE

02/28/2011 S First Read--SB 360-Lager (S342)

03/03/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S392)

03/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 361 \*\*\*

1815S.011

SENATE SPONSOR: Justus

SB 361 - Currently, in cases where a foreclosed property is occupied by a residential tenant whose lease is not void due to certain illegal uses of the premises, the new owner of the property must give the occupant of the property notice that the foreclosure sale has occurred, that they are the new owner of the property, and if the new owner seeks possession of the property, that the occupant has ten business days from the date of the notice to vacate the premises. This act gives the occupant ninety days to vacate the premises, rather than ten business days. No unlawful detainer action or other action seeking possession of the premises may

begin against the occupant until ninety days after the date the occupant is given notice that the foreclosure sale occurred.

When a court finds that a landlord or the landlord's agent removed or excluded a tenant from rental property without a court order, the tenant is authorized to receive all damages caused by the landlord excluding them from the property. These damages can include, prepaid rent, moving expenses, loss of utility deposits, loss of credit, damage to the tenant's rental history, damages for physical and emotional distress, and attorneys' fees.

Currently, if a landlord wrongfully withholds a security deposit, the tenant recovers no more than twice the amount wrongfully withheld. This act requires that the tenant recover exactly twice the amount wrongfully withheld.

EMILY KALMER

02/28/2011 S First Read--SB 361-Justus (S342)

03/03/2011 Second Read and Referred S General Laws Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 362 \*\*\*

1814S.011

SENATE SPONSOR: Justus

SB 362 - This act provides that, subject to appropriations, the Department of Public Safety shall contract with an entity with statewide expertise in domestic violence policy to coordinate review of domestic violence fatalities.

The coordinating entity shall be authorized to convene regional review panels, gather information and provide training and technical assistance to such panels. The coordinating entity shall also compile information and issue biennial reports to the department as well as establish a protocol for identifying domestic violence related fatalities and selecting which cases to review. The coordinating agency may convene a regional panel to review any domestic violence fatality.

Private citizens may request the coordinating agency to review a particular death within two years of the death. Of these requests, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol established by the coordinating entity.

The composition of the members of the regional review panels is prescribed in the act, including medical personnel, coroners or medical examiners, and law enforcement personnel. The regional review panels shall make periodic reports to the coordinating entity and a final report to the entity with regard to every fatality that is reviewed.

ADRIANE CROUSE

02/28/2011 S First Read--SB 362-Justus (S343)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 363 \*\*\*

1670S.011

SENATE SPONSOR: Justus

SB 363 - This act modifies provisions relating to crime.

#### SENTENCING

The Department of Corrections shall not accept for commitment in its prisons any offender who pleads guilty to or is found guilty of a Class D felony unless such person has been found guilty of or pleaded guilty to at least two prior felonies. Nor shall the department accept for commitment any offender who pleads guilty to or is found guilty of certain Class C felonies, including passing bad checks, check kiting, forgery, and certain other offenses, unless such person has at least one prior felony.

Any such offender may be: 1) directed, with the agreement of the parties and the approval of the court, to participate in a drug court, DWI court, or any other treatment court approved by the drug courts coordinating commission, 2) sentenced to county jail, or 3) placed on probation.

For the purpose of calculating the savings to the state resulting from implementation of these provisions,

the Department of Corrections shall calculate a state baseline number consisting of the average of the numbers of persons in the department on the last day of each month in fiscal year 2010, who were committed to the department solely for certain class C and D felonies as described above.

The department shall calculate the savings to the state each quarter by subtracting the average daily population of offenders housed in prison for such Class C and D felonies during the quarter from the state baseline number. The quarterly savings to the state shall be determined by multiplying the operational costs per offender by the difference between the state baseline number and the average daily population for the quarter and then subtracting from that number the cost of probation and parole and the cost of drug, DWI, or other treatment courts for the diverted offenders. If the population of such Class C and D felony offenders increases in any quarter, no calculations shall be required.

The savings shall be distributed in the following manner. One-half shall revert to the general revenue fund. Subject to appropriations, one-sixth shall be retained by the department of corrections for community supervision costs, one-sixth shall be distributed to the circuit courts, and one-sixth shall be distributed to the "County Corrections Stabilization Fund", which is created under this act to be used by counties to fund the housing of inmates who are serving sentences on such Class C and D felonies. The fund shall receive the first \$2 million dollars of savings toward its share of the distribution.

The department shall administer the County Corrections Stabilization Fund. The money shall be disbursed to reimburse the actual costs of incarceration up to 180 days per individual offender if: 1) the prisoner pleads guilty to or is found guilty of a state offense for which he or she is sentenced to the department of corrections but received credit for the time served in the county jail prior to sentencing; or 2) the prisoner is held in a county jail for a state offense on a sentence or portion of a sentence following a plea or finding of guilty or is incarcerated under Section 559.026. Currently, these types of costs of incarceration are not reimbursed by the state to the counties under Section 221.105, but would be reimbursed under this act from the fund. If there are insufficient moneys in the fund, the department shall pay each county that has reduced the number of persons serving sentences for such felonies with the department a pro rata share of the available amount. The money in the fund shall not revert back to the general revenue fund.

Each month, the Department of Corrections shall provide to each county's prosecuting or circuit attorney a list of persons incarcerated by corrections for offenses from the attorney's county and their offenses. The list shall also include the risk assessment and parole release guidelines used by the probations and parole board for each offender and that person's conditional and board release date.

The "Criminal Justice Review Commission" is created to study the effects of these provisions and make recommendations for any proposed changes prior to August 28, 2014. The commission shall make annual reports to the Governor, Speaker of the House, and President Pro tem of the Senate. The commission shall include one House member, one Senate member, two judges, the executive director of the Missouri Office of Prosecution Services, a member named by the Public Defender system, a member named by the Sentencing Advisory Commission, the director of the Department of Corrections, the director of the Department of Public Safety, and the following individuals named by the Governor - a county sheriff, criminal defense attorney, and a representative of a victims' rights organization.

The Board of Probation and Parole may select nonviolent offenders for release upon their admission to a drug, DWI or treatment court upon agreement with the drug court commissioner or judge. Any such offender shall be subject to the jurisdiction of such court as if on original probation.

These provisions shall expire on August 28, 2014, except that savings resulting from implementation during the year ending on August 28, 2014 shall be calculated and distributed after such date.

This act repeals a provision making the county's cost of housing an inmate that is reimbursed by the state subject to the review and approval of the department.

Subject to appropriations, electronic monitoring supervised by counties prior to the plea or finding of guilt of an offender shall be eligible for reimbursement by the state at a rate not to exceed \$8 per prisoner per day.

The circuit court shall retain jurisdiction over any person sentenced to a term of confinement in a county jail for the duration of the sentence or the term of probation granted under law.

## CHILD MOLESTATION

Currently, the crime of child molestation in the first degree is a Class A felony if the person has previously committed a sexual offense under Chapter 566. Under this act, the penalty for such offense shall be the same when the person has committed a previous sexual offense in another jurisdiction equivalent to one under Chapter 566.

MEGHAN LUECKE

02/28/2011 S First Read--SB 363-Justus (S343)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 364 \*\*\*

1816S.011

SENATE SPONSOR: Pearce

SB 364 - This act allows for the creation of parks, trails and greenways districts within certain charter counties. The primary duty of such districts is the development, operation, and maintenance of a system of interconnecting parks and trails throughout the counties comprising the district. District membership is subject to approval by the voters of each participating county.

The district will be managed by a board of directors. Members of the Board will be appointed by the county executive of each participating county and the mayors of certain cities within such counties. Members of the board will serve without compensation for staggered terms.

This act authorizes parks, trails and greenways districts to seek voter approval for a one-tenth of one cent sales tax in participating counties to fund the district. Forty-five percent of the revenue shall be used by the district and fifteen percent shall be returned to the participating counties for local park improvement. The remaining forty percent of such revenues will be returned to the cities in proportion to their relative sales tax contributions to fund the planning, development, supervision, improvement, and maintenance of public parks, trails, and recreational facilities in the district.

The act authorizes parks, trails and greenways districts to issue bonds to fund proposed improvements. Such districts are prohibited from exercising the power of eminent domain. All purchases made by parks, trails and greenways districts over ten thousand dollars will be subject to competitive bidding.

JASON ZAMKUS

02/28/2011 S First Read--SB 364-Pearce (S343)

03/03/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S392)

03/09/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 365 \*\*\*

0134S.011

SENATE SPONSOR: Goodman

SB 365 - This act allows up to \$9,999 to be set aside in an irrevocable trust designated to pay for funeral services, facilities, or merchandise, that is not part of a preneed funeral contract, without that trust being considered an asset when determining eligibility for public assistance. Any excess money after final disposition shall be paid to the state up to the amount of public assistance provided. Any money remaining after paying the state is paid to those designated in the trust.

This act is similar to SB 1025 (2010) and a provision within the perfected version of SB 1 (2009).

EMILY KALMER

02/28/2011 S First Read--SB 365-Goodman (S343)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S392)

03/28/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 366 \*\*\*

1676S.011

SENATE SPONSOR: Goodman

SB 366 - This act creates cooperative associations as a new type of business organization formed for any lawful purpose to conduct business in the state of Missouri. The association shall be comprised of members and governed by a board of directors. Members may be patron or nonpatron members. Patron members are those that conduct business through or with the cooperative. The cooperative may elect to be taxed as a corporation or as a partnership.

The articles of association may limit a director's liability except for a breach of the duty of loyalty, intentional misconduct, illegal distributions, and improper benefits. Cooperatives may indemnify persons in certain situations.

The act provides requirements for the organization of associations such as defining organizational purpose, who may organize, cooperative names, elements to be included in articles of organization and bylaws and requirements for amending both and the members right to inspect the cooperative's documents.

The act provides requirements governing the actions and liabilities of directors and officers including the number and election procedures for directors, quorum requirements, removal procedures for directors and officers, meeting requirements, limitation of liability and indemnification procedures.

The requirements governing members are enumerated including membership interests, member meeting requirements, voting rights, sale of assets, and contribution agreements.

The act sets forth the method for merger, consolidation, and dissolution.

CHRIS HOGERTY

02/28/2011 S First Read--SB 366-Goodman (S343)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S392)

03/09/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 367 \*\*\*

1791S.011

SENATE SPONSOR: Nieves

SB 367 - This act establishes the Health Care Compact which specifies that each member state of the compact shall have the authority to enact state laws that supersede any and all federal laws regarding health care within its state. The compact specifies that each member state shall have the right to mandatory federal funds to support the exercise of member state authority under the compact and that the funding shall not be conditional on any action, regulation, policy, law or rule of any kind of the member state. The funding amount to be distributed to each member state shall be based on the Member State Current Year Funding Level, which formula is prescribed under the act.

This act creates the interstate advisory health care commission consisting of members appointed by each member state through a process to be determined by the laws of each member state. No state may appoint more than two members to the commission, and at any time a member state may withdraw its members from the commission.

The commission may study the issues of health care regulation of particular concern to the member states, such as the elimination of interstate barriers to the provision of health care. After consideration, the commission may make non-binding recommendations to the member states.

The commission shall also collect information and data to assist the member states in the regulation of health care, including assessing the performance of various state health care programs and compiling information on the cost of health care. The commission shall make this information and data available to the legislature of the member states.

The compact shall be effective upon its adoption by at least two member states and consent of the United States Congress.

This act is identical to HB 423 (2011).

ADRIANE CROUSE

02/28/2011 S First Read--SB 367-Nieves and Stouffer (S343)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S392)

EFFECTIVE: Contingent

\*\*\* SB 368 \*\*\* SCS SB 368

1702S.02C

SENATE SPONSOR: Stouffer

SCS/SB 368 - Under current law, land survey duties under Chapter 60, RSMo, are performed by the Department of Natural Resources. This act transfers the duties to the Department of Agriculture. The act prohibits the Department of Agriculture from charging the Land Survey Program more than it charges any of its other programs when assessing costs to each program for supporting general department administrative functions.

ERIKA JAQUES

02/28/2011 S First Read--SB 368-Stouffer (S343)  
 03/03/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S392)  
 03/09/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 03/16/2011 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee - (1702S.02C)  
 03/17/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor w/SCS (S494)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 368-Stouffer, with SCS

EFFECTIVE: August 28, 2011

\*\*\* SB 369 \*\*\*

0349S.05I

SENATE SPONSOR: Cunningham

SB 369 – This act modifies provisions relating to school enrollment. Current law provides that the school board of an unaccredited school district must pay the tuition and transportation for resident students who attend an accredited school in another district of the same or an adjoining county. This act adds enrollment procedures for students to follow when changing school districts. In addition, this act adds options for school districts to educate nonresident students and gives new enrollment options to residents students of an unaccredited district.

CHARTER SCHOOLS - Charter schools may operate in any accredited school district that may receive students from an unaccredited school district and may enroll resident students of the unaccredited district under Section 167.131. A charter school that begins operation may continue to operate if the unaccredited district becomes classified as accredited or provisionally accredited. In addition, charter schools may be sponsored by: the school board of a district in collaboration with another district; the State Board of Education in an unaccredited district; the mayor of St. Louis City in an unaccredited district; or by the school board of an accredited district in an unaccredited district.

This act allows charter schools to charge tuition. A charter school that enrolls nonresident pupils from an unaccredited district may receive tuition payments for those students. (Sections 160.400, 160.410, 160.415, 160.420)

TRANSFER PROCEDURES - Student transfers between the St. Louis City School District and school districts located in St. Louis County, and amongst districts located in St. Louis County, will be administered by the Voluntary Interdistrict Coordinating Council, the Department of Elementary and Secondary Education, or a neutral third party appointed by the Department. Student transfers in all other parts of the state will be administered by the Department of Elementary and Secondary Education, or a neutral third party appointed by the Department.

Students residing in an unaccredited district may enroll in an accredited district, a nonsectarian nonpublic school, virtual school, or charter school in the same or an adjoining county.

This act requires the student's parent or guardian to notify the child's school district of residence and the student transfer administrator by January 15 of the intent to change the child's enrollment on an application prescribed by the Department of Elementary and Secondary Education. If a parent fails to provide notification by January 15, he or she may do so until March 15 provided that the parent has good cause to do so, as described in the act. The parent or guardian may withdraw the request at any time prior to the start of the school year.

The student transfer administrator must make counselors available to assist parents to enroll their child, who must advise the parent on education options available to the pupil and assist them in preparing any necessary applications or additional paperwork. The parent or guardian must identify five educational options for the student transfer administrator. At least one accredited district must be listed on the form if approved by the parent. The student transfer administrator must enroll the pupil in one of the five identified options, based on availability. If none of the options are available, the administrator must advise the parent on additional options that may be available. The student transfer administrator must obtain separate approval from the parent or guardian prior to enrolling the child in a program consisting solely of virtual education. A pupil who enrolls in one of his or her five selected options may return to the school district of residence but may not enroll in another school under this section.

The student transfer administrator may receive an administrative fee of up to five hundred dollars, as described in the act.

A student who seeks to enroll in a charter school must follow existing procedures. (Section 167.131)

RECORDS - School districts must keep a record of all transfers requested into and out of the district. These records must be reported annually in the school report card, posted on the school district's website, and reported annually to the Department of Elementary and Secondary Education. (Section 167.131)

OPTIONS FOR A RECEIVING DISTRICT TO EDUCATE NONRESIDENT PUPILS -This act provides different options for receiving districts to educate nonresident students. First, a receiving district may enroll nonresident students in existing school facilities located within the district. Second, a receiving district may purchase or lease additional facilities, including vacant school buildings located in another school district, and operate such facilities as part of the district with teachers employed by the district. Schools may use virtual education at such facilities. Third, a receiving district may contract with an independent, nonpublic school to educate nonresident pupils. Fourth, the receiving district's school board may sponsor charter schools and allow the nonresident students to attend. The school board of an accredited school district may also sponsor a charter school. Nonresident pupils may also attend any other charter school operating in the district. (Sections 160.400 and 167.131)

ADMINISTRATION OF MAP TEST - Any accredited school district that enrolls nonresident students under this act must administer the MAP test to them. The results must be reported in aggregate form. Any nonsectarian nonpublic school may inform and advise transfer students about the MAP test and refer them to the local school district; it may also administer the MAP test for those transfer students. (Section 167.131)

TUITION AND TRANSPORTATION PAYMENTS - The school board of the unaccredited district must pay the tuition and transportation of its resident pupils who enroll in another school under this section. Tuition will be based on the cost of maintaining the grade level grouping in the receiving school. In addition, all other aid attributable to the student, including any additional weighted state aid, must be paid to the receiving school.

The unaccredited district must report to the Department of Elementary and Secondary Education the number of its resident pupils who enroll in another educational option under this section and the amount of tuition paid on behalf of each student. The Department must withhold the weighted state aid attributable to the pupil from the district of residence's state aid payments. The local county assessor and collector must withhold all local effort attributable to such pupils and forward it to the Department. The Department will use these funds to pay the tuition to the receiving schools, as described in the act.

Current law requires the unaccredited district to pay for the student's transportation. The student transfer administrator will be responsible for coordinating transportation for the transfer students. The student's parent or guardian may transport the student to the receiving district without reimbursement. In addition, the parent may transport the student to and from a point on a regular school bus route of the receiving district. (Sections 167.131, 167.241)

LENGTH OF TRANSFER PROGRAM - Student transfers will continue until the unaccredited district has been classified as accredited for five consecutive years. However, any pupil who has enrolled in another school may continue to attend that school and complete all grade levels offered in the school or school district. (Section 167.131)

PLACEMENT OF TRANSFER STUDENTS - When a pupil transfers into an accredited district, it must provide



the pupil and parent with a written explanation of the enrollment and grade level placement policies. It must review the pupil's course work, test scores, and transcript, as described in the act. The district must provide a determination of the placement to the student and parent within thirty calendar days of the request for enrollment. (Section 171.171)

SCHOOL FACILITIES - This act also allows school districts to operate property it owns in another district for resident students of an unaccredited district who are enrolled in an accredited district under Section 167.131. In addition, any school district that owns school buildings that have not been used for classroom instruction for two consecutive school years must either sell them or make them available for use by an accredited school district, charter school, virtual school, or nonsectarian nonpublic school, free of charge. The sale or lease terms must not include a restriction on using the facilities for educational purposes. (Sections 177.011 & 177.015)

MICHAEL RUFF

02/28/2011 S First Read--SB 369-Cunningham (S343)

03/03/2011 Second Read and Referred S General Laws Committee (S392)

03/08/2011 Hearing Conducted S General Laws Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 370 \*\*\*

1669S.031

SENATE SPONSOR: Cunningham

SB 370 – This act modifies provisions relating to school enrollment. Current law provides that the school board of an unaccredited school district must pay the tuition and transportation for resident students who attend an accredited school in another district of the same or an adjoining county. This act establishes a scholarship program to allow resident students of an unaccredited district to enroll in a nonpublic school, charter school, virtual school, or accredited school district. The Department of Elementary and Secondary Education will administer the scholarship program.

CHARTER SCHOOLS - Charter schools may enroll a nonresident pupil from an unaccredited district and may accept the pupil's scholarship. This act also allows charter schools to charge tuition. (Sections 160.410, 160.415, 160.420)

SCHOLARSHIP PROGRAM - The scholarship amount depends on the geographic location of the student's school district of residence. For the St. Louis City School District and Kansas City School District, the amount would be the cost of attendance at the receiving school, or two-thirds of the district of residence's per pupil expenditure, whichever is less. For all other districts, the scholarship amount will be the per pupil expenditure of the receiving school or the pupil's district of residence, whichever is less.

The student may use the scholarship at an accredited nonpublic school, virtual school, charter school, or accredited school district that accepts him or her. An accredited district is not required to accept the student unless the student is able to demonstrate that he or she has already been rejected by seven other schools. At that time, an accredited district is required to admit the student.

The student's parent or guardian must notify the student's school district of residence and the Department of Elementary and Secondary Education by January 15 of the intent to change the child's enrollment on an application prescribed by the Department. If a parent fails to provide notification by January 15, he or she may do so until March 15 provided that the parent has good cause to do so, as described in the act. The parent or guardian may withdraw the request at any time prior to the start of the school year.

An unaccredited district must report annually to the Department the number of its resident pupils who use a scholarship. The unaccredited district must report to the Department of Elementary and Secondary Education the number of its resident pupils who enroll in another educational option under this section and the amount of the scholarship paid on behalf of each student. The Department must withhold the weighted state aid attributable to the pupil from the district of residence's state aid payments. The local county assessor and collector must withhold all local effort attributable to such pupils and forward it to the Department. The Department will use these funds to pay the appropriate scholarship amount to the receiving schools, as described in the act. For each student who receives a scholarship, the Department may receive an administrative fee of up to five hundred dollars, to be paid from the money withheld from the school district of residence.

ADMINISTRATION OF MAP TEST - Any accredited school district that enrolls nonresident students under

this act must administer the MAP test to them. The results must be reported in aggregate form. Any nonsectarian nonpublic school may inform and advise transfer students about the MAP test and refer them to the local school district; it may also administer the MAP test for those transfer students. (Section 167.131)

RECORDS - School districts must keep a record of all transfers requested into and out of the district. These records must be reported annually in the school report card, posted on the school district's website, and reported annually to the Department of Elementary and Secondary Education.

TRANSPORTATION - Current law requires the unaccredited district to pay for the student's transportation. The Department of Elementary and Secondary Education will be responsible for coordinating transportation for the transfer students. The student's parent or guardian may transport the student to the receiving district without reimbursement. In addition, the parent may transport the student to and from a point on a regular school bus route of the receiving district. (Sections 167.131, 167.241)

LENGTH OF TRANSFER PROGRAM - Student transfers will continue until the unaccredited district has been classified as accredited for five consecutive years. However, any pupil who has enrolled in another school may continue to attend that school and complete all grade levels offered in the school or school district. (Section 167.131)

PLACEMENT OF TRANSFER STUDENTS - When a pupil transfers into an accredited district, it must provide the pupil and parent with a written explanation of the enrollment and grade level placement policies. It must review the pupil's course work, test scores, and transcript, as described in the act. The district must provide a determination of the placement to the student and parent within thirty calendar days of the request for enrollment. (Section 171.171)

MICHAEL RUFF

02/28/2011 S First Read--SB 370-Cunningham (S343)  
03/03/2011 Second Read and Referred S General Laws Committee (S392)  
03/08/2011 Hearing Scheduled But Not Heard S General Laws Committee  
03/15/2011 Hearing Cancelled S General Laws Committee  
03/29/2011 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 371 \*\*\*

1782S.011

SENATE SPONSOR: Cunningham

SB 371 – This act provides the State Board of Education an additional option to address the lapse and lack of accreditation of a school district. The State Board of Education may divide the territory of the district and attach seventy-five percent of it to adjoining accredited school districts. If the district becomes accredited and remains accredited for five consecutive years, the State Board may return the attached portion back to the district.

This act also removes the requirement that a portion of a lapsed school district with more than five thousand students cannot be attached to another district without the approval of the receiving district's school board.

MICHAEL RUFF

02/28/2011 S First Read--SB 371-Cunningham (S343)  
03/03/2011 Second Read and Referred S General Laws Committee (S392)  
03/08/2011 Hearing Scheduled But Not Heard S General Laws Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 372 \*\*\*

1839S.011

SENATE SPONSOR: Cunningham

SB 372 – This act modifies the teacher tenure system and administration of teacher contracts. Currently, two teacher tenure systems exist in the state, one for the St. Louis City School District and one for all other districts. These two systems will expire, and beginning on July 1, 2012, all teachers in the state will be governed by the "Teacher Continuing Contract Act." Performance pay increments are also established for teachers. (Sections 168.102, 168.221, 168.1000)

TEACHING STANDARDS: The teacher standards established in section 160.045 will be used for teacher

evaluations under this act. In addition, the Missouri Teaching Standards Professional Continuum adopted by the State Board of Education will constitute fifty percent of the score on a teacher's evaluation under this act. (Section 160.045)

**MINIMUM TEACHER SALARIES:** This act removes the minimum teacher salary established for full-time teachers with a master's degree and at least ten years' teaching experience. (Section 163.172)

**SCHOOL ADMINISTRATOR EVALUATIONS:** School boards must currently conduct a comprehensive performance-based evaluation of administrators. This act requires them to be conducted annually. The Missouri Administration Standards Professional Continuum will be used for fifty percent of the score. Beginning July 1, 2012, administrator evaluations must contain a component that assesses the performance of instructional personnel they supervise. This component will constitute fifty percent of the evaluation. Each school district's school board must develop standards and criteria for the assessment. (Section 168.410)

**CLASSES OF TEACHERS:** Teachers will be classified as "probationary teachers" and "continuing contract teachers." Probationary teachers are those in their first year of employment or who are subsequently employed in the same district on a one-year contract. Continuing contract teachers are those who are employed on a contract whose length is two or more years.

A continuing contract will be effect for two, three, or four years, except for retirement, death, resignation, termination, revocation of a teaching certificate, or modification. (Sections 168.1002 & 168.1004)

**TRANSITION FROM EXISTING TENURE SYSTEM TO CONTINUING CONTRACT SYSTEM:** All teachers who have tenure will be placed on a probationary contract effective July 1, 2012. New hires or teachers who have worked in another district after July 1, 2012 will also be given a probationary contract. During the 2012-2013 school year, each district will administer performance-based evaluations to all teachers.

Beginning July 1, 2013, a novice probationary teacher entering his or her first contract after becoming certificated will be granted a novice probationary contract of two one-year contracts. The second year will be conditional on first-year performance.

Beginning July 1, 2013, a transfer probationary teacher may be granted a two-year contract if the hiring district finds that the student performance data from the teacher's previous district is sufficient to warrant a two-year contract.

Beginning July 1, 2013, teachers who score in tier 1 on the teacher evaluations in the final year of their continuing contract will receive a subsequent continuing contract for a four-year period. Those who score in tier 2 will receive a three-year continuing contract. Those in tier 3 will receive a two-year continuing contract. Those in tier 4 will receive a one-year contract and become probationary teachers. (Section 168.1003)

**FORM OF TEACHER CONTRACT:** Standard language to be used for teacher contracts is identified. The school board may terminate a contract for cause at any time. A school board is prohibited from employing one of its members as a teacher. (Section 168.1006)

**MODIFICATION OF TEACHER CONTRACTS:** The school board may modify a continuing contract annually on or before May 15. Modifications include: school year starting and ending dates; annual compensation based on a salary schedule; utilization of information from teacher evaluations, which may include longer contract lengths for teachers with higher scores; and inclusion of performance pay increments, based on teacher evaluation information. Modifications will become effective at the beginning of the next school year. (Section 168.1008)

A permanent teacher and a school district may terminate or modify a continuing contract by mutual consent at any time. A teacher who desires to terminate his or her continuing contract at the end of a school term must give written notice before June 1 of that year. (Section 168.1010)

**PERFORMANCE PAY:** This act establishes performance pay procedures to become effective on July 1, 2013. Each school district must use ninety percent of its total annual base compensation for all teachers in the 2012-2013 school year as the base year for the initial calculation of performance pay increments. The remaining ten percent may be used to address anomalies in the schedule. Each subsequent year will be based on ninety percent of the previous year's total.

Each district must rank-order its teachers by the totals of their performance-based evaluation scores and their student performance scores. Where two or more teachers score the same on their total score, the teacher with the higher student performance score will rank above the teacher with the lower student performance score. If two teachers are ranked the same, have the same student performance score, and the scores fall at a tier break point, both teachers will be ranked in the higher tier.

Teacher salaries based on performance pay and contract increments are described in the act. (Section 168.1009)

**TERMINATION OF A CONTINUING CONTRACT:** The school board may terminate a continuing contract for one or more of the following causes: unsatisfactory performance based on teacher evaluation under section 168.1026; physical or mental condition, as described in the act; willful or persistent violation of, or failure to obey, the school laws of the state or school board policy; excessive or unreasonable absence from performance of duties; conviction of a felony or a crime involving moral turpitude.

Determination of professional competency or efficiency of a continuing contract teacher, consideration will be given to regular and special evaluation reports prepared in accordance with school district policy and any standards the board may have adopted. (Section 168.1012)

**LEAVE OF ABSENCE POLICIES:** School boards may establish policies for leaves of absence. A teacher who serves active duty in the military will be eligible for reinstatement without loss of a continuing contract. (Section 168.1020)

**REDUCTION IN FORCE:** A school board may place teachers on leave of absence because of a decrease in student enrollment, district reorganization, or financial condition. Criteria are established for which teachers may be placed on leave. (Section 168.1022)

**TEACHER EVALUATIONS:** Each school district must maintain records showing periods of service, dates of appointment, and other necessary information.

Each teacher must have an annual comprehensive, performance-based evaluation conducted. Fifty percent of the evaluation will be based on the performance of students for whom the teacher has responsibility. Fifty percent will be based on the district's teaching standards developed under section 160.045. No more than forty percent of a building's teachers will receive a standards-based score in the top thirty-three percent. Teachers must be evaluated regularly and twice annually in the final year of their continuing contract. Advance notice of evaluations will not be given. Evaluations must be maintained in the teacher's personnel file.

The Department of Elementary and Secondary Education must develop suggested procedures and models for student performance evaluations. (Section 168.1026)

**SCHOOL BOARD MEMBER LIABILITY:** A school board member will not be liable in a civil action based on a statement of charges against a school teacher. (Section 168.1028)

**PROHIBITION ON TEACHER PARTICIPATION IN CERTAIN SCHOOL BOARD MEMBER CAMPAIGNS:** This act prohibits a teacher from participating in the management of a campaign for the election or defeat of school board members of his or her district of employment. A teacher who violates this provision will be terminated. (Section 168.1030)

This act is identical to HB 628 (2010) and is similar to HB 2463 (2010).

MICHAEL RUFF

02/28/2011 S First Read--SB 372-Cunningham (S343)

03/03/2011 Second Read and Referred S General Laws Committee (S392)

EFFECTIVE: August 28, 2011

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\*\*\* SB 373 \*\*\*

1806S.011

SENATE SPONSOR: Dempsey

SB 373 - The act suspends workers' compensation benefits to incarcerated individuals and requires that employees must be entitled to legally work in the United States to receive benefits.

Compensation shall not be payable from the Second Injury Fund when employees elect to pursue workers' compensation outside of the state.

Life payments paid out of the Second Injury Fund shall be suspended for employees who receive permanent total disability awards but by the use of glasses, prosthetic appliances, or physical rehabilitation are restored to regular work or its equivalent.

Life payments paid out of the Second Injury Fund shall be suspended for all injured employees when the employee is able to obtain suitable gainful employment or be self-employed in view of the nature and severity of the injury. Life payments paid out of the Second Injury Fund may be suspended for any injured employee when the employee becomes eligible to receive Social Security benefits attributable to the employee's injury. The combined sum of the amount of monthly payments from the fund and monthly Social Security benefits shall not be less than the life payments otherwise payable out of the fund.

The act requires the department to use money contained in the fund at the end of the previous fiscal instead of calendar year for calculating the annual surcharge.

Outstanding advances from the workers' compensation fund to the Second Injury Fund shall not exceed 33 1/3% of the total amount of the annual surcharge and reimbursements for advances shall be made within 5 years instead of within the year.

CHRIS HOGERTY

02/28/2011 S First Read--SB 373-Dempsey (S344)

03/03/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 374 \*\*\*

1780S.011

SENATE SPONSOR: Parson

SB 374 - This act establishes qualifications and appointment procedures for county recorders where the offices of the court clerk and recorder of deeds are separate.

The county recorder must be at least 21, a registered voter, and a resident of the state or county in which he or she is a candidate for a least one year prior to the general election. If elected, the recorder must continue to be a resident while in office.

Except in the city of St. Louis or charter counties, the county commission is to appoint a recorder in the event of a vacancy in the office due to resignation or death until the Governor appoints someone to the office pursuant to Section 105.030.

MEGHAN LUECKE

02/28/2011 S First Read--SB 374-Parson (S344)

03/03/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S392)

03/09/2011 Hearing Cancelled S Jobs, Economic Development and Local Government Committee

03/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 375 \*\*\*

1700S.011

SENATE SPONSOR: Parson

SB 375 - This act removes the allocable share release provision of the master settlement agreement, which allows nonparticipating tobacco product manufacturers to obtain a refund if they can establish that the amount such manufacturer paid into escrow exceeds the amount of the state's allocable share of the total payments the manufacturer would have been required to make in that year as a participating manufacturer under the master settlement agreement. Nonparticipating tobacco manufacturers will be able to obtain a refund to the extent they can establish that the amount such manufacturer paid into escrow exceeds the amount the manufacturer would have to pay, based upon the number of cigarettes sold, as a participating manufacturer under the master settlement agreement.

This act contains an emergency clause and is identical to House Bill 491 (2011).

JASON ZAMKUS

02/28/2011 S First Read--SB 375-Parson (S344)

03/03/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S392)

EFFECTIVE: Emergency Clause

\*\*\* SB 376 \*\*\*

1747S.011

SENATE SPONSOR: Parson

SB 376 - Under current law, rate adjustments in the purchase price of natural gas that are approved by the Public Service Commission (PSC) are exempt from certain provisions relating to business license taxation. The act adds a qualifying provision that any such purchased gas adjustment rates shall include the gas cost portion of net write-offs (i.e., bad debt) incurred by the gas company in providing service to customers. Any such net write-offs may only be recovered once through purchased gas adjustment rates, the act requires an annual true-up of the net write-offs, and the PSC shall annually review gas companies' debt collection efforts.

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

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

This act is identical to SB 705 (2010) and HB 1610 (2010) and similar to SCS/SB 299 (2009) and HB 2279 (2008).

ERIKA JAQUES

02/28/2011 S First Read--SB 376-Parson (S344)

03/03/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment  
Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 377 \*\*\*

1788S.011

SENATE SPONSOR: Parson

SB 377 - This act extends the sunset on the rolling stock tax credit to August 28, 2020.

JASON ZAMKUS

02/28/2011 S First Read--SB 377-Parson (S344)

03/03/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 378 \*\*\*

1715S.011

SENATE SPONSOR: Kehoe

SB 378 - This act extends the sunset date for the commission to enter into design-build project contracts. Under current law, the commission's authority to enter into design-build projects expires on July 1, 2012. This act extends the date to July 1, 2018. This act repeals the Highways and Transportation Commission's current authority to enter into specific design-build contracts.

STEPHEN WITTE

02/28/2011 S First Read--SB 378-Kehoe (S344)

03/03/2011 Second Read and Referred S Transportation Committee (S392)

03/09/2011 Hearing Conducted S Transportation Committee

03/09/2011 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 379 \*\*\*

1667S.011

SENATE SPONSOR: Kehoe

SB 379 - This act prohibits a person from bringing a products liability claim more than ten years after the date on which the product that allegedly caused the damage was first placed in the stream of commerce. This prohibition does not apply to an action for indemnity or contribution brought by a defendant to a products liability action. This prohibition also does not apply to any action to recover damages allegedly resulting from exposure to asbestos, dioxins, or polychlorinated biphenyls (PCBs), or actions arising out of a defective or unsafe condition of any improvement to real property.

This act specifies that a manufacturer or seller of a product is not liable in a products liability action where a proximate cause of the damage was an alteration of modification of the product by someone other than the manufacturer or seller. The act also provides a couple of exceptions to this limitation and specifies that this limitation on liability applies to changes in the design, formula, function or use of the product from that originally designed, tested, or intended by the manufacturer, including failure to observe routine care and maintenance.

EMILY KALMER

02/28/2011 S First Read--SB 379-Kehoe (S344)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 380 \*\*\*

1846S.011

SENATE SPONSOR: Green

SB 380 - This act requires the state treasurer to transfer the balance in any fund in excess of 200% of the previous fiscal year's expenditures into the state general revenue fund. The provisions of this act apply to any state fund or administratively created fund, with certain exceptions described in the act.

JIM ERTLE

02/28/2011 S First Read--SB 380-Green (S344)

03/03/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 381 \*\*\*

1756S.021

SENATE SPONSOR: Dixon

SB 381 - This act authorizes a court to assess certain court costs against a criminal defendant in a misdemeanor or infraction case when the criminal case is dismissed, if the defendant consents to pay the costs.

EMILY KALMER

02/28/2011 S First Read--SB 381-Dixon (S344)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S392)

03/09/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 382 \*\*\*

1705S.011

SENATE SPONSOR: Chappelle-Nadal

SB 382 - This act establishes licensing standards for different types of clinical laboratory science personnel. The act licenses medical laboratory scientists, categorical laboratory scientists, medical laboratory technicians and phlebotomists.

The act establishes the Clinical Laboratory Science Board consisting of nine members appointed by the Governor with the advice and consent of the Senate. Among other duties, the board shall establish educational standards and procedures for granting reciprocity for licensees from other states.

Applicants for licensing are required to be at least 18 years old, submit an application, pay a fee, submit to a background check, pass certain examinations, and meet specific educational requirements.

Current practitioners of clinical laboratory science, who are eligible for certification by an agency

acceptable to the board and have applied to the board may continue to perform their duties until twelve months after the filing of their application. If a person does not meet the education, training, and experience requirements for a license before August 28, 2013, they shall be considered to meet the qualifications for a license if they have three years of acceptable experience in the five years before August 28, 2013.

Temporary licenses are allowed and licensees may be placed on inactive status under certain circumstances. Procedures are established for denial and discipline of licenses and for the review of those administrative decisions.

The board is also authorized to seek injunctions against unlicensed clinical laboratory science personnel and subpoena individuals and documents.

Any person who violates this act shall be guilty of a Class A misdemeanor.

This act is similar to SB 1099 (2006), SB 314 (2007), SB 1162 (2008), SB 365 (2009), and SB 1063 (2010).

EMILY KALMER

02/28/2011 S First Read--SB 382-Chappelle-Nadal (S344)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S392)

03/14/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 383 \*\*\*

1854S.011

SENATE SPONSOR: Richard

SB 383 - This act provides that testing, installing, calibrating, maintaining, repairing, restoring, and all other activities essential to manufacturing, processing, compounding, mining, or producing are exempt from state sales and use tax.

JASON ZAMKUS

02/28/2011 S First Read--SB 383-Richard (S344)

03/03/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 384 \*\*\*

1808S.011

SENATE SPONSOR: Schaefer

SB 384 – This act provides that a pharmacy benefit manager shall be civilly liable to a patient for any switch communication, decision, denial or action that damages the patient. Such patient may bring a civil action against the pharmacy benefit manager to recover the actual damages sustained by the patient, court costs, including reasonable attorney's fees, and punitive damages, when determined to be appropriate by the court. A "switch communication" is a communication to a patient or the patient's physician from a health carrier or pharmacy benefit manager that recommends a patient's medication or device be switched by the original prescribing practitioner to a different medication than the medication or device originally prescribed by the prescribing practitioner.

ADRIANE CROUSE

03/01/2011 S First Read--SB 384-Schaefer (S357)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 385 \*\*\*

0890S.011

SENATE SPONSOR: Munzlinger

SB 385 - This act imposes an additional one dollar admission fee on excursion gambling boat licensees effective August 28, 2011. The revenues generated by the additional admission fee will be deposited to the credit of the veteran's commission capital improvement trust fund.

JASON ZAMKUS

03/01/2011 S First Read--SB 385-Munzlinger (S357)



03/03/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S392)

EFFECTIVE: August 28, 2011

\*\*\* SB 386 \*\*\*

1784S.011

SENATE SPONSOR: Richard

SB 386 - This act directs dealer plate fees to the Motor Vehicle Commission Fund. Dealer plate fees currently go to the Department of Transportation. The act also increases the temporary permit fee from \$7.50 to \$9.50.

STEPHEN WITTE

03/01/2011 S First Read--SB 386-Richard (S357)

03/03/2011 Second Read and Referred S Transportation Committee (S392)

03/09/2011 Hearing Cancelled S Transportation Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 387 \*\*\*

1786S.011

SENATE SPONSOR: Wasson

SB 387 - This act allows a court to place an offender on electronic monitoring as an alternative to confinement. Any period of electronic monitoring shall be credited against any ordered sentence of confinement.

The cost of electronic monitoring may be billed to the state at up to \$8 per day or the judge may charge the costs as a condition of the offender's sentence unless the judge finds the person cannot pay.

The circuit court may adopt a local rule allowing for the pretrial release on electronic monitoring in lieu of confinement for anyone charged with a crime.

This act is similar to provisions of the perfected version of SS/SCS/SB 1014 (2010).

MEGHAN LUECKE

03/01/2011 S First Read--SB 387-Wasson (S357)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S392)

03/09/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 388 \*\*\*

1588S.011

SENATE SPONSOR: Wasson

SB 388 - This act eliminates, combines, and revises certain state boards, commissions, committees, and councils.

GOVERNOR'S COUNCIL ON DISABILITY

(Section 8.650, 37.735, 37.740, 37.745, 162.1000, 286.001, 286.005, 286.200, 286.205, 286.210)

This act codifies the assignment of the Governor's Council on Disability to the Office of Administration from the Department of Labor and Industrial Relations.

WORKERS MEMORIAL COMMITTEE

(Section 8.900)

This act eliminates the Workers Memorial Committee, which was to organize a design competition for a memorial on the grounds of the capitol.

JOINT COMMITTEE ON WETLANDS

(Section 21.475)

This act eliminates the Joint Committee on Wetlands.

JOINT COMMITTEE ON COUNTY SALARIES

(Section 21.780)

This act eliminates the Joint Committee on County Salaries, which is required to review county salaries every ten years.

## MISSOURI COMMUNITY SERVICE COMMISSION

(Sections 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 620.580, 620.582, 620.584, 620.586, 620.588, 620.590, 620.592)

This act codifies the assignment of the Missouri Community Service Commission to the Department of Economic Development. Also, currently, the Missouri Community Service Commission is required to have at least fifteen, but no more than twenty-five voting members. This act reduces the total possible number of voting members to fifteen.

## MULTISTATE TAX COMPACT ADVISORY COMMITTEE

(Sections 32.250, 32.260)

This act eliminates the Multistate Tax Compact Advisory Committee.

## MISSOURI STATE EMPLOYEES' VOLUNTARY LIFE INSURANCE COMMISSION

(Sections 105.1006, 105.1010, 105.1012)

This act allows the Commissioner of Administration to administer the Missouri State Employees Voluntary Life Insurance Fund and eliminates the five member Missouri State Employees Voluntary Life Insurance Commission that previously administered the fund.

## MISSOURI HEAD INJURY ADVISORY COUNCIL

(Sections 162.1000, 190.176, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 304.028)

This act changes the name of the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council and codifies the transfer of the Missouri Brain Injury Advisory Council to the Department of Health and Senior Services. The act provides for the decrease of members of the council from twenty-five to fifteen and eliminates the legislative members of the council. Meetings of the full council shall be held four times a year or at the call of the council chairperson.

This act prescribes some additional duties for the department, including promulgating rules to prescribe policies or standards which affect charging and funding of adult brain injury rehabilitation services and reasonable rules relative to the implementation of participant rights for those using rehabilitation services. The department shall also promulgate rules to create a reasonable standard means test to be applied to all programs and services funded by the department. The administration of the renamed Brain Injury Fund is also transferred to the department. This act also provides that services provided by the department shall be directed toward preparation for education or vocational achievement, independent living, and community participation.

These sections are similar to SB 908 (2010).

## JOINT COMMITTEE ON URBAN VOLUNTARY SCHOOL TRANSFER PROGRAMS

(Section 162.1060)

This act eliminates the Joint Committee on Urban Voluntary School Transfer Programs.

## MISSOURI ACCESS TO HIGHER EDUCATION TRUST BOARD

(Section 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242)

This act repeals the Missouri Access to Higher Education Trust and the ten member board of directors established to govern the trust. The trust was authorized to contract with individuals to provide for the advance payment of tuition for beneficiaries to attend any of the state institutions of higher education.

## MISSOURI STATE ADVISORY COUNCIL ON PAIN AND SYMPTOM MANAGEMENT

(Sections 192.350, 192.352, 192.355)

This act eliminates the Missouri State Advisory Council on Pain and Symptom Management within the Department of Health and Senior Services.

## MO RX PLAN ADVISORY COMMISSION

(Sections 208.175, 208.792)

This act eliminates the MO Rx Plan Advisory Commission, which provided advice on the benefit design and operational policy of the Missouri Rx plan. The Drug Utilization Review Board is given the power to provide advice on guidelines, policies, and procedures of the Missouri Rx plan.

## MO HEALTHNET OVERSIGHT COMMITTEE

(Sections 208.195, 208.955)

This act eliminates the advisory committee appointed by the director of the Division of Family Services to provide technical advice regarding medical care for public assistance recipients and makes the MO Healthnet Oversight Committee serve as the medical care advisory committee to the Medicaid director. This act also eliminates the Comprehensive Entry Point System for Long-term Care Subcommittee of the MO Healthnet Oversight Committee.

## COORDINATING COUNCIL ON SPECIAL TRANSPORTATION

(Section 208.275)

This act reduces the number of members of the Coordinating Council on Special Transportation within the Department of Transportation by eliminating the four legislative members of the council. The council shall expire on December 31, 2013.

COMMISSION ON THE SPECIAL HEALTH PSYCHOLOGICAL AND SOCIAL NEEDS OF MINORITY  
OLDER INDIVIDUALS

(Sections 208.530, 208.533, 208.535, 210.496)

This act eliminates the Commission on the Special Health, Psychological, and Social Needs of Minority Older Individuals.

## MISSOURI CHILDREN'S SERVICES COMMISSION

(Sections 210.101, 210.102)

This act modifies the membership of the Missouri Children's Services Commission. The commission will have seventeen members, instead of sixteen. A representative from the Department of Labor and Industrial Relations, one of the two judges on the commission, and four of the legislative members are eliminated. Representatives from the departments of higher education and corrections and five members appointed by the Governor are added to the commission.

## LOW-LEVEL RADIOACTIVE WASTE COMPACT ADVISORY COMMITTEE

(Sections 260.372, 260.705, 260.720, 260.725, 260.735)

The Low-Level Radioactive Waste Compact Advisory Committee is eliminated and the Hazardous Waste Management Commission within the Department of Natural Resources will assume the duties of the committee.

## MOTORCYCLE SAFETY PROGRAM ADVISORY COMMITTEE

(Section 302.136)

This act eliminates the Motorcycle Safety Program Advisory Committee which was established in the Department of Public Safety to assist in the development and implementation of the motorcycle safety program.

MISSOURI FIRE EDUCATION TRUST FUND BOARD, MISSOURI FIRE EDUCATION COMMISSION, AND  
MISSOURI FIRE SAFETY ADVISORY BOARD

(Section 320.094, 320.205)

This act eliminates the seven member Missouri Fire Education Trust Board that administered the Missouri Fire Education Trust Fund. The act also eliminates the requirement that money be distributed to the Fire Education Trust Fund from the Fire Education Fund, before money in the Fire Education Fund can be appropriated to the Division of Fire Safety.

The act also eliminates the six member Missouri Fire Safety Advisory Board who advised the State Fire Marshal.

The act adds four members to the Missouri Fire Education Commission and renames it the Missouri Fire Safety Education/Advisory Commission. This new commission shall administer the Missouri Fire Education Trust Fund.

BOARD OF LICENSED PRIVATE FIRE INVESTIGATOR EXAMINERS AND BOARD OF PRIVATE  
INVESTIGATOR EXAMINERS

(Sections 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, and 324.1144)

This act eliminates the Board of Licensed Private Fire Investigator Examiners and the Board of Private

Investigator Examiners. The new Board of Private Investigator and Private Fire Investigator Examiners will carry out the duties and powers of these boards. The new board's responsibilities with regard to fire investigators will not take effect until the governor appoints the fire investigator members and the appointments are confirmed by the senate. The members serving on the Board of Private Investigator Examiners shall continue to serve on the new board and the new board will have two additional members who have been actively engaged in private fire investigations for the previous five years.

The act also requires private fire investigator agencies to be licensed by the board and merges the two board's licensing statutes.

**MISSOURI BOARD OF NURSING HOME ADMINISTRATORS**  
(Sections 344.060, 660.010)

Currently, the director of the Department of Health and Senior Services appoints the members of the Missouri Board of Nursing Home Administrators. This act gives the governor the authority to appoint the members of the Missouri Board of Nursing Home Administrators, with the advice and consent of the Senate.

**STATE BANKING AND SAVINGS AND LOAN BOARD**  
(Sections 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240)

This act combines the State Banking Board and the State Savings and Loan Commission into the State Banking and Savings and Loan Board. This board will have five members, one attorney, two members with at least five years of bank management experience, one member with at least five years of experience managing a savings and loan association, and one member not involved in the administration of a financial institution. The members shall serve six year terms.

The hearing and appeal procedures for determinations dealing with savings and loan associations will be governed by the hearing and appeal process as it currently exists for state banks.

**MISSOURI SEED CAPITAL INVESTMENT BOARD**  
(Sections 620.638, 620.641, 620.644, 620.647, 620.650, 620.653)

This act eliminates the Missouri Seed Capital Investment Board and transfers its duties to the Missouri Technology Corporation.

**SUICIDE PREVENTION ADVISORY COMMITTEE**  
(Sections 630.910, 630.915, 632.020)

This act eliminates the Suicide Prevention Advisory Committee within the Department of Mental Health and the requirement that the Department of Mental Health seek funding to participate in the National Violent Death Reporting System. The Missouri Advisory Council for Comprehensive Psychiatric Services is given the responsibility to provide oversight for suicide prevention activities.

**ADVISORY COMMITTEE ON LEAD POISONING**  
(Section 701.302)

This act eliminates the Advisory Committee on Lead Poisoning which was required to make recommendations to the Governor and the General Assembly on ways to eliminate and screen for lead poisoning, among other recommendations.

This act is similar to HB 464 (2011), SB 244 (2011), and SCS/SBs 991 & 645 (2010).

EMILY KALMER

03/01/2011 S First Read--SB 388-Wasson (S357-358)

03/03/2011 Second Read and Referred S General Laws Committee (S392)

EFFECTIVE: August 28, 2011

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\*\*\* SB 389 \*\*\*

1591S.011

SENATE SPONSOR: McKenna

SB 389 - This act lowers the minimum age for an applicant of a concealed carry endorsement from twenty-three to twenty-one.

Current law allows persons who have a concealed carry endorsement or a valid permit or endorsement to

carry concealed firearms issued by another state or one its political subdivisions to carry concealed weapons. Under this act, Missouri residents with a permit or endorsement issued in another state must apply to the director of revenue for an out-of-state endorsement on a Missouri driver's license or nondriver's license in order to carry concealed weapons. Nonresidents who have a permit or endorsement issued by another state may continue to carry concealed firearms in Missouri without such an endorsement.

An out-of-state concealed carry endorsement expires upon the expiration of the concealed carry endorsement or permit issued in the other state.

MEGHAN LUECKE

03/01/2011 S First Read--SB 389-McKenna (S358)

03/03/2011 Second Read and Referred S General Laws Committee (S392)

EFFECTIVE: August 28, 2011

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\*\*\* SB 390 \*\*\*

1807S.011

SENATE SPONSOR: Schmitt

SB 390 - This act establishes the Aerotropolis Trade Incentive and Tax Credit Act, which authorizes the City of St. Louis or any county to designate certain areas as gateway zones. Any such municipality that designates an area as a gateway zone will be required to establish a board of supervisors that will annually levy special assessments on facilities located within the zone which receive benefits provided under the act. Revenues derived from the special assessments will be expended to promote and advertise the gateway zone.

For all taxable years beginning on or after January 1, 2011, the act authorizes air export tax credits for freight forwarders in an amount equal to twenty-five cents per chargeable kilo shipped on a qualifying outbound flight. In lieu of the previously mentioned tax credit, a freight forwarder will be entitled to an air export tax credit equal to thirty cents per chargeable kilo if the shipment contains perishable freight. The department of economic development is required to adjust the tax credit amounts based upon fluctuations in fuel costs for over-the-road transportation. In order to receive air export tax credits, freight forwarders must file an application with the department containing the master airway bill for the shipment. The act requires the department to establish procedures to allow freight forwarders to receive air export tax credits within five business days of the departure of the qualifying flight.

The total amount of air export tax credits which may be authorized under the act cannot exceed sixty million dollars. The act establishes fiscal year caps on issuance of air export tax credits, and to the extent that in any given fiscal year more tax credits are authorized than may be issued, the amount in excess of the cap on issuance will be carried forward for issuance in the following fiscal year. The authorization of air export tax credits is prohibited after January 1, 2019, but the act allows for the subsequent issuance of any tax credits which are authorized prior to such date.

For all taxable years beginning on or after January 1, 2013, any tenant or entity operating within an eligible facility which satisfies the requirements of the act will be entitled to an exemption from state income and corporate franchise taxes for a period of up to seven years. Such a tenant or entity will also be entitled to retain fifty percent of employee withholding taxes for a period of up to seven years.

For all taxable years beginning on or after January 1, 2013, owners of qualified facilities, in which at least sixty percent of the total cargo activity consists of international cargo, will be entitled to receive tax credits over a seven-year period equal to five percent of the eligible costs of such facility. The total amount of tax credits issued to such an owner cannot exceed twenty-five percent of the facility's eligible costs. Owners of qualified facilities, in which at least thirty percent of the total cargo activity consists of international cargo, as well as any qualifying assembly and manufacturing, or qualifying cold-chain facility will be entitled to receive tax credits over a seven-year period equal to three percent of the eligible costs of such facility. The total amount of tax credits issued to such an owner cannot exceed fifteen percent of the facility's eligible costs. Owners of eligible facilities will also be entitled to receive tax credits, over a three-year period, equal to seventy-five percent of interest costs on qualifying loans obtained for the development and construction of eligible facilities, provided the interest rate on such loan is equal to or less than seven percent per year.

In order to receive tax incentives provided under the act, owners and tenants of qualifying facilities and entities operating within such facilities must file applications with the department of economic development accompanied by a certificate of compliance. The act establishes limits on the amount of tax credits which may be issued annually to owners of qualifying facilities. No more than three hundred million dollars in tax

credits, based upon the eligible costs of a qualifying facility, may be authorized for owners of qualified facilities under the act. The act limits the total amount of tax credits which may be authorized to owners of qualifying facilities, based upon loans, to no more than one hundred twenty million dollars.

All tax credits provided under the act will be fully transferrable and non-refundable, but may be carried forward up to six years.

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

JASON ZAMKUS

03/01/2011 S First Read--SB 390-Schmitt, et al (S358)  
 03/03/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S392)  
 03/16/2011 Hearing Conducted S Jobs, Economic Development and Local Government Committee  
 03/16/2011 Voted Do Pass S Jobs, Economic Development and Local Government Committee  
 03/17/2011 Reported from S Jobs, Economic Development and Local Government Committee to Floor (S494)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SB 390-Schmitt, et al

EFFECTIVE: August 28, 2011

\*\*\* SB 391 \*\*\*

1853S.011

SENATE SPONSOR: Lager

SB 391 – This act requires the school board of each school district and charter school to establish and maintain an evaluation system for teachers and teaching. The system must be established in collaboration with evaluators of instruction and teachers in the district or charter school.

The evaluation system must include performance reviews to provide feedback to teachers focused on instructional improvement and include summative evaluations. The evaluation system must evaluate teacher quality, teacher performance, and teacher effectiveness, as defined in the act. Multiple measures must be used. The school board must provide training for evaluators and use independent evaluators to ensure consistent application of criteria.

Districts are prohibited from disclosing individual teacher and administrator evaluation information to any state or federal agency.

Each school district and charter school must develop guidelines for professional improvement plans for teachers and principals by June 30, 2012. The development of the guidelines must include teachers chosen the district teaching staff, administrators, and others. The professional improvement plan will be used to assist teachers in obtaining a satisfactory level of performance. The process for developing the criteria and goals are described in the act.

MICHAEL RUFF

03/01/2011 S First Read--SB 391-Lager (S358)  
 03/03/2011 Second Read and Referred S Education Committee (S393)  
 03/16/2011 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 392 \*\*\*

1857S.011

SENATE SPONSOR: Rupp

SB 392 - This act adopts amendments to the insurance code to comply with the federal Nonadmitted and Reinsurance Reform Act of 2010 (NRRRA) relating to surplus lines insurance. The NRRRA will preempt certain state laws that are inconsistent with the act's provisions, which are designed to bring about a certain amount of uniformity in the areas of licensing of surplus lines insurance professionals, the standards under which surplus lines insurance may be sold, and the taxes that may be collected from the sale of surplus lines insurance.

The act adds definitions to "The Missouri Surplus Lines Law" (Sections 384.011 to 384.071). The act adds the terms "exempt commercial purchaser", "home state", "nonadmitted insurance" and "qualified risk manager" to the definition section of the Missouri Surplus Lines Law. The definitions for such terms are

consistent with the NRRRA (15 USC 8206)(Section 384.015).

Under the terms of the act, surplus lines insurance may be placed by a surplus lines licensee if the insurer is authorized to write the type of insurance in its domiciliary jurisdiction (Section 384.017).

The act modifies the requirements and qualifications for nonadmitted insurers to furnish coverage. A surplus lines licensee shall not place coverage with a nonadmitted insurer unless the licensee determines that the nonadmitted insurer:

- 1) Meets the capital and surplus requirements of Missouri or \$15 million (the director may waive the financial requirements if the nonadmitted insurer's capital and surplus is at least \$4.5 million and the director finds the insurer is acceptable); and
- 2) Appears on the most recent list or eligible surplus lines insurers published by the director or appears on the most recent quarterly listing of alien insurers maintained by the NAIC.

Under the terms of the act, a surplus lines licensee seeking to place nonadmitted insurance in Missouri for an exempt commercial purchaser shall not be required to satisfy any requirement to make a due diligence search to determine whether the full amount or type of insurance by the exempt commercial purchaser can be obtained from nonadmitted insurers if:

- 1) The surplus lines licensee placing the surplus lines insurance has disclosed to such exempt commercial purchaser that the insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and
- 2) The exempt commercial purchaser has subsequently requested in writing the surplus lines licensee to place such insurance from a nonadmitted insurer (Section 384.021).

This act modifies the licensing requirements for insurance producers in the surplus lines insurance market. Beginning on or before July 1, 2012, the director shall participate in the national insurer database of the NAIC for the licensure of surplus lines licensees and the renewal of such licensees. Under the act, a person selling nonadmitted insurance with respect to an insured shall be required to obtain or possess a current surplus lines insurance issued by the director only if this state is the insured's home state (Section 384.043).

Under this act, every insured or self-insurer whose home state is Missouri who procures surplus lines insurance, other than through a surplus lines broker, must file a report describing the names of the insureds, the subject of the insurance and other prescribed information (Section 384.051).

Under the terms of this act, only the home state of the insured will have the authority to tax and regulate the placement of such policies, regardless of where portions of the risk is located. The act imposes the current 5% tax on insureds and self-insurers whose home state is this state on the gross amount of the premium (current law is net amount) (Section 384.051). The 5% tax shall be levied upon and only upon the entire gross premium for nonadmitted or surplus lines insurance policies for which the home state of the insured is Missouri. The placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements of Missouri law only if this state is the insured's home state. A surplus lines broker is required to be licensed as a surplus lines licensee under the provisions of this chapter only if this state is the insured's home state (Section 384.061).

STEPHEN WITTE

03/01/2011 S First Read--SB 392-Rupp (S358)

03/03/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S393)

EFFECTIVE: August 28, 2011

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\*\*\* SB 393 \*\*\*

0274S.011

SENATE SPONSOR: Goodman

SB 393 - This act revises the laws regarding criminal background checks performed under the Family Care Safety Registry.

DEFINITIONS - This act modifies the definitions for "child care provider", "child care worker", and "employer" as well as adding a definition for "school district staff" to the list of definitions relating to the registry. Section

210.900

ADDITIONAL EMPLOYEES TO BE INCLUDED IN REGISTRY - This act requires certain employees of school districts, certain child care providers and individuals older than 17 years of age living with the provider, licensed and licensed-exempt child care providers, their employees and volunteers, and mental health providers to be included in the registry. Sections 168.133, 210.025, 210.221. 210.906.1 and 2

REGISTRY TO BE SOLE BACKGROUND CHECK REPOSITORY - This act specifies that the registry will be the sole background check repository for the state and requires all state departments and agencies to use the registry for background screening results.  
Section 210.903.2

SUBJECT TO APPROPRIATIONS, TECHNOLOGICAL AND INFRASTRUCTURE UPDATES TO THE REGISTRY - The Department of Health and Senior Services is required, subject to appropriations or with funds from the federal American Recovery and Reinvestment Act of 2009, to update and enhance the technological capabilities of the registry and implement a new interdepartmental uniform infrastructure and procedures for the Departments of Public Safety, Social Services, Mental Health, and Elementary and Secondary Education to use for background screening results. The Department of Health and Senior Services shall also use such funds for the processing of the results of employees of these departments who are not currently registered. Section 210.903.2

FINGERPRINTS AND CHECKS CONDUCTED BY THE MISSOURI STATE HIGHWAY PATROL - The State Highway Patrol is required to collect fingerprints and conduct state and national criminal background checks with the resulting information to be retained in and reported out by the registry. Section 210.903.2

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION REPORTING REQUIREMENTS - The Department of Elementary and Secondary Education is required to report results to the registry. Under current law, the registry only contains background screening results from applicants reported by the Departments of Social Services, Mental Health, and Health and Senior Services. Section 210.903.3

The registry shall contain information on certain specified individuals through the Department of Elementary and Secondary Education's employee disqualification registry, teacher certifications and revocation lists, and school district staff disqualifications or denials. By January 1, 2012, the registry shall also contain information from the Department of Revenue's records for suspended and revoked driver's licenses. Section 210.903.3

TRANSPARENCY OF REGISTRY RECORDS - The contents of the registry shall include open and closed records and be accessible to the Departments of Health and Senior Services, Public Safety, Social Services, Mental Health, Elementary and Secondary Education and school districts. However, certain information which would violate federal privacy laws cannot be shared between departments. Section 210.903.4 and 5

APPEAL OF EMPLOYEE DISQUALIFICATION - If an employee is denied employment based on the results of screening reported by the registry, such individual may appeal, if applicable, directly from the department that disqualified him or her for employment. Section 210.903.6

SUBJECT TO APPROPRIATIONS, COST OF CHECKS TO BE PAID BY STATE -This act requires, subject to appropriations, the cost of criminal background checks to be paid by the state. Checks not covered by the state may be paid by the individual or by the provider. If no state appropriation is made to cover the cost of funding the checks and the applicant is employed, then the cost of the background check shall be paid by the employer if the cost of the background check when subtracted from the applicant's annual salary or wages results in the annualized salary or wages of the applicant to fall below the annualized full-time salary or wages for a minimum wage employee. Section 210.906.3

This act is substantially similar to HB 2437 (2010).  
ADRIANE CROUSE

03/01/2011 S First Read--SB 393-Goodman (S358)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S393)

EFFECTIVE: August 28, 2011



SB 394 - This act modifies provisions relating to human trafficking. The act adds definitions for "blackmail", "financial harm", "nudity", "sexual conduct", "sexual performance" and "victim of trafficking."

This act adds the elements of blackmail or causing or threatening to cause financial harm to the crime of abusing an individual through forced labor.

Blackmail, causing or threatening to cause financial harm as well as using force, abduction, coercion and deception were also added as elements to the crimes of trafficking for the purposes of slavery, trafficking for the purposes of sexual exploitation, sexual trafficking of a child, and sexual trafficking of a child under the age of twelve. This act also adds the elements of sexual performance and production of explicit sexual material to the crimes of trafficking for the purposes of sexual exploitation, sexual trafficking of a child and sexual trafficking of a child under the age of twelve.

A court sentencing a defendant under the human trafficking provisions shall order the defendant to pay restitution to the victim in the amount the court finds appropriate under the facts of the case including an amount necessary for the mental and physical rehabilitation of the victim and any child of the victim.

It shall be an affirmative defense for any victim of trafficking under any prosecution for prostitution that such person was a victim of trafficking during the time of the alleged offense and that such crime was committed at the direction of another or in furtherance of the trafficking enterprise.

This act also authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the Children's Division of the Department of Social Services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators.

Law enforcement officers or prosecuting attorneys shall notify the Department of Social Services and, where applicable, juvenile justice authorities, of persons who reasonably appear to be a victim of trafficking in order that such agencies may determine whether the person may be eligible for state or federal services, programs, or assistance. The department may coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking.

State agencies may implement programs and enter into contracts with nonprofit agencies and other nongovernment organizations to provide services to confirmed victims of trafficking, insofar as funds are available for that purpose. The list of possible services is prescribed under the act.

A victim of trafficking may bring a civil action against a person or persons who plead guilty to or are found guilty of a violation of human trafficking to recover the actual damages sustained by the victim, court costs, including reasonable attorney's fees, and punitive damages, when determined to be appropriate by the court. Any such action must be commenced within three years after the later of (1) the final order in the related criminal case;(2) the victim's emancipation from the defendant; or(3) the victim's eighteenth birthday.

The Attorney General may bring a civil action, in the circuit court in which the victim of trafficking was found, to recover from any person or entity that benefits, financially or by receiving anything of value, from violations of human trafficking, a civil penalty of not more than fifty thousand dollars for each violation of human trafficking, and injunctive and other equitable relief as the court may, in its discretion, order. The first priority of any money or property collected under such an action shall be to pay restitution to the victims of trafficking on whose behalf the civil action was brought.

This act is identical to SB 331 (2011) and substantially similar to HB 214 (2011).  
ADRIANE CROUSE

03/01/2011 S First Read--SB 394-Goodman and Lamping (S358)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S393)

03/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

SENATE SPONSOR: Goodman

SB 395 - This act modifies provisions governing the regulation of the bail bond industry by the Department of Insurance (department).

SECTION 374.702 - Currently, no judge, attorney, court official, law enforcement officer, or government employee who is elected or appointed can be licensed as any type of bail bond agent. This section prohibits employees, contractors, and volunteers of a court, law enforcement agency, or jail, or anyone who works at the location of a court, law enforcement agency or jail, to be licensed as a bail bond agent or general bail bond agent.

This section provides that the power of attorney shall be in the form and manner prescribed by the director.

SECTION 374.705 - This section increases the maximum amount that can be charged for a bail bond agent license or renewal from \$150 to \$300. Quarterly financial statement fees cannot exceed \$50.

SECTION 374.710 and 374.784 - These sections increase the initial training requirement from twenty-four hours to forty hours. The director is required to adopt rules to prescribe an approval process for instructors, require all instruction to occur in a classroom, and to provide for the monitoring of training and continuing education classes to ensure approved curriculum is being followed.

Current law requires applicants to have a high school diploma or a general education development certificate. This act requires applicants to have a diploma or a high school equivalency certificate issued by the Missouri Department of Elementary and Secondary Education.

The fee charged by the director to issue a two-year license shall not exceed \$300. The fee currently cannot exceed \$150.

SECTION 374.715 - Under this section, applicants for general bail bond agents and bail bond agents cannot be convicted of a felony or crime of moral turpitude, whether a sentence was imposed or not. Those licensed as of August 28, 2011 shall not be required to meet this provision.

Current law requires applicants to have a high school diploma or a general education development certificate. This act requires applicants to have a diploma or a high school equivalency certificate issued by the Missouri Department of Elementary and Secondary Education.

The applicant must also have at least \$10,000 of assets in a financial institution of the department's choosing. The assets may be in various forms, rather than as a liquid asset only. Currently, the director may require an additional amount, up to \$25,000, to be held by the applicant. Under this section, such amount is increased to \$50,000.

SECTION 374.720 - This section specifies what the examination for a license will be testing and provides guidelines for notification of the results and retaking of the test.

SECTION 374.730 - The department shall provide the director of the Department of Revenue with the name and Social Security number of each applicant or licensee renewing his or her license. The Department of Revenue shall verify if the person is delinquent on any state taxes or has failed to file an income tax return during the last three years. If such information is verified, the application shall be denied or the license shall not be renewed within 90 days, unless the situation is remedied.

SECTION 374.740 - This section provides that nonresidential general bail bond agents must deposit \$25,000 of assets with the department for the security of its outstanding surety bond obligations. The director may require additional assets to be required, but such amount cannot exceed \$50,000. Currently, the money is assigned to the department, and such assignment becomes effective upon a violation by the applicant.

SECTION 374.755 - Currently, the department may file a complaint with the administrative hearing commission regarding a licensee for being convicted of a felony or crime of moral turpitude within the past fifteen years if it is prior to the issuance of the license. This section would allow such complaint to be made regardless of when the conviction occurred. Under this section, a complaint may also be filed for submitting a fraudulent financial statement or statement of outstanding bonds, or for financial irresponsibility or untrustworthiness.

SECTION 374.760 - This section requires general bail bond agents to file certain information with the department. Certain required financial information, which is described in this section, must be filed with the initial application and then on an annual basis. Transfer of real estate listed as an asset must be provided to the director within 10 days.

Each general bail bond agent must file a quarterly financial statement and a monthly statement of outstanding bonds with the department. Failure to do so will result in removal from the preapproved list of such agents kept by the department and can be the basis to file a complaint against an agent with the Administrative Hearing Commission.

The director shall provide a list of preapproved general bail bond agents to the courts. An agent's inclusion on the list is based on a permitted amount of outstanding bonds that may be written compared to the agent's assets. If the agent's amount of outstanding bonds reaches a certain level compared to its assets, the agent shall be removed from the list until such amount is within permitted limits.

For general bail bond agents acting as property bail bondsmen, the value of any particular bond shall not exceed 50% of the general bail bond agent's secured assets less encumbrances.

Intentionally providing fraudulent or misleading financial statements or statements of outstanding bonds is a class D felony.

SECTION 374.763 - Currently, if a judgement ordering a forfeiture of a defendant's bond is not paid within six months, the court shall extend the judgment date or notify the department, which shall then take appropriate action. Under this section, if a bond is posted and the defendant fails to appear, the court shall immediately issue an arrest warrant and enter a bond forfeiture for the state or municipality and against the general bail bond agent and insurer. The general bail bond agent shall be given 90 days before the forfeiture is considered final, unless the court grants an extension.

This section lists specific circumstances when a forfeiture shall be set aside, including the defendant being incarcerated elsewhere, being deported, dying, and other just causes. Thirty days after the judgment, the court shall distribute the amount tendered and notify the department. If the bond forfeiture is not paid within 30 days, the general bail bond agent's authorization to write bail bonds shall be immediately suspended until the judgment is satisfied.

Thirty days after the final judgement, if an insurer fails to pay a bond forfeiture, its authorization to transact business in the state shall be immediately suspended unless the judgement is satisfied.

SECTION 374.766 - If the director determines a person has violated, or aided in the violation of, the bail bond regulations, he or she may issue administrative orders. The civil penalties and forfeitures for various offenses are categorized under Section 374.049.

SECTION 374.770 - This section repeals the current provision regarding the effect of a defendant's incarceration elsewhere on a bond forfeiture.

SECTION 374.783 - This section increases the maximum amount that can be charged for a surety recovery agent license or renewal from \$150 to \$300.

This act is similar to SB 892 (2010).

MEGHAN LUECKE

03/01/2011 S First Read--SB 395-Goodman (S358)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S393)

EFFECTIVE: August 28, 2011

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\*\*\* SB 396 \*\*\*

1859S.011

SENATE SPONSOR: Wright-Jones

SB 396 - This act establishes the Compassionate Assistance for Rape Emergencies (CARE) Act and provides that hospitals and health care facilities are required to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;

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

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

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

ADRIANE CROUSE

03/01/2011 S First Read--SB 396-Wright-Jones (S358)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S393)

EFFECTIVE: August 28, 2011

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\*\*\* SB 397 \*\*\*

1716S.011

SENATE SPONSOR: Cunningham

SB 397 - This act requires certification for contractors who engage in the installation of fire sprinkler systems or service fire sprinkler systems. The certification requirement does not apply to retailers, inspections by government officials, or special agent fire suppression systems. The registration statutes and rules have uniform effect throughout the state. However, municipalities, counties, and other local governmental bodies are authorized to enact or enforce additional registration or licensing requirements that meet or exceed the registration required by this act. A municipality, county, or other local governmental body can also require a contractor to obtain a permit, or pay a fee, in order to install a system.

This act also creates the Fire Sprinkler Advisory Council. The council shall have seven members with various experience in this field. The fire sprinkler advisory council is given authority to promulgate rules. Such rules shall concern registration of contractors, the standards for assessing competency as a fire sprinkler contractor, applicable fees, and procedures for reciprocity with other states. The State Fire Marshal shall administer these provisions.

A contractor must apply with the State Fire Marshal for a certificate of registration and pay an application fee for a certificate. The fee will be set by the advisory council. The fees will be deposited in the Fire Sprinkler Contractor Registration Fund. The act also sets out the requirements that a contractor must meet to obtain a certificate of registration, including demonstration of their own knowledge, or employment of persons with experience and certification in the area.

Certificates of registration are valid for two years and are not transferable. A fee shall be charged for duplicate certificates or changes to a certificate. Each certificate must be posted in a conspicuous place in the contractor's business. The act outlines the process and fees for renewal of unexpired or expired certificates. The State Fire Marshal is obligated to send out written notice at least thirty days prior to a certificate expiring.

The State Fire Marshal shall not issue a certificate of registration unless the applicant files evidence of general liability insurance of not less than one million dollars per year for all occurrences.

The State Fire Marshal is authorized to file a disciplinary complaint against certified contractors for specific violations. After the Administrative Hearing Commission finds that grounds for discipline are met, the advisory council may place the contractor on probation, or suspend or revoke the contractor's certification.

The State Fire Marshal is authorized to seek an injunction against contractors who operate without certification or present a danger to a state resident.

This act is similar to SB 927 (2010) and HB 2132 (2010).

EMILY KALMER

03/01/2011 S First Read--SB 397-Cunningham (S358)

03/03/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S393)

EFFECTIVE: August 28, 2011

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

1858S.011

SENATE SPONSOR: Kraus

SB 398 - This act allows public school principals to opt out of the election authority designation that their school be used as a polling place.

CHRIS HOGERTY

03/01/2011 S First Read--SB 398-Kraus (S358-359)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S393)

03/28/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 399 \*\*\*

1818S.011

SENATE SPONSOR: Kraus

SB 399 - This act modifies the crime of failing to return leased or rented property and changes the name of the crime to stealing leased or rented property.

The following actions are added to the list of offenses that constitute the crime if the person commits the offense with the intent to deprive the owner of the property: aiding or abetting the concealment of leased or rented property; selling, encumbering, conveying, pawning, loaning, abandoning, or giving away the leased or rented property or any part thereof, without the written consent of the lessor or informing the person who receives the property that it is subject to a lease; and failing to pay lease charges after returning the property with the intent to deprive the lessor of the agreed upon charges.

Current law provides that it is evidence of the crime when a person who has leased or rented property, other than a motor vehicle, fails to return the property ten days after the owner has sent written demand by certified or registered mail to the address provided in the lease agreement. Such demand must include a statement that the failure to return the property may subject the person to criminal prosecution.

Under this act, evidence of intent to commit the crime is established if the lessee uses a false, fictitious, or not current name, address, or place of employment in obtaining the property or if the lessee fails to return the property or pay the lease charges within seven days after written demand sent by certified mail, return receipt requested, to the address provided in the lease agreement or the person's last known address.

Currently, failure to return leased or rented property is a Class A misdemeanor unless the property is valued at \$500 or more, in which case it is a Class C felony. This act increases the property value cutoff so that the crime becomes a Class C felony if the property is valued at \$1,000 or more.

This act is similar to HB 1448 (2010).

MEGHAN LUECKE

03/01/2011 S First Read--SB 399-Kraus (S359)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 400 \*\*\*

1864S.011

SENATE SPONSOR: Kraus

SB 400 - Under current law, a person commits the crime of sexual contact with a student while on public school property if he or she is affiliated in certain ways with the school and he or she has sexual contact with a student while on any public school property.

This act removes the requirement that the contact occur on public school property and adds elected officials of the public school district to the types of people who may not have sexual contact with a student.  
MEGHAN LUECKE

03/01/2011 S First Read--SB 400-Kraus (S359)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S393)

03/14/2011 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 401 \*\*\*

1697S.011

SENATE SPONSOR: Lamping

SB 401 - Under current law, debt adjusters are authorized to enter debt management plans to alter terms of debt payments by receiving money or property from the debtor to pay creditors. This act modifies the definition of debt adjuster to allow such individuals to enter debt settlement plans to perform debt relief services. Such services include renegotiating, settling, or altering terms of payments. Debt adjusters are no longer required to collect funds from the debtor and deliver them to creditors.

The act requires debt adjusters to disclose certain information to debtors before performing services including the time-frame required for results to be achieved, details relating to settlement offers, and any possible adverse affects to the debtors creditworthiness.

Debt adjusters shall not receive payments until the following:

- the adjuster has renegotiated, settled, reduced, or altered the terms of at least one debt.
- the debtor has made at least one payment pursuant to a plan.
- the payment must either bear the same proportional relationship to the total fee for settling the entire debt balance as the individual debt amount bears to the entire debt amount or be a percentage of the amount saved as a result of settlement.

Debt adjusters may require debtors to place funds in an account to pay administrative fees and for payments to creditors or debt collectors. Debtors may withdraw all funds deposited in accounts for services at any time without penalty.

CHRIS HOGERTY

03/01/2011 S First Read--SB 401-Lamping (S359)

03/03/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 402 \*\*\*

1865S.011

SENATE SPONSOR: Kehoe

SB 402 - This act requires a window sticker to be placed on the inside front windshield of a motor vehicle to show the current registration instead of the current license plate tab. A tab, instead of a window sticker, will be issued for a motorcycle or trailer registration.

This act is identical to HB 291 (2011). The act has an effective date of January 1, 2012.

STEPHEN WITTE

03/01/2011 S First Read--SB 402-Kehoe (S359)

03/03/2011 Second Read and Referred S Transportation Committee (S393)

03/09/2011 Hearing Conducted S Transportation Committee

EFFECTIVE: January 1, 2012

\*\*\* SB 403 \*\*\*

1882S.011

SENATE SPONSOR: Nieves

SB 403 - Under current law, any party who is affected by a decision made by a state regulatory environmental commission may file an appeal with the Administrative Hearing Commission (AHC). The act modifies this provision by placing the condition that the party must be "aggrieved" or "adversely" affected by

the decision in order to be able to file the appeal.

Under current law, the AHC has discretion as to whether or not it holds hearings on an appeal request. This act removes the discretion and, instead, requires the AHC to either hold hearings and make a recommended decision within 60 days of the date of the request or else make a recommended decision within the 60-day period based on stipulation of the parties, consent order, agreed settlement, disposition in the nature of default judgment, judgment on the pleadings, or summary determination.

The act requires the environmental commission for which an appeal has been made to the AHC to render its final decision on the matter within 90 days of the date of the appeal request.

The act prohibits a cause of action or court appeal of a decision made by an regulatory environmental commission unless the party has already filed an administrative appeal with the AHC and received a final decision on the appeal from the environmental commission.

The act specifies that any action seeking judicial review of a decision made by the Missouri Air Conservation Commission or the Clean Water Commission must be filed in a court of appeals instead of a circuit court.

ERIKA JAQUES

03/01/2011 S First Read--SB 403-Nieves (S359)

03/03/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 404 \*\*\*

1843S.011

SENATE SPONSOR: Ridgeway

SB 404 - This act provides that certain vested members of the Missouri State Employees' Retirement System (MOSERS) who terminate all employment with the state may elect to receive a lump sum payment for the present value of a deferred annuity. This provision shall apply to the closed plan of MOSERS and the year 2000 plan of MOSERS and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS). The act also provides that those members who choose the lump sum payment option shall forfeit, waive, and relinquish all accrued rights in the system, including accrued creditable service, which shall result in a complete discharge of the existing liability of the system with respect to such terminated member or person, however, this shall not be construed to affect a member's health care benefits.

This act is similar to SB 28 (2009).

EMILY KALMER

03/01/2011 S First Read--SB 404-Ridgeway (S359)

03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 405 \*\*\*

1809S.011

SENATE SPONSOR: Ridgeway

SB 405 - This act modifies, as of September 12, 2012, provisions relating to criminal background screenings for personal care attendants, long-term care providers, long-term care workers and provisions relating to the Family Care Safety Registry. New definitions for "long-term workers" and "long-term care providers" are included in the act to replace "elder care workers" and "elder-care providers".

As of September 30, 2012, the Family Care Safety Registry shall contain information on long-term care workers and all workers under the registry shall be checked through the National Sex Offender Public website. Also, after that date, the registry shall include a check of the certified nurse assistant registry, the nursing home administrator disciplinary action data, and the licensing data of medical and osteopathic physicians, physician's assistants and nurses. The registry shall also check the educator certification data maintained by the Department of Elementary and Secondary Education.

The Department of Health and Senior Services shall operate as the single state agency which shall coordinate the criminal background screening process and the employment eligibility determination process.

Prior to the date of hire, the department shall make a determination of eligibility based on the results of the prospective employee's self-disclosure background information, completion of the Family Care Safety Registry background screening and submission of state and federal fingerprint-based criminal record check within 30 days of hire and prior to having direct access to patients or residents. The applicant shall not be eligible for employment if disqualifying findings are revealed under the criminal background screening process. The act prescribes the procedures for a provisional hiring process.

This act prohibits a personal care attendant with a disqualifying finding on a state or federal criminal background check from being reimbursed by the state for providing personal care assistant services. An applicant for a position with direct access to a patient, client, or consumer is required to disclose any findings that may appear on the registry. An applicant who fails to disclose any disqualifying finding shall be guilty of a class A misdemeanor.

Providers shall make an annual inquiry to the Family Care Safety Registry in order to maintain the employee's eligibility for employment.

Any provider required to deny employment to an applicant or to discharge a provisional employee as a result of information obtained from the screening process cannot be liable in any action brought by the applicant or provisional employee or charged for unemployment benefits in the case of the provisional employee.

The Department of Health and Senior Services is authorized to assess a fee to any provider to cover the cost of handling the criminal record review and to create an account for the deposit of the fees.

This act shall become effective on September 12, 2012.

This act is identical to HB 544 (2011).

ADRIANE CROUSE

03/01/2011 S First Read--SB 405-Ridgeway (S359)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S393)

EFFECTIVE: September 30, 2012

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\*\*\* SB 406 \*\*\*

1745S.011

SENATE SPONSOR: Crowell

SB 406 - SECTION 386.715 - Office of Public Counsel

The act requires the Office of Public Counsel (OPC) to, prior to the beginning of each fiscal year, inform the Public Service Commission (PSC) of its estimated expenses for the upcoming fiscal year. The OPC must specify how much of its estimated expenses are directly attributable to its work with each type of PSC-regulated public utility (i.e., electric, gas, water, heating, telephone, telegraph, and sewer) as well as the amount of expenses that are not directly attributable to one specific type of utility. Costs for telephone companies may not exceed 3% of the total directly attributable costs. Costs not directly attributable to one specific type of utility must be proportionately attributed to each utility type based on each utility type's percentage of total gross intrastate operating revenues across all utilities.

The PSC must levy an assessment to each regulated public utility to cover its share of the OPC's costs. The total amount levied to all utilities must not exceed 500ths of 1% of the total gross intrastate operating revenues of all regulated utilities. The PSC must issue a statement of the assessment amount to each utility by July 1st of each year, which the utility may pay in full by July 15th or in four equal quarterly installments.

The payments are to be deposited in the Public Counsel Fund, created in the act, and may only be used to pay the expenses of the OPC. Any balance remaining in the fund at the end of the fiscal year must be proportionately credited to the next year's assessments.

The act does not grant authority to the PSC to determine how the OPC estimates its expenses or how the OPC will spend the assessments collected from the utilities.

By March 31st of each year, each regulated utility must file a statement with the PSC of its gross intrastate operating revenues for the preceding calendar year.

This section is similar to the same section number in HCS/SB 791 (2010).



## SECTION 393.135 - Early Site Permit Cost Recovery

If an electric company obtains an Early Site Permit from the U.S. Nuclear Regulatory Commission (NRC), the PSC must allow the company to recover from its ratepayers the financing costs on up to \$40 million of prudently-incurred expenditures spent by the company to obtain the permit. The company may recover such costs from its ratepayers through rates and charges over a period not to exceed 20 years, but the PSC shall not approve return on equity for these expenditures. 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 NRC's issuance of the permit.

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, plus interest. If the power plant for which the Early Site Permit was acquired is not constructed within 10 years of the issuance of the Early Site Permit, the electric company that recovered costs from ratepayers for the Early Site Permit must refund such costs to the ratepayers over a period of 5 years, including interest.

The act creates the Governor's Task Force on Electrical Generation Options, which shall review energy generation options to include other options in addition to large baseload nuclear plants. The act specifies representation on the task force. The task force must issue its report by September 30, 2011.

This section is similar to SB 50 (2011) and SB 321 (2011).

The act contains an emergency clause.

ERIKA JAQUES

03/01/2011 S First Read--SB 406-Crowell and Mayer (S359)

03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S393)

03/09/2011 Hearing Conducted S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 407 \*\*\*

1707S.021

SENATE SPONSOR: Crowell

SB 407 - This act prohibits the authorization of tax credits under the historic preservation, low-income housing, and Missouri Development Finance Board Infrastructure Development Fund contribution tax credit programs. The act also 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 and makes the tax credit program subject to appropriation.

This act repeals the sunset provision of the Missouri RX prescription drug program and provides for the expiration of the program on August 28, 2014. This act also provides that the Missouri RX program will be funded by the cost savings realized by the prohibition of the tax credits listed above.

This act contains a nonseverability clause as to all provisions of the act.

This act contains an emergency clause.

JASON ZAMKUS

03/01/2011 S First Read--SB 407-Crowell (S359)

03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S393)

03/29/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 408 \*\*\*

1750S.011

SENATE SPONSOR: Crowell

SB 408 - Under current law, the MO RX prescription drug plan is set to sunset on August 28, 2011. This act provides that the plan shall expire on August 28, 2014.

ADRIANE CROUSE

03/01/2011 S First Read--SB 408-Crowell (S359)  
 03/03/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S393)  
 03/29/2011 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 409 \*\*\*

1842S.011

SENATE SPONSOR: Crowell

SB 409 – Currently, transportation aid is considered a categorical add-on to the elementary and secondary education foundation formula. This act requires transportation aid to be included as part of a district's state aid calculation.

MICHAEL RUFF

03/01/2011 S First Read--SB 409-Crowell (S359-360)  
 03/03/2011 Second Read and Referred S Education Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 410 \*\*\*

1817S.011

SENATE SPONSOR: Crowell

SB 410 - This act requires that the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) and the Missouri State Employees' Retirement System (MOSERS) transfer money between the two systems when an employee transfers service between the two systems on or after September 1, 2011. The act specifies the method that the systems are required to use to calculate the amount of the transfer payment. The amount of the money transferred cannot be less than the amount of the employee's accumulated contributions plus interest.

EMILY KALMER

03/01/2011 S First Read--SB 410-Crowell (S360)  
 03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 411 \*\*\*

1717S.021

SENATE SPONSOR: Crowell

SB 411 - This act prohibits the approval of new applications by the Missouri Development Finance Board under the Missouri Downtown and Rural Stimulus Act after August 28, 2011.

This act prohibits the authorization for issuance of Missouri Development Finance Board Bond Guarantee Tax Credits and Infrastructure Development Fund Contribution Tax Credits for the five year period beginning on the effective date of the act.

This act makes any full-time employee of the Missouri Development Finance Board on September 1, 2011 a state employee and member of the Missouri State Employee's Retirement System (MOSERS). However, these employees will not be covered under the Missouri consolidated health care plan (MCHCP), unless the board requests coverage and MCHCP's board approves the request. These employees may purchase credited service toward retirement for their employment with the board under the provisions that allow other nonfederal public employees to purchase service, except these employees will not be required to vest before they may purchase the service.

This act contains an emergency clause for certain sections.

Portions of this act are similar to SB 143 (2011), SB 144 (2011), SB 411 (2009) and HB 1070 (2009).

EMILY KALMER

03/01/2011 S First Read--SB 411-Crowell (S360)  
 03/03/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S393)  
 03/17/2011 Hearing Scheduled But Not Heard S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 412 \*\*\*

1811S.011

SENATE SPONSOR: Crowell

SB 412 - The Auditor's authority to examine audits of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) and of the Missouri State Employees' Retirement System (MOSERS) is modified to allow the auditor to audit the systems.

This act is similar to portions of SB 714 (2010).

EMILY KALMER

03/01/2011 S First Read--SB 412-Crowell (S360)

03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 413 \*\*\*

1812S.011

SENATE SPONSOR: Crowell

SB 413 - The Auditor's authority to examine audits of the Public School Retirement System of Missouri (PSRS) is modified to allow the Auditor to audit the systems.

This act is similar to a portion of SB 714 (2010).

EMILY KALMER

03/01/2011 S First Read--SB 413-Crowell (S360)

03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 414 \*\*\*

1810S.011

SENATE SPONSOR: Crowell

SB 414 - This act allows the State Auditor to audit any state or local public employee retirement system every three years, unless the auditor is otherwise required by law to audit the system more frequently. The Auditor's authority to examine audits of the Prosecuting Attorneys' and Circuit Attorneys' Retirement System and Local Government Employees' Retirement System is modified to allow the Auditor to audit the systems.

This act is similar to portions of SB 714 (2010).

EMILY KALMER

03/01/2011 S First Read--SB 414-Crowell (S360)

03/03/2011 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 415 \*\*\*

1819S.011

SENATE SPONSOR: Crowell

SB 415 - Under this act, a person on probation for a felony offense commits the crime of unlawful possession of a firearm if he or she knowingly possesses a firearm. Unlawful possession of a firearm is a Class C felony.

MEGHAN LUECKE

03/01/2011 S First Read--SB 415-Crowell (S360)

03/03/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 416 \*\*\*

1704S.011

SENATE SPONSOR: Crowell

SB 416 - This act exempts United States attorneys and assistant United States attorneys who have

completed the firearms safety training course required to obtain a conceal carry endorsement, from certain otherwise unlawful uses of a weapon.

Such acts include the general prohibition against carrying a concealed firearm without an endorsement, shooting into a dwelling, exhibiting a weapon in a threatening manner, discharging a firearm within 100 yards of a school, courthouse, or church, discharging a firearm along a highway, carrying a firearm into a church or election precinct, discharging a firearm at or from a vehicle at a person, and carrying a firearm into a school.

This exemption is identical to the exemption for prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys.

MEGHAN LUECKE

03/01/2011 S First Read--SB 416-Crowell (S360)

03/03/2011 Second Read and Referred S General Laws Committee (S393)

EFFECTIVE: August 28, 2011

\*\*\* SB 417 \*\*\*

1840S.011

SENATE SPONSOR: Crowell

SB 417 - No new claims shall be filed against the Second Injury Fund after July 1, 2011.

Only awards granted prior to July 1, 2011, awards or settlements in cases filed before July 1, 2001 and medical bills incurred and filed by employees of uninsured employers before July 1, 2011 shall be paid by the fund.

The Attorney General shall transmit the projected cost of all legal expenses to the director of the division of workers' compensation. The director shall then withhold sufficient funds to meet the expenses not to exceed 1/4 of the annual appropriation for that purpose.

Under the act, an annual actuarial study shall be made taking into consideration any existing balance carried forward in the fund from a previous year.

The act establishes priority for paying liability of the fund in the following order:

1. Expenses related to the legal defense of the fund.
2. Permanent total disability awards in the order settled or finally adjudicated.
3. Permanent partial disability awards in the order settled or finally adjudicated.
4. Medical expenses incurred prior to July 1, 2011.

This act contains an emergency clause.

CHRIS HOGERTY

03/01/2011 S First Read--SB 417-Crowell (S360)

03/03/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S393)

EFFECTIVE: Emergency Clause

\*\*\* SB 418 \*\*\*

1701S.011

SENATE SPONSOR: Chappelle-Nadal

SB 418 - Current law requires electronic voting systems to permit voters to vote by use of a single punch or mark for candidates of one party or group for president and vice president. This act removes this provision.

The act requires that all electronic voting systems produce results from paper ballots marked by hand, or in the case of disabled voters who need assistance, from paper ballots marked by a paper ballot marking device designed to assist such voters.

Remaining direct-record electronic voting machines may only be used for disabled voters and shall be phased out upon mechanical failure.

This act is identical to HB 1490 (2010).

CHRIS HOGERTY

03/01/2011 S First Read--SB 418-Chappelle-Nadal and Lamping (S363)  
03/10/2011 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S437)

EFFECTIVE: August 28, 2011

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\*\*\* SB 419 \*\*\*

1893S.011

SENATE SPONSOR: Kraus

SB 419 - This act repeals provisions of law which currently prohibit any Kansas City police officer from belonging to a political party committee; being a ward committeeman or committeewoman; or making contributions of any kind for political activity. Also repealed is a provision that prohibits any person from soliciting a police officer or a member of the police board for any political purpose.

Current law prohibits a Kansas City officer or employee from soliciting any person to vote for or against a candidate for public office, "poll precincts", or be connected with similar political work for a political organization, party, or candidate. This act prohibits those activities while the officer is on duty or in uniform.

Under this act, no officer or employee of the Kansas City Police Department may be a candidate for partisan public office.

This act is similar to SB 18 (2007), SB 189 (2009), and SB 579 (2010).

MEGHAN LUECKE

03/01/2011 S First Read--SB 419-Kraus (S363)  
03/10/2011 Second Read and Referred S General Laws Committee (S437)

EFFECTIVE: August 28, 2011

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\*\*\* SB 420 \*\*\*

0612S.011

SENATE SPONSOR: Mayer

SB 420 - This act dissolves the Second Injury Fund.

This act is similar to SB 66 (2007), SB 606 (2007), and SB 668 (2007).

CHRIS HOGERTY

03/01/2011 S First Read--SB 420-Mayer (S363)  
03/10/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S437)  
03/15/2011 Hearing Cancelled S Small Business, Insurance and Industry Committee  
03/16/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2011

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\*\*\* SB 421 \*\*\*

1889S.011

SENATE SPONSOR: Pearce

SB 421 - This act bars a person who commits a felony in Missouri, or commits a crime in another jurisdiction that would constitute a felony in Missouri, from qualifying as a candidate for or holding public office.

This act is similar to SB 589 (2010).

EMILY KALMER

03/01/2011 S First Read--SB 421-Pearce (S363)  
03/10/2011 Second Read and Referred S Financial and Governmental Organizations and Elections  
Committee (S437)

EFFECTIVE: August 28, 2011

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\*\*\* SB 422 \*\*\*

1804S.021

SENATE SPONSOR: Lager

SB 422 - The act modifies the state's renewable energy standard.

Under current law, each kilowatt-hour of renewable energy generated within the state can be counted as 1.25 kilowatt-hours for purposes of meeting the renewable energy standard. The act increases this weight factor to 1.75 kilowatt-hours.

The act specifies geographic sourcing requirements for the energy and renewable energy credits (RECs) used by an electric company to meet the renewable energy standard. During the years 2011-2016, the energy and RECs must be generated within the territory of regional transmission organizations that serve Missouri electric companies. After the year 2016, the energy and RECs must be generated either within Missouri or any contiguous state.

The use of RECs to comply with the renewable energy standard will not be allowable after December 31, 2022.

The act requires that, in meeting the renewable energy standard, an electric company must not incur annual net costs greater than 1% of the annual revenue requirement set by the Public Service Commission at the company's latest general rate proceeding. The act specifies how the annual net costs must be determined.

ERIKA JAQUES

03/01/2011 S First Read--SB 422-Lager (S363)

03/10/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* SB 423 \*\*\*

1748S.021

SENATE SPONSOR: Lager

SB 423 - This act modifies provisions pertaining to natural resources.

#### SECTION 37.970 - TRANSPARENCY POLICY

Each state department must carry out its duties with full transparency to the public and the public must be able to access any of the department's data or information in a timely fashion. Each department must take a broad interpretation of the Missouri Sunshine Law and must respond accordingly to any request for information, regardless of the format in which the request is made.

#### SECTION 192.1250 - REAL-TIME WATER QUALITY TESTING

The Department of Health and Senior Services must examine the feasibility of implementing a real-time water quality testing system and report to the General Assembly by December 31, 2011.

#### SECTION 621.250 - ADMINISTRATIVE HEARING COMMISSION

If anyone other than the permit applicant files an appeal of a permit decision made by an environmental commission under the Department of Natural Resources, that entity must submit a surety bond payable to the permit applicant at the time of appeal.

#### SECTION 640.013 - SURETY BOND RULES

Each environmental commission for which the Administrative Hearing Commission has authority to hear appeals must promulgate rules to establish the surety bond requirements for filing appeals. The rules must be consistent with Missouri Supreme Court rules regarding bond amounts set by circuit courts in appeals.

#### SECTION 640.018 - ADDITIONAL PERMIT REQUIREMENTS

A permit application submitted to the Department of Natural Resources shall be considered automatically approved if the department has not rendered a permit decision by the expiration of its statutorily-required timeframe and the department has been in possession of all necessary application information throughout that time.

In any permit application to the Department of Natural Resources, if any of the associated plans have been approved by a licensed professional engineer, the department must consider the plans approved.

#### SECTION 640.085 - DIVISION OF ENERGY

The act transfers the Department of Natural Resources' Division of Energy to the Department of Economic Development. The transfer must be completed by June 30, 2012.

**SECTION 640.100 - PUBLIC DRINKING WATER LABORATORY TESTS**

Under current law, public water suppliers may request the Department of Natural Resources or the Department of Health and Senior Services to run lab tests of their water samples. The act removes the Department of Natural Resources from this provision. Additionally, current law requires analysis of drinking water samples to be conducted by the Department of Health and Senior Services laboratories, the Department of Natural Resources' laboratories, or other labs certified by the Department of Natural Resources. The act removes the Department of Natural Resources' laboratories from the provision and transfers the authority to certify other labs to the Department of Health and Senior Services, but allows the Department of Health to certify laboratories operated by the Department of Natural Resources.

**SECTION 640.116 - EXEMPTION FOR WELL CONSTRUCTION REQUIREMENTS**

Water systems that serve charitable or benevolent organizations that do not regularly serve an average of 100 persons or more for at least 60 days of the year and that are not used for a school or day-care are exempt from well construction rules unless the system is a threat to groundwater or public health. Such wells are not exempt from certain rules applicable to multi-family wells. The act lists certain actions that a well owner must take in the event of certain coliform contamination violations.

**SECTION 640.128 - NOTIFICATION OF PUBLIC HEALTH RISK**

The Department of Natural Resources must immediately notify the local public health authority and the Department of Health and Senior Services if it receives water quality test results voluntarily submitted by a permitted entity that indicate a risk to public health.

**SECTION 640.850 - CONSOLIDATION OF SERVICES**

The Governor must convene a committee made up of representatives from the departments of Agriculture, Conservation, Economic Development, Health & Senior Services, and Natural Resources to evaluate ways to consolidate services. The committee must provide recommendations to the Governor and the General Assembly by December 31, 2011.

**SECTION 644.051 - CLEAN WATER COMMISSION PERMITS & APPEALS**

The act allows potential permit applicants to appeal the terms and conditions of a water pollution control general permit template to the Clean Water Commission within 30 days of issuance of the template, or issuance of a general permit under the new template, by the Department of Natural Resources.

Under current law, the burden of proof in any appeal hearing regarding the issuance of a water pollution control permit is on the permit applicant. The act modifies the requirement such that the permit applicant has the burden of proof only for appeals relating to the denial of a permit, license, or registration, but for all other appeals, the Clean Water Commission shall have the burden of proof.

The act allows the Department of Natural Resources to modify, reissue, or terminate a water pollution control permit at the request of the permit holder. Any such request must be made in writing and must contain facts or reasons in support of the request.

Compliance with a water pollution control permit will be considered compliance with the state and federal requirements under the Federal Water Pollution Control Act, except for certain federal toxic pollutant limitations and disposal of sewage sludge requirements.

**SECTION 644.054 - WATER POLLUTION CONTROL FEES**

Under current law, the authority expires on December 31, 2010, for the Clean Water Commission to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control. This act extends the expiration date to December 31, 2012.

The act requires the Department of Natural Resources to study the fees and present a plan for the fees to the General Assembly by December 31, 2011. The department must conduct stakeholder meetings and the plan must include timelines for permit issuance, expedited permits, and recommendations for improved services.

**SECTION 644.200 - WATER QUALITY LABORATORY TESTING**

The act requires that any water quality testing done for the purposes of administering the Missouri Clean Water Law or the federal Safe Drinking Water Act must be performed by a laboratory either operated or certified by the Department of Health and Senior Services, which may include labs operated by the Department of Natural Resources. The Department of Health and Senior Services must make the results of

any water quality test available to the public within 48 hours of getting the results, regardless of the circumstances. If the water samples were collected by any entity other than the Department of Health and Senior Services, the Department must also transmit the test results to the collecting entity within 48 hours of its receipt of the results. If any test results indicate a potential risk to public health or the environment, the Department may work with the Department of Natural Resources to assess the risk and develop a strategy to address the water issue. The Department of Natural Resources must follow these same procedures for data results for any water quality testing conducted in its labs.

#### SECTION 701.033 - PRIVATE SEPTIC SYSTEMS

The act allows the Department of Health and Senior Services to provide technical assistance, guidance, and oversight to local authorities that administer and enforce individual on-site sewage disposal system standards. The Department may provide such assistance at the request of the local government or in any case where the Department determines that its intervention is necessary to prevent a violation of state law.

Various provisions of the act are similar to provisions in SS/SCS/HB 2109 (2010).

ERIKA JAQUES

03/01/2011 S First Read--SB 423-Lager (S363)

03/10/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* SB 424 \*\*\*

1863S.011

SENATE SPONSOR: Cunningham

SB 424 - Before the Secretary of State files any petition alleging any wrongdoing on the part of any business entity, the Secretary of State shall provide the business entity with a chance to appear before it to refute the allegations in an informal hearing.

CHRIS HOGERTY

03/01/2011 S First Read--SB 424-Cunningham (S364)

03/10/2011 Second Read and Referred S General Laws Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* SB 425 \*\*\*

1892S.011

SENATE SPONSOR: Goodman

SB 425 - This act specifies in the section defining the crime of receiving stolen property that any offense in which the value of property or services is an element of the crime is a Class C felony if the value of the property or services exceeds \$500, the property is physically taken from the person of the victim, or if the property is of a certain description. It is a Class B felony if the value of the property or services equals or exceeds \$25,000.

The receipt of any item, property, or services which exceeds \$500 may be considered a separate felony and be charged in separate counts.

A person who commits the crime of receiving stolen property who has a prior conviction involving livestock or captive wildlife, when the value of the stolen property exceeds \$3,000, is guilty of a Class B felony. Such a person must serve a minimum prison term of not less than 80 percent of his or her sentence before being eligible for probation, parole, conditional release, or other early release.

MEGHAN LUECKE

03/01/2011 S First Read--SB 425-Goodman (S364)

03/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S437)

03/28/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 426 \*\*\*

1783S.021

SENATE SPONSOR: Lamping

SB 426 - Under the terms of this act, a landlord of 20 or more dwelling units is required to hold all security



deposits in a federally insured account, separate from his or her own funds. The security deposit account shall not be subject to the claims of any creditor of the landlord. At the time of receiving a security deposit, a landlord must provide the tenant or renter with a signed receipt indicating the date, the amount of the deposit, the name of the person receiving the deposit or, in the case of an agent, the name of the landlord for whom the security deposit is received, a description of the leased dwelling unit, and the name and address of the financial institution that will hold the deposit.

The provision contained in this act is substantially similar to one contained in HB 404 (2011).  
STEPHEN WITTE

03/01/2011 S First Read--SB 426-Lamping (S364)

03/10/2011 Second Read and Referred S General Laws Committee (S437)

\*\*\* SB 427 \*\*\*

1668S.011

SENATE SPONSOR: Lamping

SB 427 - This act repeals state and local use taxes.  
JASON ZAMKUS

03/01/2011 S First Read--SB 427-Lamping (S364)

03/10/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* SB 428 \*\*\*

1887S.011

SENATE SPONSOR: Ridgeway

SB 428 - This act allows a sheriff to receive reimbursement for the actual costs of transporting a person to and from a mental health facility from a public or private hospital, a non-profit charitable organization, the state, or a political subdivision.

MEGHAN LUECKE

03/01/2011 S First Read--SB 428-Ridgeway (S366)

03/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S437)

03/28/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 429 \*\*\*

1886S.011

SENATE SPONSOR: Ridgeway

SB 429 - This act requires, by December 31, 2012, the Department of Health and Senior Services to issue recommendations on adequate nurse staffing levels in health care facilities licensed under chapters 197 and 198. Such recommendations shall be issued through the promulgation of rules.

ADRIANE CROUSE

03/01/2011 S First Read--SB 429-Ridgeway (S366)

03/10/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* SB 430 \*\*\*

1897S.011

SENATE SPONSOR: Mayer

SB 430 - The act suspends workers' compensation benefits to incarcerated individuals and requires that employees must be entitled to legally work in the United States to receive benefits.

The act allows the second injury fund to advance or reimburse employees for expenses when an employee is required to submit to medical treatment outside the area of the employee's principal place of employment.

Employees shall submit to vocational testing and a vocational rehabilitation assessment scheduled by the second injury fund if the employer has not obtained a vocational rehabilitation assessment. Similarly, employees shall submit to reasonable medical examinations at the request of the second injury fund.

Claims for permanent partial disability shall not be allowed against the second injury fund after the effective date of the act. Claims shall only be allowed going forward for instances when:

- there exists a medically documented preexisting permanent disability caused by military duty or a preexisting permanent partial disability,
- the preexisting disability equals a minimum of 50 weeks of compensation according to the medical standards that are used in determining compensation, and
- a subsequent injury occurs and when combined with the elements of the prior injury results in permanent total disability.

Employers at the time of the last injury are only liable for the disability resulting from the subsequent injury and the second injury fund shall be liable for the remainder that would be due for the permanent total disability.

The act caps the amount awarded in compromise settlements to an amount not to exceed the total sum of 100 weeks of the employee's total average weekly wage as of the date of the injury unless authorization is given by the Workers' Compensation Council, in which case, the caps would not apply.

The act allows the Treasurer, with the advice and consent of the Attorney General and the authorization of the Workers' Compensation Council to enter into compromise settlements with dependents of claimants arising from the Schoemehl v. Treasurer decision.

Compensation shall not be payable from the second injury fund when employees elect to pursue workers' compensation outside of the state.

Life payments paid out of the second injury fund shall be suspended for employees who receive permanent total disability awards but by the use of glasses, prosthetic appliances, or physical rehabilitation are restored to regular work or its equivalent.

Life payments paid out of the second injury fund shall be suspended for all injured employees when the employee is able to obtain suitable gainful employment or be self-employed in view of the nature and severity of the injury. Life payments paid out of the second injury fund may be suspended for any injured employee when the employee becomes eligible to receive Social Security benefits attributable to the employee's injury. The combined sum of the amount of monthly payments from the second injury fund and monthly Social Security benefits shall not be less than the life payments otherwise payable out of the second injury fund.

Currently, a 2% tax is levied on insurance carriers when the balance of the workers' compensation fund is estimated to be on hand on December 31 is less than 110% of the previous year's expenses. This act requires that amount to actually be on hand on July 1 of the year of the determination which shall be made on October 31.

The act repeals a provision allowing loans to be made to the Missouri Employers Mutual Insurance Company.

The act requires the department to use money contained in the second injury fund at the end of the previous fiscal instead of calendar year for calculating the annual surcharge.

Outstanding advances from the workers' compensation fund to the second injury fund shall not exceed 33 1/3% of the total amount of the annual surcharge and reimbursements for advances which shall be made within 5 years instead of within the year.

The act institutes a funding mechanism to bolster the second injury fund. The second injury fund surcharge shall be set at 2010 levels (\$40,862,081) until all workers' compensation administration fund advances have been reimbursed. The workers' compensation administration fund tax and surcharge are set at 4% to provide advances to the second injury fund until moneys collected under the annual surcharge exceed the total amount of the second injury fund for two quarters. If the administration fund tax and surcharge and the annual surcharge do not generate revenue of at least \$100,000,000 in 2012 and 2013, the rates shall be adjusted to collect revenue at that level.

The act creates the Missouri State Workers' Compensation Council to advise the division of workers' compensation and submit recommendations to the Governor and the General Assembly relating to workers' compensation laws.

CHRIS HOGERTY

03/01/2011 S First Read--SB 430-Mayer (S366)  
 03/10/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S437)  
 03/15/2011 Hearing Cancelled S Small Business, Insurance and Industry Committee  
 03/16/2011 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 431 \*\*\*

1894S.011

SENATE SPONSOR: Munzlinger

SB 431 - This act creates a Do-Not-Mail list, which shall contain a list of Missouri residents, age 70 or older, who request not to be sent direct mail solicitations.

The Attorney General must create and administer the list, must promulgate rules for the list by January 1, 2012, and must have the list in operation by July 1, 2012. The Attorney General must regularly update the state list with the names of eligible Missourians that appear on any similar federal list.

Information on the list is not considered a public record.

The Attorney General may seek an injunction and a civil penalty up to \$5,000 for each knowing violation or threatened knowing violation of the act. Any person who has received more than one direct mail solicitation in a year in violation of the act may bring an action to enjoin or seek damages, or both. The act includes a statute of limitation on bringing such an action.

ERIKA JAQUES

03/01/2011 S First Read--SB 431-Munzlinger (S366)  
 03/10/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S437)

EFFECTIVE: July 1, 2012

\*\*\* SB 432 \*\*\*

1895S.011

SENATE SPONSOR: Munzlinger

SB 432 - This act prohibits the state and any of its agents from entering into a contingency fee contract with a private attorney, unless the Attorney General makes specific written findings. The Attorney General is required to request proposals from private attorneys, unless the Attorney General makes a written determination that requesting proposals is not feasible. Private attorneys that enter into contingency fee contracts with the state are prohibited from recovering more than a certain percent of the recovery.

A private attorney who is representing the state on a contingency fee basis is required to maintain records about their expenses for at least four years after the contract terminates. The attorney is required to make these records available to the public under the sunshine law.

The Attorney General is required to post certain information about the contingency fee arrangement on their website. The Attorney General is also required to submit an annual report regarding the use of contingency fee contracts.

EMILY KALMER

03/01/2011 S First Read--SB 432-Munzlinger (S366)  
 03/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S437)  
 03/28/2011 Hearing Scheduled S Judiciary and Civil and Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2011

\*\*\* SB 433 \*\*\*

1883S.011

SENATE SPONSOR: Kraus

SB 433 - Beneficiaries of deeds of trust who are not the originating beneficiary shall record a document regarding the beneficiary's legal interest in the deed containing certain identifying information. The document shall be recorded in the same manner as the notice of trustee's sale.

Failure to properly record shall result in a voidable sale.

Those with an interest in the trust property may file an action to void the sale.

CHRIS HOGERTY

03/01/2011 S First Read--SB 433-Kraus (S366)

03/10/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* SRM 1 \*\*\*

2006S.031

SENATE SPONSOR: Schaaf

SRM 1 - The Senate remonstrates against the St. Louis press corps for its disregard of the proper role of a journalist to investigate and report upon corruption within the City of St. Louis regardless of the political implications or consequences to such investigation or reporting.

JIM ERTLE

03/14/2011 S First Read--SRM 1-Schaaf (S443)

03/16/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S465)

EFFECTIVE: upon approval

\*\*\* 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)

02/01/2011 H Third Read and Passed (H276 / S180)

02/01/2011 Truly Agreed To and Finally Passed

02/07/2011 Reported Duly Enrolled S Rules Committee (S186)

02/07/2011 Signed by Senate President (S186)

02/07/2011 Signed by House Speaker (H298)

02/07/2011 Delivered to Governor (S187)

02/17/2011 Governor's Action appears on page 286 of Senate Journal (S286)

EFFECTIVE: upon approval

\*\*\* 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 Cancelled S Rules, Joint Rules, Resolutions and Ethics Committee

02/15/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

\*\*\* 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.03I

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

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\*\*\* SCR 5 \*\*\*

1040S.01I

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

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\*\*\* SCR 6 \*\*\*

1119S.01I

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

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\*\*\* SCR 7 \*\*\*

1140S.01I

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 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S171)  
 02/15/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 02/15/2011 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 03/03/2011 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S390)  
 03/16/2011 S adopted (S471)  
 03/17/2011 Reported to the House (H700)

EFFECTIVE: upon approval

\*\*\* SCR 8 \*\*\*

1383S.011

SENATE SPONSOR: Rupp

SCR 8 - The resolution urges Congress to support a comprehensive plan for the Upper Mississippi River Basin that enhances flood-control without creating adverse impacts on existing levees and areas. The resolution additionally asks the Missouri Congressional delegation to oppose Plan H for the Upper Mississippi River Basin.

This resolution is similar to HCR 17 (2011).

ERIKA JAQUES

02/08/2011 S Offered--SCR 8-Rupp (S210)  
 02/09/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S217)  
 02/22/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee  
 03/01/2011 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee  
 03/03/2011 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S390)  
 03/25/2011 Resolutions Calendar--SCR 8-Rupp

EFFECTIVE: upon approval

\*\*\* SCR 9 \*\*\*

1179S.021

SENATE SPONSOR: Rupp

SCR 9 - This concurrent resolution rescinds Missouri's 1983 call for a constitutional convention to adopt an amendment requiring a balanced federal budget.

This concurrent resolution is identical to SCR 38 (2010) and SCR 10 (2009).

JASON ZAMKUS

02/08/2011 S First Read--SCR 9-Rupp (S210-211)  
 02/09/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S217)  
 03/01/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 10 \*\*\*

0644S.021

SENATE SPONSOR: Cunningham

SCR 10 - This concurrent resolution urges the U.S. Congress to adopt an amendment to the U.S. Constitution that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

JIM ERTLE

02/14/2011 S First Read--SCR 10-Cunningham (S240-241)  
 02/15/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S253)

EFFECTIVE: upon approval

\*\*\* SCR 11 \*\*\*

1266S.011

SENATE SPONSOR: Wright-Jones

SCR 11 - This resolution asks the Governor to recognize every third week in June as Diabetic Peripheral Neuropathy Week in Missouri.

ADRIANE CROUSE

02/17/2011 S First Read--SCR 11-Wright-Jones (S270-271)  
 02/21/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S291)  
 03/01/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

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 \*\*\*

HCS SJR 2

0282L.02C

SENATE SPONSOR: Stouffer

HOUSE HANDLER: Cox

HCS/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.

Advance voting may be established by general law from the third Saturday before an election until the first Tuesday before an election excluding Sundays.

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  
 01/31/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee  
 02/10/2011 Reported from S Financial and Governmental Organizations and Elections Committee to Floor (S233)  
 02/14/2011 SA 1 S offered & Ruled out of order (Callahan)--(0282S01.01S) (S245-247)  
 02/14/2011 SA 2 S offered & withdrawn (Callahan)--(0282S01.01F) (S247)  
 02/14/2011 SA 3 S offered (Green)--(0282S01.02F) (S247)  
 02/14/2011 Bill Placed on Informal Calendar (S247)  
 02/16/2011 SA 3 S withdrawn (S266)

02/16/2011 Perfected (S266)  
 02/17/2011 Reported Truly Perfected S Rules Committee (S284)  
 02/17/2011 Referred S Ways & Means and Fiscal Oversight Committee (S284)  
 02/24/2011 Hearing Conducted S Ways & Means and Fiscal Oversight Committee  
 02/24/2011 Voted Do Pass S Ways & Means and Fiscal Oversight Committee  
 02/24/2011 Reported from S Ways & Means and Fiscal Oversight Committee to Floor (S322)  
 02/24/2011 S Third Read and Passed (S324-325)  
 02/24/2011 H First Read (H457)  
 03/01/2011 H Second Read (H465)  
 03/03/2011 Referred H Elections Committee (H521)  
 03/08/2011 Hearing Conducted H Elections Committee  
 03/09/2011 HCS Voted Do Pass H Elections Committee  
 03/10/2011 HCS Reported Do Pass H Elections Committee  
 03/10/2011 Referred to Rules Committee pursuant to Rule 25(32)(f)  
 03/16/2011 Hearing Conducted H Rules Pursuant to Rule 25(32)(f) Committee  
 03/16/2011 Voted to return bill to committee of origin (H673)

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

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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)  
 03/17/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

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  
 01/31/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Upon Voter Approval

\*\*\* 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)  
 02/23/2011 Hearing Conducted S Governmental Accountability Committee  
 03/09/2011 Voted Do Pass S Governmental Accountability Committee  
 03/17/2011 Reported from S Governmental Accountability Committee to Floor (S494)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SJR 10-Lembke and Green

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 11 \*\*\*

SCS SJR 11

0761S.03C

SENATE SPONSOR: Munzlinger

SCS/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. No laws or regulations shall unreasonably restrict these activities or the use of traditional devices or methods. Laws and regulations in this area shall be created only to conserve and manage wildlife and 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)  
 03/02/2011 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee  
 03/09/2011 SCS Voted Do Pass S Agriculture, Food Production and Outdoor Resources Committee -  
 (0761S.03C)  
 03/10/2011 Reported from S Agriculture, Food Production and Outdoor Resources Committee to Floor  
 w/SCS (S435)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SJR 11-Munzlinger, with SCS

EFFECTIVE: Upon Voter Approval

\*\*\* 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)  
 02/21/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee  
 02/28/2011 Voted Do Pass S Financial and Governmental Organizations and Elections Committee

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)  
 02/07/2011 Hearing Conducted S Financial and Governmental Organizations and Elections Committee

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

\*\*\* SJR 15 \*\*\*

1183S.011

SENATE SPONSOR: Nieves

SJR 15 - Upon approval by the voters, this constitutional amendment prohibits the Missouri legislative, executive, and judicial branches of government from recognizing, enforcing, or acting in furtherance of any federal action that exceeds the powers delegated to the federal government.

The state also shall not recognize, enforce, or act in furtherance of any federal actions that: restrict the right to bear arms; legalize or fund abortions, or the destruction of any embryo from the zygote stage; require the sale or trade of carbon credits or impose a tax on the release of carbon emissions; involve certain health care issues; mandate the recognition of same sex marriage or civil unions; increase the punishment for a crime based on perpetrator's thoughts or designate a crime as a hate crime; interpret the establishment clause as creating a separation between church and state; or restrict the right of parents or guardians to home school or enroll their children in a private or parochial school or restrict school curriculum.

The state is also required to interpret the U.S. Constitution based on its language and the original intent of the signers of the Constitution. Amendments to the U.S. Constitution shall be interpreted based on their language and the intent of the congressional sponsor and co-sponsors of the amendment.

The amendment also declares that Missouri citizens have standing to enforce the provisions of the amendment and that enforcement of the amendment applies to federal actions taken after the amendment is approved by the voters, federal actions specified in the amendment, and any federal action, regardless of when it occurred, that the general assembly or the Missouri Supreme Court determines to exceed the powers enumerated and delegated to the federal government by the U.S. Constitution.

This act is similar to HJR 88 (2010).

EMILY KALMER

02/08/2011 S First Read--SJR 15-Nieves, et al (S209)  
 02/10/2011 Second Read and Referred S General Laws Committee (S236)  
 03/01/2011 Hearing Conducted S General Laws Committee  
 03/08/2011 Voted Do Pass S General Laws Committee  
 03/17/2011 Reported from S General Laws Committee to Floor (S493-494)  
 03/25/2011 S Formal Calendar S Bills for Perfection--SJR 15-Nieves, et al

EFFECTIVE: upon voter approval

\*\*\* SJR 16 \*\*\*

1222S.011

SENATE SPONSOR: Goodman

SJR 16 - Upon voter approval, this constitutional amendment reaffirms a citizen's right to free expression of religion. The amendment specifies that individuals have the right to individual or group prayer in all private or public areas, as long as such prayer does not disturb the peace, disrupt a public meeting or assembly, or impede public access. Religious expression and prayer on government property is particularly allowed, so long as the expression or prayer abides within the same parameters placed upon any other free speech under similar circumstances.

The amendment also explicitly prohibits the establishment of any official state religion and any state coercion to participate in prayer or other religious activities.

The amendment specifically provides that the general assembly and other governing bodies of political subdivisions may have ministers, clergy persons, and other individuals offer invocations or prayers at meetings or sessions of the general assembly or other governing bodies.

The amendment also provides that students may engage in private and voluntary prayer, acknowledgment of God, or other religious expression, individually or in groups, and express their religious beliefs in school assignments without discrimination based on the religious content of their work. Students shall not be compelled to participate in academic assignments that violate their religious beliefs. All public schools are required to display the Bill of Rights of the United States Constitution.

This section of the constitution shall not be construed to expand the rights of prisoners in state or local custody beyond those afforded by the laws of the United States.

This act is similar to SJR 31 (2010), SCS/SJR 12 (2009), SS/HJR 11 (2009), HJR 55 (2008), and HJR 19 (2007).

EMILY KALMER

02/10/2011 S First Read--SJR 16-Goodman (S232)  
 02/17/2011 Second Read and Referred S General Laws Committee (S286)  
 03/15/2011 Hearing Cancelled S General Laws Committee  
 03/29/2011 Hearing Scheduled S General Laws Committee

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 17 \*\*\*

0694S.011

SENATE SPONSOR: Lembke

SJR 17 - This constitutional amendment, if approved by the voters, would modify the selection process for certain judgeships and the composition of the commissions that submit names of prospective judges to the Governor.

Currently, when there is a vacancy on the Supreme Court, the court of appeals, or the circuit or associate circuit court in St. Louis City, St. Louis County, Jackson County, Greene County, Platte County, or Clay County, a judicial commission gives the Governor a list of three nominees to select from to fill the position. The Governor is required to select one of these nominees within sixty days, or then the commission is required to select the nominee to fill the vacancy. This amendment would increase the number of nominees on the list to four. The Governor would have thirty days to select one of these nominees. If the governor does not select a nominee from this list, the commission is required to submit a second list of nominees. If the Governor does not select a nominee from this second list within thirty days, then the commission is required to select the nominee from the second list

to fill the vacancy.

Beginning on the second Tuesday of January 2013, this amendment would also modify the composition of the commissions. The appellate judicial commission would increase from seven to nine members; three attorneys and six individuals who are not attorneys. Each of the circuit judicial commissions would increase from five to seven members; two attorneys and five individuals who are not attorneys. A Supreme Court judge would no longer serve on the appellate judicial commission and the chief judge of the court of appeals district would no longer serve on each of the circuit judicial commissions. The members of the Appellate Judicial Commission first appointed by the Governor after the second Tuesday of January 2013 shall serve four year terms. Upon the expiration of the terms of the current non-attorney members of the Appellate Judicial Commission, the members of the commission that replace these members shall serve a four year term, a two year term, and a four year term.

EMILY KALMER

02/14/2011 S First Read--SJR 17-Lembke (S242)

02/17/2011 Second Read and Referred S General Laws Committee (S286)

EFFECTIVE: Upon Voter Approval

\*\*\* SJR 18 \*\*\*

1598S.011

SENATE SPONSOR: Munzlinger

SJR 18 - This constitutional amendment, if approved by voters, would require the state lottery commission to develop and begin selling a veterans lottery ticket by July 1, 2013. Moneys received from the sale of such tickets will be deposited in the Veterans' Commission Capital Improvements Trust Fund.

JASON ZAMKUS

02/22/2011 S First Read--SJR 18-Munzlinger (S297)

02/24/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S333)

03/10/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2011

\*\*\* SJR 19 \*\*\*

1139S.011

SENATE SPONSOR: Chappelle-Nadal

SJR 19 - This proposed constitutional amendment, if approved by voters, would make the city of St. Louis a part of St. Louis County and provide that the city shall exist in the same manner as any other city in the county.

Article VI, sections 30 to 33 of the Missouri Constitution, which govern the amendment and revision of the St. Louis charter and intergovernmental relations between the county and the city are repealed.

MEGHAN LUECKE

02/22/2011 S First Read--SJR 19-Chappelle-Nadal (S297)

02/24/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S333)

EFFECTIVE: Contingent

\*\*\* SJR 20 \*\*\*

1597S.011

SENATE SPONSOR: Lager

SJR 20 - This constitutional amendment, if approved by voters, would limit state general revenue appropriations to the amount of appropriations made in the previous fiscal year increased by an inflationary growth factor. In any fiscal year where net general revenue collections exceed total state general revenue appropriations by more than one percent of total general revenue appropriations, the excess over one percent will be transferred to the newly created cash operating reserve fund to be used to reduce all state income tax rates. The amendment provides procedures for appropriating revenues in excess of the appropriation limitation and restoring certain expenditures of the state or any of its agencies when no other funds are available in cases of emergency.

This proposed constitutional amendment is identical to SJR 35 (2010), SJR 13 (2009), and SJR 50 (2008).

JASON ZAMKUS

02/22/2011 S First Read--SJR 20-Lager (S297)

02/24/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S333)

EFFECTIVE: Upon voter approval

\*\*\* SJR 21 \*\*\*

1386S.021

SENATE SPONSOR: Lembke

SJR 21 - This constitutional amendment, if approved by the voters, would put a question on the ballot in the city of St. Louis asking whether the city charter should be amended to make the following changes:

- Reduce the number of wards to four and the number of aldermen to eight with one member elected by each ward and the other four to be elected by the City of St. Louis at large;
- Provide the mayor with the authority to appoint, with the advice and consent of the board of aldermen, the collector of revenue, license collector, recorder of deeds, sheriff, and treasurer;
- Establish a public safety commission to manage, control and conduct the department of public safety.

Elections for the board of aldermen would include one in which the residents of the odd-numbered wards elect a member for a term of two years and residents of the even-numbered wards elect a member for a term of four years. Also, four members of the board would be elected by the city at large with two serving for a term of two years and two serving for four years. It would be determined by lot which members elected at large would serve for two years. Upon the expiration of the terms of all the members of the board of aldermen, their successors would serve four-year terms.

The public safety commission would include six members appointed by the mayor with the advice and consent of the board of aldermen. The commissioners would serve staggered six-year terms and be removable for cause. Each member must be a city resident for at least one year, no member could be an employee of the city or a contractor with the city, and no more than three members could be affiliated with the same political party.

If a majority of St. Louis city residents vote in favor of the question, the board of aldermen would have eight years to reduce its membership to eight and its wards to four. The charter amendments would take effect when such reductions have taken place. Such amendments could be changed the same way other provisions within the charter may be changed. Voters in St. Louis could not be asked the question more than once under the authority of the constitutional amendment.

MEGHAN LUECKE

02/23/2011 S First Read--SJR 21-Lembke and Chappelle-Nadal (S308)

03/03/2011 Second Read and Referred S General Laws Committee (S393)

EFFECTIVE: Upon voter approval

\*\*\* SJR 22 \*\*\*

1753S.011

SENATE SPONSOR: Parson

SJR 22 - This proposed constitutional amendment, if approved by the voters, would require a member of the General Assembly to vacate his or her office if the member removes himself or herself from the state during a session of the member's respective body for the purpose of avoiding any official duty or vote.

JIM ERTLE

02/28/2011 S First Read--SJR 22-Parson (S344)

03/03/2011 Second Read and Referred S General Laws Committee (S393)

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)

\*\*\* SR 178 \*\*\*

0832S.011

SENATE SPONSOR: Purgason

SR 178 - This resolution amends the Senate Rules to allow for the use of laptop computers on the floor of the Senate, provided that any Senator engaged in debate must close the screen of his or her laptop completely while the Senator is engaged in debate.

JIM ERTLE

01/31/2011 S Offered--SR 178-Purgason (S166)  
 02/07/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S195)  
 02/22/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

03/01/2011 Motion to vote bill do pass failed S Rules, Joint Rules, Resolutions and Ethics Committee

EFFECTIVE: upon approval

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\*\*\* SR 179 \*\*\*

0833S.011

SENATE SPONSOR: Purgason

SR 179 - This resolution amends the Senate Rules to prohibit the consideration of a conference committee report by the Senate until the report has been distributed to each member of the Senate for at least one legislative day.

JIM ERTLE

01/31/2011 S First Read--SR 179-Purgason (S166)

02/07/2011 Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S195)

02/22/2011 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee

03/01/2011 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee

03/03/2011 Reported from S Rules, Joint Rules, Resolutions and Ethics Committee to Floor (S389)

03/25/2011 Resolutions Calendar--SR 179-Purgason

EFFECTIVE: upon approval

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

SCS HCS HB 14

0014S.03C

SENATE SPONSOR: Schaefer

HOUSE HANDLER: Silvey

## HCS/HB 14 - Supplemental Appropriations

	Governor	House
GR	\$106,332,610	\$103,445,300
FEDERAL	306,731,141	108,125,234
OTHER	21,094,723	21,846,723
TOTAL	<u>\$434,158,474</u>	<u>\$233,417,257</u>

	Senate	Final
GR	\$	
FEDERAL		
OTHER		
TOTAL	<u>                    </u>	<u>                    </u>

DAN HAUG

01/31/2011 Introduced and Read First Time (H) (H264)  
02/01/2011 Read Second Time (H) (H273)  
02/02/2011 Referred: Budget (H) (H284)  
02/09/2011 Public Hearing Completed (H)  
02/09/2011 Executive Session Completed (H)  
02/09/2011 HCS Voted Do Pass (H)  
02/09/2011 HCS Reported Do Pass (H) (H332)  
02/09/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H332)  
02/15/2011 Rules - Executive Session Completed (H)  
02/15/2011 Rules - Voted Do Pass (H)  
02/15/2011 Rules - Reported Do Pass (H) (H369)  
02/22/2011 HCS Adopted (H) (H416)  
02/22/2011 Perfected (H) (H416)  
02/24/2011 Third read and passed (H) (H444-445)  
02/24/2011 S First Read--HCS for HB 14 (S330-331)  
02/28/2011 Second Read and Referred S Appropriations Committee (S345)  
03/01/2011 Hearing Conducted S Appropriations Committee  
03/01/2011 SCS Voted Do Pass S Appropriations Committee (0014S.03C)  
03/03/2011 Reported from S Appropriations Committee to Floor w/SCS (S389)  
03/25/2011 S Formal Calendar H Bills for Third Reading--HCS for HB 14, with SCS (Schaefer)

EFFECTIVE: upon approval

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

0015L.01P

SENATE SPONSOR: Schaefer

HOUSE HANDLER: Silvey

## HB 15 - Supplemental appropriations for various state departments

	Governor	House
GR	\$ 0	\$ 0
FEDERAL	0	189,727,725
OTHER	0	0
TOTAL	<u>\$ 0</u>	<u>\$189,727,725</u>

	Senate	Final
GR	\$	\$
FEDERAL		

## OTHER

TOTAL \$ \_\_\_\_\_  
DAN HAUG

01/31/2011 Introduced and Read First Time (H) (H264)  
02/01/2011 Read Second Time (H) (H273)  
02/02/2011 Referred: Budget (H) (H284)  
02/09/2011 Public Hearing Completed (H)  
02/09/2011 Executive Session Completed (H)  
02/09/2011 Voted Do Pass (H)  
02/09/2011 Reported Do Pass (H) (H333)  
02/09/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H333)  
02/15/2011 Rules - Executive Session Completed (H)  
02/15/2011 Rules - Voted Do Pass (H)  
02/15/2011 Rules - Reported Do Pass (H) (H369)  
02/22/2011 Perfected (H) (H416)  
02/24/2011 Third read and passed (H) (H445-446)  
02/24/2011 S First Read--HB 15-Silvey (S331)  
02/28/2011 Second Read and Referred S Appropriations Committee (S345)  
03/01/2011 Hearing Conducted S Appropriations Committee  
03/01/2011 Voted Do Pass S Appropriations Committee  
03/03/2011 Reported from S Appropriations Committee to Floor (S389)  
03/25/2011 S Formal Calendar H Bills for Third Reading--HB 15-Silvey (Schaefer)

EFFECTIVE: upon approval

\*\*\* HB 45 \*\*\*

HCS HB 45

0145L.03P

HOUSE HANDLER: Hoskins

SCS/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)  
 02/21/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S291)  
 03/10/2011 Hearing Conducted S Ways and Means and Fiscal Oversight Committee  
 03/17/2011 SCS Voted Do Pass S Ways and Means and Fiscal Oversight Committee - (0145S.04C)

EFFECTIVE: August 28, 2011

\*\*\* HB 46 \*\*\*

HCS HB 46

0114L.03P

HOUSE HANDLER: Diehl

HCS/HB 46 - Currently, provisions of law concerning the installation of fire sprinklers in certain home dwellings are set to expire on December 31, 2011. This act changes the expiration date to December 31, 2019.

Current law applies the fire sprinkler installation provisions to single-family dwellings or residences or multi-unit dwellings of four or fewer units. This act changes the terminology to one- or two-family dwellings or townhouses. The act further provides that if a political subdivision adopts certain codes for one- or two-family dwellings that do not mandate automatic fire sprinkler systems, the political subdivision shall retain language from a previous version of such code that requires certain wall thickness to prevent fires for two-family dwellings and townhouses.

This act is similar to SB 108 (2011).

MEGHAN LUECKE

12/02/2010 Prefiled (H)  
 01/05/2011 Read First Time (H) (H21)  
 01/06/2011 Read Second Time (H) (H71)  
 01/20/2011 Referred: General Laws (H) (H198)  
 02/01/2011 Public Hearing Completed (H)  
 02/01/2011 Executive Session Completed (H)  
 02/01/2011 HCS Voted Do Pass (H)  
 02/01/2011 HCS Reported Do Pass (H) (H277)  
 02/01/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H277)  
 02/07/2011 Rules - Executive Session Completed (H)  
 02/07/2011 Rules - Voted Do Pass (H)  
 02/07/2011 Rules - Reported Do Pass (H) (H299)  
 02/09/2011 HCS Adopted (H) (H322)  
 02/09/2011 Perfected with Amendments (H) (H323)  
 02/10/2011 Third Read and Passed (H) (H341)  
 02/14/2011 S First Read--HCS for HB 46 (S242-243)  
 03/10/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* HB 61 \*\*\*

HCS HB 61

0206L.02P

HOUSE HANDLER: Nolte

HCS/HB 61 - The minimum wage shall not exceed the minimum wage and employers shall pay a wage of \$3.63 per hour to tipped employees.

This act is similar to SB 889 (2010) and SB 110 (2011).

CHRIS HOGERTY

12/07/2010 Prefiled (H)  
 01/05/2011 Read First Time (H) (H22)  
 01/06/2011 Read Second Time (H) (H71)

01/13/2011 Referred: International Trade & Job Creation (H) (H154)  
 01/26/2011 Public Hearing Completed (H)  
 02/09/2011 Executive Session Completed (H)  
 02/09/2011 HCS Voted Do Pass (H)  
 02/10/2011 HCS Reported Do Pass (H) (H344)  
 02/10/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H344)  
 02/15/2011 Rules - Executive Session Completed (H)  
 02/15/2011 Rules - Voted Do Pass (H)  
 02/15/2011 Rules - Reported Do Pass (H) (H369)  
 03/01/2011 HCS Adopted (H) (H486)  
 03/01/2011 Perfected (H) (H486)  
 03/03/2011 Third Read and Passed (H) (H518)  
 03/07/2011 S First Read--HCS for HB 61 (S402)  
 03/17/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S496)

EFFECTIVE: August 28, 2011

\*\*\* HB 71 \*\*\*

0030L.01P

HOUSE HANDLER: Nasheed

HB 71 - The City of St. Louis may establish a municipal police force. The municipal police force shall regulate and license all private watchmen, private detectives, and private policemen in the city.

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 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.

No officer, employee, or representative of a St. Louis police force may engage in certain activities with a licensed dealer or private seller of firearms or ammunition, including enticing such dealers and sellers into an illegal transaction, providing materially false information about the legality of such transactions, or procuring another to engage in such conduct.

This act prohibits an officer, employee, liaison, or registered representative of a St. Louis police force from lobbying the General Assembly except in his or her personal capacity. Anyone can bring an action for monetary damages of \$10,000 in any court of competent jurisdiction to enforce this lobbying prohibition. Upon a finding of a violation, the court shall award attorney fees and costs to the plaintiff. The state waives all immunity in such an action.

No person may solicit political contributions from an officer, agent, or employee of the St. Louis police force, and no such solicitation may occur in a room or building used for the official duties of the police.

The following political activities by an officer, agent, or employee of the St. Louis police force are prohibited: taking certain employment actions against an employee who refuses to make political contributions or render political services; attempting to coerce, command, or advise an officer or employee of the police to make such contributions or render such services; using his or her official authority to interfere with an election; being a member or official of any political party committee or board of aldermen; soliciting votes for or against a candidate for public office; polling precincts, engaging in other similar political work; or affixing a sign that supports or opposes a ballot measure or candidate to police property or vehicles.

In addition to those political prohibitions, no question in any examination may relate to, and no employment action may be affected by, political or religious opinions, and no person shall provide false information with regard to any St. Louis police tests, certificates, or appointments.

Also prohibited is the payment or solicitation of money or other valuable consideration for any appointment or promotion within the St. Louis police force, the obstruction of any person's right to such appointments or promotions, or the provision of secret information to affect such employment matters.

A violation of the above prohibitions on activities relating to politics and the employment of St. Louis

police officers will result in discharge from the St. Louis police force and the chief of police shall prefer charges. A fine of \$50 to \$500 and imprisonment of not more than six months may be imposed. Any city alderman may sue to restrain payment of compensation to such officer. A person discharged shall not be eligible to work for the police force or the city government for five years.

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

The provisions of this act are nonseverable, so any court decision that invalidates one provision in the act would invalidate all the provisions in the act.

This act is similar to SB 23 (2011), SS/SCS/SB 643 (2010), SB 486 (2007), SB 785 (2008), HB 552 (2009), and HB 1601 (2010).

MEGHAN LUECKE

12/20/2010 Prefiled (H)  
 01/05/2011 Read First Time (H) (H22)  
 01/06/2011 Read Second Time (H) (H71)  
 01/13/2011 Referred: Urban Issues (H154)  
 01/19/2011 Public Hearing Completed (H)  
 01/19/2011 Executive Session Completed (H)  
 01/19/2011 Voted Do Pass (H)  
 01/19/2011 Reported Do Pass (H) (H190)  
 01/19/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H190)  
 01/25/2011 Rules - Executive Session Completed (H)  
 01/25/2011 Rules - Voted Do Pass (H)  
 01/25/2011 Rules - Reported Do Pass (H) (H222)  
 02/17/2011 Perfected with Amendments (H) (H392)  
 02/22/2011 Third Read and Passed (H) (H415-416)  
 02/23/2011 S First Read--HB 71-Nasheed, et al (S311)  
 03/10/2011 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S437)  
 03/28/2011 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2011

\*\*\* HB 73 \*\*\*

HCS HB 73 & 47

0434L.03P

SENATE SPONSOR: Crowell

HOUSE HANDLER: Brandom

HCS/HBs 73 & 47 - 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.

In implementing the provisions of this act, the department shall not discriminate against any work-eligible applicant or work-eligible recipient on the basis of race or ethnicity.

This act is substantially similar to SB 74 (2011), HB 1377 (2010).

ADRIANE CROUSE

12/21/2010 Prefiled (H)  
 01/05/2011 Read First Time (H) (H22)  
 01/06/2011 Read Second Time (H) (H71)  
 01/06/2011 Referred: General Laws (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) (H141)  
 01/12/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H141)  
 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)  
 01/26/2011 HCS Adopted (H) (H236)  
 01/26/2011 Perfected with Amendments (H) (H236)  
 01/26/2011 Referred: Fiscal Review (H) (H237)  
 01/27/2011 Public Hearing Completed (H)  
 01/27/2011 Executive Session Completed (H)  
 01/27/2011 Reported Do Pass (H) (H246)  
 01/31/2011 Third Read and Passed (H) (H259)  
 02/01/2011 S First Read--HCS for HBs 73 & 47 (S180)  
 02/21/2011 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S291)

EFFECTIVE: August 28, 2011

\*\*\* HB 76 \*\*\*

HCS HB 76

0446L.04P

HOUSE HANDLER: Nolte

HCS/HB 76 - This act caps corporate franchise tax liabilities at the amount of each corporation's tax liability for the 2010 tax year. If a corporation did have a corporate franchise tax liability in 2010 because such corporation was not doing business within the state or did not exist, such corporation's franchise tax liability will be capped at the amount of such corporation's franchise tax liability for its first full-year of existence. 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.

Under current law, banking institutions are allowed to use bank tax credits against their bank tax liability and any remaining credits may be used to offset corporate income tax liability. Limited liability companies and limited liability partnerships will be able to use bank tax credits against their bank tax liability and any remaining tax credits may be used to offset corporate income taxes on all returns filed on or after January 1, 2012.

This act is similar to the perfected version of the Senate Committee Substitute for Senate Bill 19 (2011).  
 JASON ZAMKUS

12/21/2010 Prefiled (H)  
 01/05/2011 Read First Time (H) (H23)  
 01/06/2011 Read Second Time (H) (H71)  
 01/13/2011 Referred: Tax Reform (H) (H154)  
 01/26/2011 Public Hearing Completed (H)  
 02/09/2011 Executive Session Completed (H)  
 02/09/2011 HCS Voted Do Pass (H)  
 02/09/2011 HCS Reported Do Pass (H) (H333)  
 02/09/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H333)  
 02/15/2011 Rules - Executive Session Completed (H)  
 02/15/2011 Rules - Voted Do Pass (H)  
 02/15/2011 Rules - Reported Do Pass (H) (H369)  
 02/28/2011 HCS Adopted (H) (H470)  
 02/28/2011 Perfected with Amendments (H) (H470)  
 03/01/2011 Referred: Fiscal Review (H) (H486)  
 03/02/2011 Executive Session Completed (H)  
 03/02/2011 Voted Do Pass (H)  
 03/02/2011 Reported Do Pass (H) (H502)  
 03/03/2011 Third Read and Passed (H) (H512)  
 03/07/2011 S First Read--HCS for HB 76 (S401)  
 03/17/2011 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S495)

EFFECTIVE: August 28, 2011

\*\*\* HB 83 \*\*\*

HCS HB 83

0444L.02P

HOUSE HANDLER: Nolte

HCS/HB 83 - Agreements to operate or share automated teller machines shall not prohibit owners from charging access fees or surcharges to users with bank accounts in foreign countries.

This act is similar to SB 773 (2010), and SB 219 (2011).

CHRIS HOGERTY

12/21/2010 Prefiled (H)  
 01/05/2011 Read First Time (H) (H23)  
 01/06/2011 Read Second Time (H) (H71)  
 01/20/2011 Referred: Financial Institutions (H) (H199)  
 02/09/2011 Public Hearing Completed (H)  
 02/16/2011 Executive Session Completed (H)  
 02/16/2011 HCS Voted Do Pass - Consent (H)  
 02/21/2011 HCS Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H404)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H473)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Third Read and Passed (H) (H622-623)  
 03/16/2011 S First Read--HCS for HB 83 (S465)

EFFECTIVE: August 28, 2011

\*\*\* HB 107 \*\*\*

0534L.02P

HOUSE HANDLER: Smith

HB 107 - Currently, the Governor has statutory authority to fill vacancies until successors are elected for the office of United States Senator; various state and county offices filled by election; circuit attorney, prosecuting attorney, and assistant prosecuting attorney offices; and all statewide offices excluding Lieutenant Governor. This act requires the Governor to fill all vacated statewide offices and the office of United States Senator by special election for the remainder of each respective term.

In the case of vacancies for Lieutenant Governor, Secretary of State, and Treasurer, the Governor shall take charge of the vacated office and superintend business until the successor is elected by special election. In the case of a vacancy in the office of Auditor and Attorney General, the Governor shall appoint an acting Auditor and Attorney General who shall take charge of the vacated office and superintend business until the successor is elected by special election.

If the Lieutenant Governor, Attorney General, Auditor, or Treasurer are impeached, such individuals shall be suspended until the impeachment is determined. If convicted, the Governor shall fill the vacancy by special election. Currently, in the case of the impeachment of the Secretary of State, the office shall be filled by appointment until impeachment is determined. If convicted, the Governor shall then fill the vacancy by special election.

If a vacancy occurs in the office of Lieutenant Governor, Attorney General, Secretary of State, Auditor, Treasurer, or United States Senator less than one year prior to the end of the term of office, the Governor may appoint a person to fill the term until the next regular election.

This act is similar to SB 253 (2009), HB 681 (2009), and HB 1497 (2010).

CHRIS HOGERTY

01/05/2011 Introduced and Read First Time (H) (H24)  
 01/06/2011 Read Second Time (H) (H71)  
 01/20/2011 Referred: Elections (H) (H199)  
 01/25/2011 Public Hearing Completed (H)  
 02/01/2011 Executive Session Completed (H)  
 02/01/2011 Voted Do Pass (H)  
 02/07/2011 Reported Do Pass (H) (H298)  
 02/07/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H298)

02/09/2011 Rules - Executive Session Completed (H)  
 02/09/2011 Rules - Voted Do Pass (H)  
 02/09/2011 Rules - Reported Do Pass (H) (H333)  
 02/23/2011 Perfected with Amendments (H)  
 02/23/2011 Referred: Fiscal Review (H)  
 02/24/2011 Reported Do Pass H Fiscal Review (H444)  
 02/24/2011 Third read and passed (H) (H448-449)  
 02/24/2011 S First Read--HB 107-Smith (150), et al (S331)  
 03/17/2011 Second Read and Referred S Financial and Governmental Organizations and Elections  
 Committee (S495)

EFFECTIVE: August 28, 2011

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 \*\*\* HB 108 \*\*\* HCS HB 108

0650L.02P

SENATE SPONSOR: Curls

HOUSE HANDLER: Smith

HCS/HB 108 - This act removes a provision in current law only allowing political action committees to receive contributions from certain entities formed under Chapters 347 to 360 and instead allows such committees to receive contributions from all individuals, unions, federal political action committees, corporations, associations, and partnerships.

The act specifies that candidate committees may purchase tickets, membership dues, meals, advertising, and other similar items from a political action committee and elected officials are allowed to incur expenses from a political action committee if they are related to education or service in office.

Under current law, committee agents are required to deliver detailed accounts of certain transactions within five days of a request of that committee's treasurer, deputy treasurer or candidate. This act requires the agent to deliver the information to those individuals within 30 days of the transaction.

Currently, certain agents are allowed to receive contributions on account of a committee but shall not keep the contributions in an account for more than five days. This act allows the agent to keep the contributions in the account for thirty days.

CHRIS HOGERTY

01/05/2011 Introduced and Read First Time (H) (H24)  
 01/06/2011 Read Second Time (H) (H71)  
 01/20/2011 Referred: General Laws (H) (H199)  
 01/31/2011 Public Hearing Completed (H)  
 01/31/2011 Executive Session Completed (H)  
 01/31/2011 Voted Do Pass (H)  
 02/10/2011 Reported Do Pass (H) (H344)  
 02/10/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H344)  
 02/21/2011 Rules - Executive Session Completed (H)  
 02/21/2011 Rules - Voted to Return to Committee of Origin (H)  
 02/21/2011 Rules - Returned to the Committee of Origin (H) (H406)  
 02/22/2011 Executive Session Completed (H)  
 02/22/2011 HCS Voted Do Pass (H)  
 02/23/2011 HCS Reported Do Pass (H) (H435)  
 02/23/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H435)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass (H)  
 02/28/2011 Rules - Reported Do Pass (H) (H473)  
 03/03/2011 HCS Adopted (H) (H511)  
 03/03/2011 Perfected (H) (H511)  
 03/07/2011 Third Read and Passed (H) (H532-533)  
 03/07/2011 S First Read--HCS for HB 108 (S402)  
 03/17/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S496)

EFFECTIVE: August 28, 2011

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 \*\*\* HB 109 \*\*\*

0409L.01P

HOUSE HANDLER: Wells



HB 109 - Under current law the Treasurer is prohibited from investing in linked deposits the value of which is to be lent to recipients other than eligible water supply systems or eligible student borrowers after December 31, 2015, and investing in linked deposits the value of which is to be lent to any new eligible facility borrower after January 1, 2020. This act repeals those provisions.

The act contains an emergency clause.

CHRIS HOGERTY

01/05/2011 Introduced and Read First Time (H) (H24)  
 01/06/2011 Read Second Time (H) (H71)  
 01/20/2011 Referred: Financial Institutions (H) (H199)  
 02/09/2011 Public Hearing Completed (H)  
 02/16/2011 Executive Session Completed (H)  
 02/16/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H404)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H473)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Third Read and Passed (H) (H624)  
 03/15/2011 Emergency Clause Adopted (H) (H625)  
 03/16/2011 S First Read--HB 109-Wells, et al (S465)

EFFECTIVE: Emergency clause

\*\*\* HB 112 \*\*\* HCS HB 112 & 285

0135L.02P

SENATE SPONSOR: Brown

HOUSE HANDLER: Day

HCS/HB's 112 & 285 - 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.

Employers will not be relieved from workers' compensation obligations due to the change in property classification contained in this act.

This act is similar to the Senate Substitute for Senate Bill 55 (2011).

JASON ZAMKUS

01/06/2011 Introduced and Read First Time (H) (H86)  
 01/10/2011 Read Second Time (H) (H91)  
 01/20/2011 Referred: Rural Community Development (H) (H199)  
 02/08/2011 Public Hearing Completed (H)  
 02/15/2011 Executive Session Completed (H)  
 02/15/2011 HCS Voted Do Pass (H)  
 02/15/2011 HCS Reported Do Pass (H) (H369)  
 02/15/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H369)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass (H)  
 02/28/2011 Rules - Reported Do Pass (H) (H473)  
 03/07/2011 HCS Adopted (H) (H535)  
 03/07/2011 Perfected with Amendments (H) (H536)  
 03/10/2011 Third Read and Passed (H) (H582)  
 03/10/2011 S First Read--HCS for HBs 112 & 285 (S436)  
 03/17/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S496)

EFFECTIVE: August 28, 2011

\*\*\* HB 116 \*\*\* HCS HB 116 & 316

0053L.06P

HOUSE HANDLER: Flanigan

HCS/HB's 116 & 316 - This act modifies laws regarding the collection of moneys owed to the state. The

Director of the Department of Revenue is authorized to retain one percent of the amount of any local sales or use taxes collected by the department for the cost of collection. Beginning January 1, 2012, a statement of no tax due will be required for the issuance or renewal of all city and county occupation licenses as well as all state licenses required to conduct business. Such statement must be dated not more than sixty days from the date of application for license to be valid. The director of revenue may enter into an agreement with any state agency responsible for issuing any state license requiring the agency to provide the department with the name and tax identification number of each applicant for licensure within one month of the date the application is filed or at least one month prior to the anticipated license renewal. If an applicant is delinquent on any taxes, the department director must send a notice to the licensing agency and the applicant. An applicant's license must be suspended within 90 days after the notice unless: the taxes are paid; an arrangement has been made with the department to pay the taxes; the taxes were paid under protest; or the tax liability is found to be reasonably disputed.

Anyone making a claim or having a judgment under the provisions of the State Legal Expense Fund must have a no-tax due statement from the department before any moneys can be expended from the fund for the settlement of any liability claim. The act allows an offset from the State Legal Expense Fund to satisfy any delinquent tax debt owed before payment is made to the person. Payments of \$10,000 or greater from the fund for property damage claims are not required to have a no-tax due statement.

The act provides taxpayers with amnesty from the assessment or payment of all penalties, additions to tax, and interest on delinquencies of unpaid taxes administered by the department which occurred on or prior to December 31, 2010. To receive amnesty under the act, a taxpayer must: apply for amnesty; file a tax return for each tax period for which amnesty is requested; pay the unpaid taxes in full from August 1, 2011, to October 31, 2011; and agree to comply with state tax laws for the next eight years from the date of the agreement. All new revenues resulting from the tax amnesty program will be deposited into the General Revenue Fund unless otherwise earmarked by the Missouri Constitution. State agencies may refer any debt owed to them to the department for the collection. The department and the referring state agency may exchange necessary information but must comply with federal and state laws regarding the confidentiality of information and records. The department may compromise any referred state debt and use all general remedies afforded creditors of Missouri, remedies specific to the referring state agency, and remedies afforded the state in general. Unless a judgment or lien was filed prior to the agency referring the debt to the department, the venue for any suit filed for the collection of state debt will be in Cole County.

The department can employ staff, attorneys, the Attorney General, prosecuting attorneys, and private collection agencies to aid in the collection of debt. The department must add 10% to the amount of debt to be collected for the cost of collection which may be waived under certain conditions.

The director of revenue may issue an administrative garnishment once he or she has filed a certificate of lien in the circuit court for delinquent income or sales or use taxes. Any person receiving this order must turn over any of the taxpayer's assets in his or her possession and any assets that are to become due the taxpayer including wages, salaries, commissions, bonuses, workers' compensation benefits, disability benefits, pension or retirement payments, and interest less a fee to cover costs of no more than \$6 per month. The taxpayer may obtain relief from the garnishment by paying the total amount owed.

Beginning January 1, 2012, the Department of Elementary and Secondary Education must provide the Director of Revenue, at least annually, the name and Social Security number of each certificate holder or applicant for a certificate of license to teach in Missouri. The Director of the Department of Revenue must at least annually a year verify that all income taxes have been paid and state income tax returns have been filed in the past three years and send a notice to the Department of Elementary and Secondary Education and the certificate holder or applicant if a person has not paid his or her taxes or filed the tax returns. A certificate holder's license will be suspended within 90 days after the notice, and an applicant's license cannot be issued unless: the taxes are paid; an arrangement has been made with the Department of Revenue to pay the taxes; the taxes were paid under protest; or the tax liability is found to be reasonably disputed.

The Director of the Department of Revenue and the Commissioner of the Office of Administration may enter into a reciprocal agreement with the federal government or any other state to offset vendor and contractor payments for any type of debt owed to the state. Currently, the department has a reciprocal agreement with the United States Treasury to offset income tax overpayments.

The provisions regarding the tax amnesty contain an emergency clause.  
JASON ZAMKUS

01/06/2011 Introduced and Read First Time (H) (H86)

01/10/2011 Read Second Time (H) (H91)  
 01/20/2011 Referred: Ways and Means (H) (H199)  
 01/27/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 HCS Voted Do Pass (H)  
 02/21/2011 HCS Reported Do Pass (H) (H405)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
 02/24/2011 Rules - Executive Session Completed (H)  
 02/24/2011 Rules - Voted Do Pass (H)  
 02/24/2011 Rules - Reported Do Pass (H) (H453)  
 03/02/2011 HCS Adopted (H) (H499)  
 03/02/2011 Perfected with Amendments (H) (H499)  
 03/03/2011 Third Read and Passed (H) (H514)  
 03/03/2011 Emergency Clause Adopted (H) (H514)  
 03/07/2011 S First Read--HCS for HBs 116 & 316 (S401)  
 03/17/2011 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S495)

EFFECTIVE: Varies

\*\*\* HB 127 \*\*\*

0667L.01P

HOUSE HANDLER: Barnes

HB 127 - This act requires that a sheriff elected at a special election to serve a partial term receive credit for the entire term for the purposes of receiving retirement benefits from the Sheriffs' Retirement System.

EMILY KALMER

01/06/2011 Introduced and Read First Time (H) (H87)  
 01/10/2011 Read Second Time (H) (H91)  
 01/20/2011 Referred: Retirement (H) (H199)  
 02/17/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H404)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/17/2011 Third read and passed (H)  
 03/17/2011 S First Read--HB 127-Barnes (S495)

EFFECTIVE: August 28, 2011

\*\*\* HB 136 \*\*\*

HCS HB 136

0797L.04P

SENATE SPONSOR: Brown

HOUSE HANDLER: Day

HCS/HB 136 - This act allows certain spouses of members of the military who leave employment to relocate with their spouse and qualify for unemployment compensation.

This act also requires that state agencies or boards that regulate professional licenses grant temporary courtesy licenses to certain military spouses under certain conditions. These temporary courtesy licenses are valid for one hundred and eighty days and may be extended for another one hundred and eighty days. Attorneys are not eligible for these temporary courtesy licenses.

Provisions of this act are similar to SB 27 (2011), SB 34 (2011), HB 238 (2011), and HB 303 (2011).

EMILY KALMER

01/10/2011 Introduced and Read First Time (H) (H93)  
 01/11/2011 Read Second Time (H) (H100)  
 01/20/2011 Referred: Veterans (H) (H199)  
 01/25/2011 Public Hearing Completed (H)  
 02/15/2011 Executive Session Completed (H)  
 02/15/2011 HCS Voted Do Pass (H)  
 02/15/2011 HCS Reported Do Pass (H) (H369)

02/15/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H369)  
 02/21/2011 Rules - Executive Session Completed (H)  
 02/21/2011 Rules - Voted Do Pass (H)  
 02/21/2011 Rules - Reported Do Pass (H) (H406)  
 03/02/2011 HCS Adopted (H) (H500)  
 03/02/2011 Perfected with Amendments (H) (H500)  
 03/03/2011 Third Read and Passed (H) (H515)  
 03/07/2011 S First Read--HCS for HB 136 (S401)  
 03/17/2011 Second Read and Referred S Financial and Governmental Organizations and Elections  
 Committee (S496)

EFFECTIVE: August 28, 2011

\*\*\* HB 137 \*\*\*

0570L.01P

HOUSE HANDLER: Thomson

HB 137 – Current law provides that the boards of governors of certain state institutions of higher education may convey or transfer the title to certain real property without authorization from the General Assembly until August 28, 2011. This act removes this expiration date.

This act also updates the name of the University of Central Missouri to reflect the name change authorized by its board of governors.

This act is similar to SB 82 (2011), SB 88 (2011), SB 778 (2010) and HB 1494 (2010).

MICHAEL RUFF

01/10/2011 Introduced and Read First Time (H) (H93)  
 01/11/2011 Read Second Time (H) (H100)  
 01/20/2011 Referred: Transportation Funding & Public Institutions (H199)  
 01/27/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H405)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Third Read and Passed (H) (H625-626)  
 03/16/2011 S First Read--HB 137-Thomson, et al (S465)

EFFECTIVE: August 28, 2011

\*\*\* HB 139 \*\*\*

0655L.02P

SENATE SPONSOR: Cunningham

HOUSE HANDLER: Smith

HB 139 - This act requires the Office of Administration to include information about public schools, county and municipal governments and the Governor's travel on the Missouri accountability portal.

Financial and policy information for schools and county governments shall be maintained including salary schedules, extra duty compensation, employee benefits, school calendars, budgets and policies.

Departure dates and times and arrival dates and times shall be included for the Governor's travel along with other specific trip information including duration, purpose, destination, travel expenses, and accompanying passengers.

Financial information for municipalities shall be maintained including account balances, receipts, bonded indebtedness, and property tax rates.

CHRIS HOGERTY

01/10/2011 Introduced and Read First Time (H) (H93)  
 01/11/2011 Read Second Time (H) (H100)  
 01/13/2011 Referred: Downsizing State Government (H) (H154)  
 01/27/2011 Public Hearing Completed (H)

02/07/2011 Executive Session Completed (H)  
 02/07/2011 Voted Do Pass (H)  
 02/07/2011 Reported Do Pass (H) (H298)  
 02/07/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H298)  
 02/09/2011 Rules - Executive Session Completed (H)  
 02/09/2011 Rules - Voted Do Pass (H)  
 02/09/2011 Rules - Reported Do Pass (H) (H333)  
 02/23/2011 Perfected with Amendments (H)  
 02/23/2011 Referred: Fiscal Review (H)  
 02/24/2011 Reported Do Pass H Fiscal Review (H444)  
 02/24/2011 Third read and passed (H) (H446-447)  
 02/24/2011 S First Read--HB 139-Smith (150), et al (S331)  
 03/10/2011 Second Read and Referred S General Laws Committee (S437)

EFFECTIVE: August 28, 2011

\*\*\* HB 142 \*\*\*

0720L.01P

HOUSE HANDLER: Gatschenberger

HB 142 - 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 145 (2011), 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

01/10/2011 Introduced and Read First Time (H) (H93)  
 01/11/2011 Read Second Time (H) (H100)  
 01/20/2011 Referred: Local Government (H) (H199)  
 02/09/2011 Public Hearing Completed (H)  
 02/16/2011 Executive Session - No Action Taken  
 02/23/2011 Executive Session Completed (H)  
 02/23/2011 Voted Do Pass - Consent (H)  
 02/23/2011 Reported Do Pass by Consent (H) (H435)  
 02/23/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H435)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Third Read and Passed (H) (H626-627)  
 03/16/2011 S First Read--HB 142-Gatschenberger (S466)

EFFECTIVE: August 28, 2011

\*\*\* HB 149 \*\*\*

0523L.01P

SENATE SPONSOR: Brown

HOUSE HANDLER: Day

HB 149 - This act specifies that the provision allowing an individual or corporation to credit part of a tax refund to the Missouri Military Family Relief Fund expires on December 31, 2017.

EMILY KALMER

01/11/2011 Introduced and Read First Time (H) (H133)  
 01/12/2011 Read Second Time (H) (H141)  
 01/20/2011 Referred: Veterans (H) (H199)  
 01/25/2011 Public Hearing Completed (H)  
 01/25/2011 Executive Session Completed (H)  
 01/25/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H405)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)

03/15/2011 Third Read and Passed (H) (H627-628)  
03/16/2011 S First Read--HB 149-Day, et al (S466)

EFFECTIVE: August 28, 2011

\*\*\* HB 151 \*\*\*

0579L.01P

SENATE SPONSOR: Schaefer

HOUSE HANDLER: Kelly

HB 151 - This act creates a check-off on the Missouri individual and corporate income tax forms for contributions to the Organ Donor Program Fund. A taxpayer may donate to the fund by designating on the form at least \$2 on an individual return or \$4 on a combined return of his or her tax refund amount or by sending a separate check with the payment of his or her taxes.

The provisions of this act will automatically sunset December 31, six years from the effective date of the act.

ADRIANE CROUSE

01/11/2011 Introduced and Read First Time (H) (H133)  
01/12/2011 Read Second Time (H) (H141)  
01/20/2011 Referred: Ways and Means (H) (H199)  
01/27/2011 Public Hearing Completed (H)  
02/10/2011 Executive Session Completed (H)  
02/10/2011 Voted Do Pass - Consent (H)  
02/21/2011 Reported Do Pass by Consent (H) (H406)  
02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H406)  
02/28/2011 Rules - Executive Session Completed (H)  
02/28/2011 Rules - Voted Do Pass - Consent (H)  
02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
03/15/2011 Third Read and Passed (H) (H628-629)  
03/16/2011 S First Read--HB 151-Kelly (24) and Mollendorp (S466)

EFFECTIVE: August 28, 2011

\*\*\* HB 153 \*\*\*

0260L.01P

HOUSE HANDLER: Black

HB 153 - This act designates a portion of Highway 8 in St. Francois County as the "Ferlin Huskey Highway".

STEPHEN WITTE

01/11/2011 Introduced and Read First Time (H) (H134)  
01/12/2011 Read Second Time (H) (H141)  
01/27/2011 Referred: Transportation (H) (H245)  
02/08/2011 Public Hearing Completed (H)  
02/15/2011 Executive Session Completed (H)  
02/15/2011 Voted Do Pass - Consent (H)  
02/21/2011 Reported Do Pass by Consent (H) (H405)  
02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
02/28/2011 Rules - Executive Session Completed (H)  
02/28/2011 Rules - Voted Do Pass - Consent (H)  
02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
03/15/2011 Third Read and Passed (H) (H629-630)  
03/16/2011 S First Read--HB 153-Black, et al (S466)

EFFECTIVE: August 28, 2011

\*\*\* HB 162 \*\*\*

0735L.01P

HOUSE HANDLER: Fisher

HB 162 - Employers are required to furnish workers' compensation for injury or death caused by occupational disease.

Employers and employees shall not be liable for any injury or death for which compensation is recoverable under the workers' compensation statutes.

This act is similar to SB 8 (2011).

CHRIS HOGERTY

01/11/2011 Introduced and Read First Time (H) (H134)  
 01/12/2011 Read Second Time (H) (H141)  
 01/13/2011 Referred: Workforce Development & Workplace Safety (H) (H154)  
 01/20/2011 Public Hearing Completed (H)  
 01/27/2011 Executive Session Completed (H)  
 01/27/2011 Voted Do Pass (H)  
 01/27/2011 Reported Do Pass (H) (H246)  
 01/27/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H246)  
 01/31/2011 Rules - Executive Session Completed (H)  
 01/31/2011 Rules - Voted Do Pass (H)  
 01/31/2011 Rules - Reported Do Pass (H) (H264)  
 02/08/2011 Perfected with Amendments (H) (H308)  
 02/10/2011 Third Read and Passed (H) (H340)  
 02/14/2011 S First Read--HB 162-Fisher, et al (S242)  
 03/02/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S380)

EFFECTIVE: August 28, 2011

\*\*\* HB 163 \*\*\*

SCS HCS HB 163

0747L.05C

HOUSE HANDLER: Fisher

SS/SCS/HCS/HB 163 - This act allows the state to continue to receive extended federal unemployment benefit funds until August 28, 2013.

Under current law, the Division of Employment Security may contract with consumer reporting agencies to provide employing units with a secure means to provide quarterly wage reports to the division. This substitute requires such a contract.

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

This act contains an emergency clause.

This act is similar to SB 1026 (2010), and SB 10 (2011).

CHRIS HOGERTY

01/11/2011 Introduced and Read First Time (H) (H134)  
 01/12/2011 Read Second Time (H) (H141)  
 01/19/2011 Referred: Workforce Development & Workplace Safety (H) (H190)  
 01/24/2011 Public Hearing Completed (H)  
 01/24/2011 Executive Session Completed (H)  
 01/24/2011 HCS Voted Do Pass (H)  
 01/24/2011 HCS Reported Do Pass (H) (H209)  
 01/24/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H209)  
 01/26/2011 Rules - Executive Session Completed (H)  
 01/26/2011 Rules - Voted Do Pass (H)  
 01/26/2011 Rules - Reported Do Pass (H) (H237)  
 01/31/2011 HCS Adopted (H) (H263)  
 01/31/2011 Perfected with Amendments (H) (H260-263)  
 02/01/2011 H Third Read and Passed - EC adopted (H274-275)  
 02/01/2011 S First Read--HCS for HB 163 (S180)  
 02/21/2011 Second Read and Referred S Small Business, Insurance and Industry Committee (S291)  
 02/23/2011 Hearing Conducted S Small Business, Insurance and Industry Committee  
 02/23/2011 SCS Voted Do Pass S Small Business, Insurance and Industry Committee - (0747.05C)  
 02/24/2011 Reported from S Small Business, Insurance and Industry Committee to Floor w/SCS (S329)  
 03/01/2011 SS for SCS S offered (Pearce)--(0747S.06F) (S361)  
 03/01/2011 SA 1 to SS for SCS S offered (Lembke)--(0747S06.05S) (S361)  
 03/01/2011 Bill Placed on Informal Calendar (S361)

03/02/2011 Taken up for Third Reading (S376)  
 03/02/2011 Bill Placed on Informal Calendar (S376)  
 03/16/2011 Taken up for Third Reading (S463)  
 03/16/2011 Bill Placed on Informal Calendar (S463)  
 03/25/2011 S Inf Calendar H Bills for Third Reading--HCS for HB 163, with SCS, SS for SCS & SA 1  
 (pending) (Pearce)

EFFECTIVE: Emergency Clause

\*\*\* HB 167 \*\*\*

0547L.01P

HOUSE HANDLER: Nolte

HB 167 - This act requires Missouri driver's license examinations to only be administered in English so that the applicant can demonstrate his or her ability to sufficiently understand highway traffic signs and safety warnings. Under the terms of the act, the director is prohibited from supplying or permitting the use of spoken language interpreters, in connection with the written and driving tests. Sign language interpreters, however, may be provided upon request.

STEPHEN WITTE

01/11/2011 Introduced and Read First Time (H) (H134)  
 01/12/2011 Read Second Time (H) (H141)  
 01/13/2011 Referred: Transportation (H) (H154)  
 02/03/2011 Public Hearing Continued (H)  
 02/15/2011 Public Hearing Completed (H)  
 02/15/2011 Executive Session Completed (H)  
 02/15/2011 Voted Do Pass (H)  
 02/16/2011 Reported Do Pass (H) (H379)  
 02/16/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H379)  
 02/21/2011 Rules - Executive Session Completed (H)  
 02/21/2011 Rules - Voted Do Pass (H)  
 02/21/2011 Rules - Reported Do Pass (H) (H406)  
 03/07/2011 Taken Up for Perfection (H) (H536)  
 03/07/2011 Laid Over (H) (H536)  
 03/08/2011 Taken Up for Perfection (H) (H553)  
 03/08/2011 Laid Over (H) (H553)  
 03/09/2011 Taken Up for Perfection (H) (H565)  
 03/09/2011 Perfected with Amendments (H) (H566)  
 03/10/2011 Third Read and Passed (H) (H585-586)  
 03/10/2011 S First Read--HB 167-Nolte, et al (S436)  
 03/17/2011 Second Read and Referred S General Laws Committee (S496)

EFFECTIVE: August 28, 2011

\*\*\* HB 171 \*\*\*

0768L.01P

HOUSE HANDLER: Ruzicka

HB 171 - This act allows certain third class cities organized under Sections 78.010 to 78.400, RSMo, to cancel, by order or ordinance, any primary election for the office of mayor and councilman and conduct the elections for mayor and councilman by adding all candidates to the ballot who request to be placed on it.

In order to request to be placed on the ballot, the candidate shall file with the city clerk a sworn or affirmed signed statement of candidacy, including statements that the person is a city resident, qualified voter of the city, and eligible for the office.

The names of the candidates are to appear on the ballots in the order the statements were filed with the city clerk. The ballot shall also include a warning that voting for more than the total number of candidates to be elected will invalidate the ballot.

MEGHAN LUECKE

01/11/2011 Introduced and Read First Time (H) (H135)  
 01/12/2011 Read Second Time (H) (H141)  
 01/20/2011 Referred: Elections (H) (H199)  
 01/25/2011 Public Hearing Completed (H)  
 02/01/2011 Executive Session Completed (H)



02/01/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H403)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H403)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Third Read and Passed (H) (H630-631)  
 03/16/2011 S First Read--HB 171-Ruzicka, et al (S466)

EFFECTIVE: August 28, 2011

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**\*\*\* HB 174 \*\*\***      HCS HB 174

0823L.02P

HOUSE HANDLER: Thomson

HCS/HB 174 – This act modifies the composition of the Coordinating Board for Higher Education, 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 substantially similar to SCS/SB 163 (2011) and is similar to SB 255 (2009).

MICHAEL RUFF

01/12/2011 Introduced and Read First Time (H) (H142)  
 01/13/2011 Read Second Time (H) (H148)  
 01/20/2011 Referred: Higher Education (H) (H200)  
 02/08/2011 Public Hearing Completed (H)  
 02/15/2011 Executive Session Completed (H)  
 02/15/2011 HCS Voted Do Pass (H)  
 02/17/2011 HCS Reported Do Pass (H) (H393)  
 02/17/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H393)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass (H)  
 02/28/2011 Rules - Reported Do Pass (H) (H474)  
 03/07/2011 HCS Adopted (H) (H535)  
 03/07/2011 Perfected (H) (H535)  
 03/10/2011 Third Read and Passed (H) (H581)  
 03/10/2011 S First Read--HCS for HB 174 (S435-436)  
 03/17/2011 Second Read and Referred S Education Committee (S496)

EFFECTIVE: August 28, 2011

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**\*\*\* HB 184 \*\*\***

0801L.01P

HOUSE HANDLER: Dugger

HB 184 - Under this act, road district commissioners may receive compensation for their services of up to \$100 per month. The compensation of a commissioner shall not change during the time of his or her term of office. Under current law, road district commissioners are not authorized to receive compensation for their services (only the payment of expenses is authorized).

STEPHEN WITTE

01/12/2011 Introduced and Read First Time (H) (H143)  
 01/13/2011 Read Second Time (H) (H148)  
 02/02/2011 Referred: Local Government (H) (H284)  
 02/16/2011 Public Hearing Completed (H)  
 02/23/2011 Executive Session Completed (H)  
 02/23/2011 Voted Do Pass - Consent (H)  
 02/23/2011 Reported Do Pass by Consent (H) (H435)  
 02/23/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H435)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)

03/15/2011 Third Read and Passed (H) (H631-632)

03/16/2011 S First Read--HB 184-Dugger (S467)

EFFECTIVE: August 28, 2011

\*\*\* HB 186 \*\*\*

0818L.01P

HOUSE HANDLER: Entlicher

HB 186 - Under current law, the clerk of a county commission must live in the county for six months prior to election. This act requires the clerk to live in the county for one year prior to election.

MEGHAN LUECKE

01/12/2011 Introduced and Read First Time (H) (H143)  
 01/13/2011 Read Second Time (H) (H148)  
 01/20/2011 Referred: Elections (H) (H200)  
 01/25/2011 Public Hearing Completed (H)  
 02/01/2011 Executive Session Completed (H)  
 02/01/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H403)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H403)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Third Read and Passed (H) (H632-633)  
 03/16/2011 S First Read--HB 186-Entlicher, et al (S467)

EFFECTIVE: August 28, 2011

\*\*\* HB 189 \*\*\*

0772L.01P

HOUSE HANDLER: Ruzicka

HB 189 - This act repeals a provision prohibiting a person from possessing expanded polypropylene coolers on or within 50 feet of certain rivers.

MEGHAN LUECKE

01/12/2011 Introduced and Read First Time (H) (H143)  
 01/13/2011 Read Second Time (H) (H148)  
 01/20/2011 Referred: Tourism and Natural Resources (H200)  
 01/27/2011 Public Hearing Completed (H)  
 02/10/2011 Executive Session Completed (H)  
 02/10/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H404)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Third Read and Passed (H) (H633-634)  
 03/16/2011 S First Read--HB 189-Ruzicka (S467)

EFFECTIVE: August 28, 2011

\*\*\* HB 190 \*\*\*

0774L.01P

HOUSE HANDLER: Ruzicka

HB 190 - The act allows the director of the Department of Natural Resources to request the Commissioner of the Office of Administration to provide up to \$500 to any division director in the department to be used as a revolving fund for cash transactions for the sale of items by the division. All cash transactions must be made in accordance with rules established by the Commissioner.

ERIKA JAQUES

01/12/2011 Introduced and Read First Time (H) (H143)  
 01/13/2011 Read Second Time (H) (H148)

01/20/2011 Referred: Tourism and Natural Resources (H200)  
 01/27/2011 Public Hearing Completed (H)  
 02/10/2011 Executive Session Completed (H)  
 02/10/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H405)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/15/2011 Taken Up for Third Reading (H) (H634)  
 03/15/2011 Laid Over - Third Reading (H) (H634)  
 03/16/2011 Taken Up for Third Reading (H) (H652)  
 03/16/2011 Third Read and Passed (H) (H652-653)  
 03/16/2011 S First Read--HB 190-Ruzicka (S474)

EFFECTIVE: August 28, 2011

\*\*\* HB 204 \*\*\*

0139L.01P

HOUSE HANDLER: Hoskins

HB 204 Hoskins, Denny Largent, Scott et al

P E R F E C T E D

HB 204 -- DRIVER'S LICENSE RENEWAL FOR MILITARY PERSONNEL (Hoskins)

COMMITTEE OF ORIGIN: Committee on Veterans

Currently, a resident who is a member of the Missouri National Guard or the armed forces of the United States who is serving on active duty and fails to renew his or her driver's license is not required to take a complete examination if he or she renews within 60 days after completing the military service. This bill specifies that the member is given 90 days after completing the military service and re-establishing residence within the state to renew his or her license without being required to take the complete examination. A person discharged from the armed forces of the United States will have six months from the date of discharge or within 90 days after re-establishment of residence within the state, whichever is sooner, to renew an expired driver's license without examination. A Missouri resident on active military duty or any dependent, 21 years of age or older, residing outside of the state or the United States may renew his or her driver's license by mail.

FISCAL NOTE: No impact on state funds in FY 2012, FY 2013, and FY 2014.

01/13/2011 Introduced and Read First Time (H) (H156)  
 01/18/2011 Read Second Time (H) (H163)  
 01/20/2011 Referred: Veterans (H) (H200)  
 01/25/2011 Public Hearing Completed (H)  
 01/25/2011 Executive Session Completed (H)  
 01/25/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H405)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/16/2011 Third Read and Passed (H) (H653-654)  
 03/16/2011 S First Read--HB 204-Hoskins, et al (S474)

\*\*\* HB 205 \*\*\*

HCS HB 205

0701L.04P

HOUSE HANDLER: Elmer

HCS/HB 205 - 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.

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 and whistleblower actions shall not exceed back pay and interest on back pay and \$50,000 for employers with between 5 and 100 employees, \$100,000 for employers with between 100 and 200 employees, \$200,000 for employers with between 200 and 500 employees, or \$300,000 for employers with more than 500 employees. Punitive damages shall not be awarded against the state of Missouri or political subdivisions in MHRA cases.

The act abrogates all Missouri case law relating to 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.

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), SB 852 (2010), and SB 188 (2011).

CHRIS HOGERTY

01/13/2011 Introduced and Read First Time (H) (H156)  
 01/18/2011 Read Second Time (H) (H163)  
 01/20/2011 Referred: Workforce Development & Workplace Safety (H) (H200)  
 01/31/2011 Public Hearing Completed (H)  
 02/14/2011 Executive Session Completed (H)  
 02/14/2011 HCS Voted Do Pass (H)  
 02/14/2011 HCS Reported Do Pass (H) (H357)  
 02/14/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H357)  
 02/16/2011 Rules - Executive Session Completed (H)  
 02/16/2011 Rules - Voted Do Pass (H)  
 02/17/2011 Rules - Reported Do Pass (H) (H393)  
 02/23/2011 Taken Up for Perfection (H)  
 02/23/2011 Laid Over (H)  
 02/23/2011 Taken Up for Perfection (H)  
 02/23/2011 HCS Adopted (H)  
 02/23/2011 Perfected (H) (H434)  
 02/24/2011 Third read and passed (H) (H449-450)  
 02/24/2011 S First Read--HCS for HB 205 (S331-332)

03/17/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S495)

EFFECTIVE: August 28, 2011

\*\*\* HB 209 \*\*\*

0671L.01P

SENATE SPONSOR: Lager

HOUSE HANDLER: Guernsey

HB 209 - 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's 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 the introduced version of SB 187 (2011).

EMILY KALMER

01/13/2011 Introduced and Read First Time (H) (H157)  
 01/18/2011 Read Second Time (H) (H163)  
 01/20/2011 Referred: Agri-Business (H) (H200)  
 02/01/2011 Public Hearing Completed (H)  
 02/02/2011 Executive Session Completed (H)  
 02/02/2011 Voted Do Pass (H)  
 02/03/2011 Reported Do Pass (H) (H289)  
 02/03/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H289)  
 02/09/2011 Public Hearing Completed (H)  
 02/09/2011 Rules - Executive Session Completed (H)  
 02/09/2011 Rules - Voted Do Pass (H)  
 02/09/2011 Rules - Reported Do Pass (H) (H333)  
 02/22/2011 Taken Up for Perfection (H) (H417)  
 02/22/2011 Laid Over (H) (H417)  
 02/23/2011 Taken Up for Perfection (H)  
 02/23/2011 Perfected (H) (H428)  
 02/24/2011 Third read and passed (H) (H447-448)  
 02/24/2011 S First Read--HB 209-Guernsey, et al (S331)  
 03/17/2011 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S495)

EFFECTIVE: August 28, 2011

\*\*\* HB 214 \*\*\*

HCS HB 214

0824L.04P

HOUSE HANDLER: Zerr

HCS/HB 214- This act modifies provisions relating to human trafficking. The act adds definitions for "blackmail", "coercion", "financial harm", "nudity", "sexual conduct", "sexual performance" and "victim of trafficking." SECTION 566.200

**ABUSING AN INDIVIDUAL THROUGH FORCED LABOR**

This act adds the elements of blackmail, causing or threatening to cause financial harm, and physically restraining or threatening to cause serious physical injury to any person to the crime of abusing an individual through forced labor. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a Class B felony, or an attempt to kill, the crime of abuse through forced labor is a Class A felony. SECTION 566.203

**TRAFFICKING FOR THE PURPOSE OF SLAVERY, INVOLUNTARY SERVITUDE, PEONAGE, OR FORCED LABOR**

This act adds the elements of enticing by blackmail, causing or threatening to cause financial harm, benefitting financially or by receiving anything of value as well as using force, abduction, coercion and deception to the crime of trafficking for the purposes of slavery. The crime shall be punishable by imprisonment for a term of not less than 5 years and not more than 20 years and a fine of up to \$250,000. If death results from a violation of this crime or if the violence includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a Class B felony, or an attempt to kill, the crime shall be a Class A felony and punishable by imprisonment for a term of not less than five years or life and a fine of up to \$250,000. SECTION 566.206

**TRAFFICKING FOR THE PURPOSE OF SEXUAL EXPLOITATION**

This act adds the elements of knowingly enticing by blackmail, causing or threatening to cause financial harm, benefitting financially or by receiving anything of value as well as using force, abduction, coercion and deception to another person for the use of employment in sexual conduct, a sexual performance or production of explicit sexual material to the crime of trafficking for the purposes of sexual exploitation. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony, or an attempt to kill, the punishment will be a imprisonment for a term of not less than five years or life and a fine of up to \$250,000. SECTION 566.209

**SEXUAL TRAFFICKING OF A CHILD**

This act adds the elements of knowingly using force, abduction, coercion, fraud, deception, or blackmail or causing or threatening to cause financial harm to a person younger than 18 years of age to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material to the crime of trafficking of a child. It shall not be a defense that the defendant believed the person was 18 years of age or older. The crime will be punishable by imprisonment for a term of not less than 10 years or life and a fine of up to \$250,000 if the child is younger than 18 years of age. If a violation of this crime was effected by force, abduction, or coercion, the crime will be a felony for which the authorized term of imprisonment is life without eligibility for probation or parole until the defendant serves at least 25 years of his or her sentence. SECTION 566.212

**SEXUAL TRAFFICKING OF A CHILD YOUNGER THAN TWELVE YEARS OF AGE**

This act adds the elements of knowingly using force, abduction, coercion, fraud, deception, or blackmail or causing or threatening to cause financial harm to a person younger than 12 years of age to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material. It shall not be a defense that the defendant believed the person was 12 years of age or older. SECTION 566.213

**RESTITUTION**

A court sentencing a defendant under the human trafficking provisions shall order the defendant to pay restitution to the victim in the amount determined by the court necessary to compensate the victim for the value of the victim's labor and/or for the mental and physical rehabilitation of the victim and any child of the victim. SECTION 566.218.

**AFFIRMATIVE DEFENSE FOR VICTIM**

It shall be an affirmative defense for the offense of prostitution that the defendant engaged in the conduct charged because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person in which a person of reasonable firmness in his or her situation would have been unable to resist. SECTION 566.223.2

**SERVICES AND PROGRAMS FOR VICTIMS OF TRAFFICKING**

This act also authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking

and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the Children's Division of the Department of Social Services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators. SECTION 566.223.3

Law enforcement officers shall notify the Department of Social Services and, where applicable, juvenile justice authorities, of persons who reasonably appear to be a victim of trafficking in order that such agencies may determine whether the person may be eligible for state or federal services, programs, or assistance. The department may coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking. SECTION 566.223.4

State agencies may implement programs and enter into contracts with nonprofit agencies and other nongovernment organizations to provide services to confirmed victims of trafficking, insofar as funds are available for that purpose. The list of possible services is prescribed under the act. SECTION 566.223.5

#### CIVIL ACTIONS

A victim of trafficking may bring a civil action against a person or persons who plead guilty to or are found guilty of a violation of human trafficking to recover the actual damages sustained by the victim, court costs, including reasonable attorney's fees, and punitive damages, when determined to be appropriate by the court. Any such action must be commenced within three years after the later of (1) the final order in the related criminal case;(2) the victim's emancipation from the defendant; or(3) the victim's eighteenth birthday. SECTION 566.223.6

The Attorney General may bring a civil action, in the circuit court in which the victim of trafficking was found, to recover from any person or entity that benefits, financially or by receiving anything of value, from violations of human trafficking, a civil penalty of not more than fifty thousand dollars for each violation of human trafficking, and injunctive and other equitable relief as the court may, in its discretion, order. The first priority of any money or property collected under such an action shall be to pay restitution to the victims of trafficking on whose behalf the civil action was brought. SECTION 566.223.7

This act is substantially similar to SB 331 (2011) and SB 394 (2011).

#### ADRIANE CROUSE

01/13/2011 Introduced and Read First Time (H) (H157)  
 01/18/2011 Read Second Time (H) (H163)  
 01/20/2011 Referred: Crime Prevention and Public Safety (H) (H200)  
 02/09/2011 Public Hearing Completed (H)  
 02/16/2011 Executive Session Completed (H)  
 02/16/2011 HCS Voted Do Pass (H)  
 02/16/2011 HCS Reported Do Pass (H) (H379)  
 02/16/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H379)  
 02/21/2011 Rules - Executive Session Completed (H)  
 02/21/2011 Rules - Voted Do Pass (H)  
 02/21/2011 Rules - Reported Do Pass (H) (H406)  
 03/02/2011 HCS Adopted (H) (H502)  
 03/02/2011 Perfected with Amendments (H) (H502)  
 03/03/2011 Third Read and Passed (H) (H516)  
 03/07/2011 S First Read--HCS for HB 214 (S402)  
 03/17/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S496)

EFFECTIVE: August 28, 2011

\*\*\* HB 217 \*\*\*

0907L.01P

HOUSE HANDLER: Dugger

HB 217 - Election authorities may use electronic voter identification systems or an electronic signature pad to verify a voter's address, registration status, and signature information at a polling place. The system shall be able to read information from drivers and non-drivers licenses and allow an election authority to manually enter voter information.

#### CHRIS HOGERTY

01/18/2011 Introduced and Read First Time (H) (H164)  
 01/19/2011 Read Second Time (H) (H169)  
 01/20/2011 Referred: Elections (H) (H200)

01/25/2011 Public Hearing Completed (H)  
 02/01/2011 Executive Session Completed (H)  
 02/01/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H403)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H403)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/16/2011 Third Read and Passed (H) (H656-657)  
 03/16/2011 S First Read--HB 217-Dugger and Entlicher (S475)

EFFECTIVE: August 28, 2011

\*\*\* HB 229 \*\*\*

0587L.01P

HOUSE HANDLER: Curls

HB 229 – 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 115 (2011), 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

01/19/2011 Introduced and Read First Time (H) (H190)  
 01/20/2011 Read Second Time (H) (H197)  
 02/02/2011 Referred H Retirement Committee (H285)  
 02/17/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(323)(f) (H) (H404)



02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - No Action Taken (H)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Reported Do Pass Consent (H) (H523)  
 03/14/2011 Perfected by Consent - Pursuant to House Rules (H) (H607)  
 03/16/2011 Third read and passed (H) (H661-662)  
 03/16/2011 S First Read--HB 229-Curls and Leara (S476)

EFFECTIVE: August 28, 2011

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

0601L.02P

HOUSE HANDLER: Cox

HCS/HB 250 - Water systems that serve charitable or benevolent organizations that do not regularly serve an average of 100 persons or more for at least 60 days of the year and that are not used for a school or day-care are exempt from well construction rules unless the system is a threat to groundwater or public health. Such wells are not exempt from certain rules applicable to multi-family wells. The act lists certain actions that a well owner must take in the event of certain coliform contamination violations.

No charitable or benevolent organization that is exempt from the well construction rules will be required to replace, change, upgrade, or alter any well if the well was constructed before August 28, 2011, unless the well poses a threat to groundwater or public health or has certain coliform contamination violations.

ERIKA JAQUES

01/19/2011 Introduced and Read First Time (H) (H192)  
 01/20/2011 Read Second Time (H) (H197)  
 02/02/2011 Referred: Tourism and Natural Resources (H285)  
 02/10/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 HCS Voted Do Pass - Consent (H)  
 02/21/2011 HCS Reported Do Pass by Consent (H) (H405)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/16/2011 Third Read and Passed (H) (H654-655)  
 03/16/2011 S First Read--HCS for HB 250 (S474-475)

EFFECTIVE: August 28, 2011

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 \*\*\* HB 266 \*\*\* HCS HB 266

0806L.03P

SENATE SPONSOR: Munzlinger

HOUSE HANDLER: Smith

HCS/HB 266 - Under current law, the total gross weight of a vehicle or combination of vehicles hauling livestock on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36 cannot exceed 85,500 pounds. This act eliminates the references to the specified highways and applies this weight limitation to any vehicle hauling livestock or agricultural products on any highway of this state. The weight limits, however, will not apply to vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

STEPHEN WITTE

01/20/2011 Introduced and Read First Time (H) (H202)  
 01/24/2011 Read Second Time (H) (H208)  
 01/27/2011 Referred: Agri-Business (H) (H246)  
 02/15/2011 Public Hearing Completed (H)  
 02/21/2011 Executive Session Completed (H)  
 02/21/2011 HCS Voted Do Pass (H)  
 02/22/2011 HCS Reported Do Pass (H) (H417)  
 02/22/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H417)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Voted Do Pass (H)  
 03/03/2011 Rules - Reported Do Pass (H) (H523)

03/08/2011 Taken Up for Perfection (H) (H547)  
 03/08/2011 Laid Over (H) (H547)  
 03/08/2011 Taken Up for Perfection (H) (H547)  
 03/08/2011 HCS Adopted (H) (H549)  
 03/08/2011 Perfected (H) (H549)  
 03/09/2011 Referred: Fiscal Review (H) (H568)  
 03/09/2011 Executive Session Completed (H)  
 03/09/2011 Voted Do Pass (H)  
 03/09/2011 Reported Do Pass (H) (H568)  
 03/10/2011 Third Read and Passed (H) (H583)  
 03/10/2011 S First Read--HCS for HB 266 (S436)  
 03/17/2011 Second Read and Referred S Transportation Committee (S496)

EFFECTIVE: August 28, 2011

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\*\*\* HB 276 \*\*\* HCS HB 276, 233 & 274

0951L.02P

SENATE SPONSOR: Engler

HOUSE HANDLER: Franz

HCS/HBs 276, 233 & 274 - This act modifies criminal provisions regarding funeral protests. The act specifies that the purpose of these statutes is to protect the privacy of grieving families and to preserve the peaceful character of cemeteries, mortuaries, churches, and other places of worship during funerals while providing picketers and protestors the opportunity to communicate their message. Provisions that limit 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, are modified, so that protest activities are only limited within five hundred feet of a cemetery, mortuary, church or other place of worship. The act also modifies the time restrictions on funeral protests and eliminates restrictions on protesting at funeral processions.

The act also eliminates the requirement that a person who seeks damages for emotional distress prove that there is a physical manifestation of their distress, if the lawsuit is brought for actions that violate the criminal funeral protest provisions.

EMILY KALMER

01/20/2011 Introduced and Read First Time (H) (H202)  
 01/24/2011 Read Second Time (H) (H208)  
 01/27/2011 Referred: General Laws (H) (H246)  
 02/08/2011 Public Hearing Completed (H)  
 02/15/2011 Executive Session Completed (H)  
 02/15/2011 HCS Voted Do Pass (H)  
 02/16/2011 HCS Reported Do Pass (H) (H379)  
 02/16/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H379)  
 02/21/2011 Rules - Executive Session Completed (H)  
 02/21/2011 Rules - Voted Do Pass (H)  
 02/21/2011 Rules - Reported Do Pass (H) (H406)  
 02/28/2011 Taken Up for Perfection (H) (H471)  
 02/28/2011 Laid Over (H) (H471)  
 03/01/2011 Taken Up for Perfection (H) (H483)  
 03/01/2011 HCS Adopted (H) (H483)  
 03/01/2011 Perfected with Amendments (H) (H483)  
 03/03/2011 Third Read and Passed (H) (H513)  
 03/07/2011 S First Read--HCS for HBs 276, 233 & 274 (S401)  
 03/17/2011 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S495)

EFFECTIVE: August 28, 2011

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\*\*\* HB 282 \*\*\*

1055L.01P

HOUSE HANDLER: Franz

HB 282 - 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 201 (2011) and SB 290 (2009).

EMILY KALMER

01/20/2011 Introduced and Read First Time (H) (H203)  
 01/24/2011 Read Second Time (H) (H208)  
 01/27/2011 Referred: Retirement (H) (H246)  
 02/17/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H404)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - No Action Taken (H)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Voted Do Pass - Consent (H)  
 03/03/2011 Rules - Reported Do Pass Consent (H) (H523)  
 03/14/2011 Perfected by Consent - Pursuant to House Rules (H) (H607)  
 03/16/2011 Third Read and Passed (H) (H662-663)  
 03/16/2011 S First Read--HB 282-Franz (S476)

EFFECTIVE: August 28, 2011

\*\*\* HB 315 \*\*\* HCS HB 315

0923L.02P

SENATE SPONSOR: Cunningham

HOUSE HANDLER: McNary

HCS/HB 315 - This act repeals certain versions of doubly enacted statutes. As a result, modifications have been made to the remaining effective statute for certain doubly enacted statutes.

JIM ERTLE

01/25/2011 Introduced and Read First Time (H) (H224)  
 01/26/2011 Read Second Time (H) (H233)  
 01/27/2011 Referred: Downsizing State Government (H) (H246)  
 02/07/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 HCS Voted Do Pass - Consent (H)  
 02/21/2011 HCS Reported Do Pass by Consent (H) (H403)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H403)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - No Action Taken (H)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Voted Do Pass - Consent (H)  
 03/03/2011 Rules - Reported Do Pass Consent (H) (H523)  
 03/14/2011 Perfected by Consent - Pursuant to House Rules (H) (H607)  
 03/16/2011 Third Read and Passed (H) (H663-664)  
 03/16/2011 S First Read--HCS for HB 315 (S476-478)

EFFECTIVE: August 28, 2011

\*\*\* HB 338 \*\*\*

HCS HB 338

1158L.03P

HOUSE HANDLER: Pollock

HCS/HB 338 - The act allows telecommunications companies to exempt themselves from complying with rules promulgated by the Public Service Commission (PSC) when such companies are already subject to federal laws on the same subject under the Federal Communications Commission. The act also allows telecommunications companies to exempt themselves from filing or maintaining with the PSC tariffs or schedules of rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract for retail services offered to end user customers, provided that the company posts its retail prices on a publicly-accessible website.

This act is similar to SB 208 (2011).

ERIKA JAQUES

01/26/2011 Introduced and Read First Time (H) (H239)  
 01/27/2011 Read Second Time (H) (H243)  
 02/02/2011 Referred: Utilities (H) (H285)  
 02/08/2011 Public Hearing Completed (H)  
 02/15/2011 Executive Session Completed (H)  
 02/15/2011 HCS Voted Do Pass - Consent (H)  
 02/21/2011 HCS Reported Do Pass by Consent (H) (H405)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H405)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H474)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/16/2011 Third Read and Passed (H) (H657-658)  
 03/16/2011 S First Read--HCS for HB 338 (S475)

EFFECTIVE: August 28, 2011

\*\*\* HB 339 \*\*\*

1159L.01P

SENATE SPONSOR: Lager

HOUSE HANDLER: Pollock

HB 339 - The act waives the carrier of last resort obligation for incumbent local exchange carriers (ILECs) in 3 situations involving an owner of newly developed property who gives certain preferential treatment to an alternative local phone service provider. Any such ILEC must notify the Public Service Commission (PSC) of the waiver within 120 days.

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

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

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

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

The act allows an ILEC to meet its carrier of last resort obligation using any form of technology, but if using a wireless technology, it must meet or exceed the federal wireless Phase II enhanced 911 requirements for 911 service. A waiver of carrier of last resort obligation under the act does not apply to an ILEC's same

obligation in other locations. The carrier of last resort obligation does not extend to any other company providing service to a newly developed property for which the ILEC's obligation has been waived.

The act allows an ILEC to divest itself of its carrier of last resort designation in St. Louis County and the cities of St. Louis and Kansas City by providing notice of such decision to the PSC.

The act allows the residents in an area served by an exclusive contract to petition the original carrier of last resort ILEC to provide service to the area if the contract with the alternative provider changes or if service is no longer being provided by the alternative provider. The ILEC must respond to a petition within 30 days.

This act is similar to SB 209 (2011) and contains provisions similar to provisions in HB 495 (2009), HB 1372 (2010), and SB 698 (2010).

ERIKA JAQUES

01/26/2011 Introduced and Read First Time (H) (H239)  
 01/27/2011 Read Second Time (H) (H243)  
 02/02/2011 Referred: Utilities (H) (H285)  
 02/08/2011 Public Hearing Completed (H)  
 02/15/2011 Executive Session Completed (H)  
 02/15/2011 Voted Do Pass (H)  
 02/16/2011 Reported Do Pass (H) (H380)  
 02/16/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H380)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Voted Do Pass (H)  
 03/03/2011 Rules - Reported Do Pass (H) (H523)  
 03/08/2011 Perfected with Amendments (H) (H551)  
 03/10/2011 Third Read and Passed (H) (H584-585)  
 03/10/2011 S First Read--HB 339-Pollock, et al (S436)  
 03/17/2011 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S496)

EFFECTIVE: August 28, 2011

\*\*\* HB 358 \*\*\*

0380L.02P

HOUSE HANDLER: Leara

HB 358 - 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 SB 152 (2011) and SA 1 to HB 2357 (2010).

EMILY KALMER

01/27/2011 Introduced and Read First Time (H) (H248)  
 01/31/2011 Read Second Time (H) (H258)  
 02/10/2011 Referred: Retirement (H) (H343)  
 02/17/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H404)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - No Action Taken (H)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Voted Do Pass - Consent (H)  
 03/03/2011 Rules - Reported Do Pass Consent (H) (H523)  
 03/14/2011 Perfected by Consent - Pursuant to House Rules (H) (H607)  
 03/16/2011 Third Read and Passed (H) (H664-665)  
 03/16/2011 S First Read--HB 358-Leara and Colona (S478)

EFFECTIVE: August 28, 2011

\*\*\* HB 360 \*\*\*

0926L.01P

SENATE SPONSOR: Lembke

HOUSE HANDLER: Leara

HB 360 - This act allows retirees who were public safety officers and who are part of the Missouri Local Government Employees' Retirement System (LAGERS) to authorize the LAGERS's board to deduct required health insurance or long-term care insurance premiums from the amount of their retirement benefit.

This act is similar to SB 275 (2011).

EMILY KALMER

01/27/2011 Introduced and Read First Time (H) (H248)  
 01/31/2011 Read Second Time (H) (H258)  
 02/10/2011 Referred: Retirement (H) (H343)  
 02/17/2011 Public Hearing Completed (H)  
 02/17/2011 Executive Session Completed (H)  
 02/17/2011 Voted Do Pass - Consent (H)  
 02/21/2011 Reported Do Pass by Consent (H) (H404)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H404)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - No Action Taken (H)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Voted Do Pass - Consent (H)  
 03/03/2011 Rules - Reported Do Pass Consent (H) (H523)  
 03/14/2011 Perfected by Consent - Pursuant to House Rules (H) (H607)  
 03/16/2011 Third Read and Passed (H) (H665-666)  
 03/16/2011 S First Read--HB 360-Leara (S478)

EFFECTIVE: August 28, 2011

\*\*\* HB 363 \*\*\*

HCS HB 363

1016L.02P

HOUSE HANDLER: Colona

HCS/HB 363 - This act designates a portion of Interstate 44 in the city of St. Louis as the "Officer David Haynes Memorial Highway".

STEPHEN WITTE

01/27/2011 Introduced and Read First Time (H) (H248)  
 01/31/2011 Read Second Time (H) (H258)  
 02/10/2011 Referred: Transportation (H) (H343)  
 02/22/2011 Public Hearing Completed (H)  
 02/22/2011 Executive Session Completed (H)  
 02/22/2011 HCS Voted Do Pass - Consent (H)  
 02/23/2011 HCS Reported Do Pass by Consent (H) (H436)  
 02/23/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H436)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H475)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/16/2011 Third Read and Passed (H) (H658-659)  
 03/16/2011 S First Read--HCS for HB 363 (S475)

EFFECTIVE: August 28, 2011

\*\*\* HB 415 \*\*\*

1335L.01P

HOUSE HANDLER: Richardson

HB 415 - This act designates a portion of U.S. Highway 67 in Butler County as the "Missouri State Highway Patrol Sergeant David May Memorial Highway".

STEPHEN WITTE

02/07/2011 Introduced and Read First Time (H) (H299)

02/08/2011 Read Second Time (H) (H306)  
 02/15/2011 Referred: Transportation (H) (H368)  
 02/22/2011 Public Hearing Completed (H)  
 02/22/2011 Executive Session Completed (H)  
 02/22/2011 Voted Do Pass - Consent (H)  
 02/23/2011 Reported Do Pass by Consent (H) (H436)  
 02/23/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H436)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H475)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/16/2011 Third Read and Passed (H) (H659-660)  
 03/16/2011 S First Read--HB 415-Richardson, et al (S475)

EFFECTIVE: August 28, 2011

\*\*\* HB 442 \*\*\*

1199L.01P

HOUSE HANDLER: Franz

HB 442 - The Commissioner of Administration shall give a 5 point bonus on bids for products and services manufactured, produced, or assembled by a qualified veteran-owned business headquartered in Missouri when contracting for purchases.

"Veteran-owned business" is defined as a business, not less than 51% of which is owned by one or more veterans with verifiable service in any branch of the U.S. military, or, in the case of a publicly owned business, not less than 51% of the stock of which is owned by one or more veterans, and the management and daily business operations are controlled by one or more veterans.

CHRIS HOGERTY

02/08/2011 Introduced and Read First Time (H) (H311)  
 02/09/2011 Read Second Time (H) (H321)  
 02/10/2011 Referred: Veterans (H) (H344)  
 02/15/2011 Public Hearing Completed (H)  
 02/22/2011 Executive Session Completed (H)  
 02/22/2011 Voted Do Pass - Consent (H)  
 02/23/2011 Reported Do Pass by Consent (H) (H437)  
 02/23/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H437)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass - Consent (H)  
 02/28/2011 Rules - Reported Do Pass Consent (H) (H475)  
 03/09/2011 Perfected by Consent - Pursuant to House Rules (H) (H573)  
 03/16/2011 Third Read and Passed (H) (H660-661)  
 03/16/2011 S First Read--HB 442-Franz (S475-476)

EFFECTIVE: August 28, 2011

\*\*\* HB 459 \*\*\*

HCS HB 459

1408L.02P

HOUSE HANDLER: Denison

HCS/HB 459 - This act designates the new Interstate 70 Mississippi River Bridge connecting downtown St. Louis and southwestern Illinois as the "Jerry F. Costello - William 'Bill' Clay Sr. Veterans Memorial Bridge".  
 STEPHEN WITTE

02/09/2011 Introduced and Read First Time (H) (H334)  
 02/10/2011 Read Second Time (H) (H339)  
 02/10/2011 Referred: Transportation (H) (H344)  
 02/22/2011 Public Hearing Completed (H)  
 02/22/2011 Executive Session Completed (H)  
 02/22/2011 HCS Voted Do Pass - Consent (H)  
 02/24/2011 Executive Session Completed (H)  
 02/24/2011 HCS Voted Do Pass - Consent (H)  
 02/28/2011 HCS Reported Do Pass by Consent (H) (H473)  
 02/28/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H473)  
 03/03/2011 Rules - Executive Session Completed (H)

03/03/2011 Rules - Voted Do Pass - Consent (H)  
 03/03/2011 Rules - Reported Do Pass Consent (H) (H523)  
 03/14/2011 Perfected by Consent - Pursuant to House Rules (H) (H607)  
 03/16/2011 Third Read and Passed (H) (H666-667)  
 03/16/2011 S First Read--HCS for HB 459 (S478)

EFFECTIVE: August 28, 2011

\*\*\* HB 465 \*\*\* HCS HB 465

1361L.04P

HOUSE HANDLER: Wells

HCS/HB 465 - This act modifies and updates the law relating to credit unions.

The act updates the credit union statutes to designate the department of insurance, financial institutions and professional registration as the department overseeing credit unions and designates the director of credit unions as the head of the division of credit unions.

The director of the division of credit unions and division employees and special agents shall take an oath of confidentiality and are barred from disclosing certain information. Certain exceptions are enumerated. Those individuals, other than the members of the credit union commission, who examine credit unions or make official decisions regarding credit unions shall not be an officer or director of, or receive payment from, a credit union the division regulates.

In the course of an investigation, the director may compel the production of documents and the attendance of persons having knowledge of pertinent issues, administer oaths, and seek enforcement of an administrative subpoena.

Officers, directors, and employees shall not be charged with libel, slander, or defamation for good faith communications with the director or employees of the division.

The act updates the process by which directors, officers, and employees may be removed from office or suspended by the director of the division of credit unions. The director of the division shall deliver a notice of intention to remove or prohibit the party from acting in connection with a credit union stating the grounds for such action and the time and place for a hearing for removal or prohibition. Those suspended or prohibited from participating in the affairs of the credit union may file a stay of such suspension or prohibition in circuit court.

If suspensions cause a lack of a quorum for a board of directors, the board may function under those not suspended. If all the directors are suspended, the director of the division shall appoint temporary directors to take their place.

This act removes a provision of law restricting credit unions from issuing certain loans to directors and credit and supervisory committee members exceeding \$25,000.

The act removes provisions establishing requirements for reserve funds and instead requires credit unions to maintain reserves sufficient to qualify for federal share insurance and satisfy regulations relating to reserve fund requirements.

Currently, notice of a meeting at which a plan for merger is to be submitted shall be as provided in the credit unions bylaws or by letter to shareholders. This act requires notice to be mailed to each member between 14 and 30 days before the meeting. Members may vote remotely by electronic ballot. The same procedures shall be allowed when a state-chartered credit union votes to convert to a federal credit union.

This act is similar to SB 306 (2011).

CHRIS HOGERTY

02/09/2011 Introduced and Read First Time (H) (H335)  
 02/10/2011 Read Second Time (H) (H339)  
 02/15/2011 Referred: Financial Institutions (H) (H368)  
 02/16/2011 Public Hearing Completed (H)  
 02/16/2011 Executive Session Completed (H)  
 02/16/2011 HCS Voted Do Pass - Consent (H)  
 02/24/2011 Executive Session Completed (H)



02/24/2011 HCS Voted Do Pass - Consent (H)  
 02/28/2011 HCS Reported Do Pass by Consent (H) (H472)  
 02/28/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H472)  
 03/03/2011 Rules - Executive Session Completed (H)  
 03/03/2011 Rules - Voted Do Pass - Consent (H)  
 03/03/2011 Rules - Reported Do Pass Consent (H) (H523)  
 03/14/2011 Perfected by Consent - Pursuant to House Rules (H) (H607)  
 03/16/2011 Third read and passed (H) (H667-668)  
 03/16/2011 S First Read--HCS for HB 465 (S478-479)

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)

\*\*\* HCR 3 \*\*\*

0535L.011

HOUSE HANDLER: Scharnhorst

HCR 3 - This resolution urges the United States Congress to submit a balanced budget amendment to the United States Constitution to the States for ratification and inclusion in the United States Constitution.

JIM ERTLE

01/05/2011 Introduced and Read First Time (H) (H19)  
 01/06/2011 Read Second Time (H) (H71)  
 01/20/2011 Referred: Budget (H) (H198)  
 02/07/2011 Public Hearing Completed (H)  
 02/07/2011 Executive Session Completed (H)  
 02/07/2011 Voted Do Pass (H)  
 02/08/2011 Reported Do Pass (H) (H309)  
 02/08/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H309)  
 02/15/2011 Rules - Executive Session Completed (H)  
 02/15/2011 Rules - Voted Do Pass (H)  
 02/15/2011 Rules - Reported Do Pass (H) (H369)  
 02/23/2011 Taken Up for Third Reading (H) (H435)  
 02/23/2011 Laid Over (H) (H435)  
 02/28/2011 Taken Up for Third Reading (H) (H465)  
 02/28/2011 Third Read and Passed (H) (H465-466)

02/28/2011 S First Read--HCR 3-Scharnhorst, et al (S346-347)

03/01/2011 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S360)

EFFECTIVE: upon approval

\*\*\* HCR 24 \*\*\*

1384L.011

SENATE SPONSOR: Dempsey

HOUSE HANDLER: Jones

HCR 24 Jones, Timothy

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

02/07/2011 Offered (H) (H298)

02/07/2011 Adopted (H) (H298)

02/07/2011 Reported to the Senate--HCR 24-Jones (89) (S204)

02/08/2011 S adopted (S208)

02/09/2011 S Escort Committee appointed: Schmitt, Ridgeway, Chappelle-Nadal, Goodman, Schaefer, McKenna, Wright-Jones, Justus, Keaveny (H324)

02/09/2011 H Escort Committee appointed: Jones-117, Barnes, elmer, Marshall, Richardson, Sifton, Carlson, Ellinger, Peters-Baker, McManus (S225)

\*\*\* HJR 2 \*\*\*

0293L.01P

HOUSE HANDLER: McGhee

HJR 2 -Upon voter approval, this constitutional amendment reaffirms a citizen's right to pray. The amendment specifies that individuals have the right to individual or group prayer in all private or public areas, as long as such prayer does not disturb the peace or disrupt a public meeting or assembly. Prayer on government property is particularly allowed, so long as the prayer abides within the same parameters placed upon any other free speech under similar circumstances.

The amendment also explicitly prohibits the establishment of any official state religion and any state coercion to participate in prayer or other religious activities.

The amendment specifically provides that the general assembly and other governing bodies of political subdivisions may have ministers, clergy persons, and other individuals offer invocations or prayers at meetings or sessions of the general assembly or other governing bodies.

The amendment also provides that students may engage in private and voluntary prayer, acknowledgment of God, or other religious expression, individually or in groups, and express their religious beliefs in school assignments without discrimination based on the religious content of their work. Students shall not be compelled to participate in academic assignments that violate their religious beliefs. All public schools are required to display the Bill of Rights of the United States Constitution.

This section of the constitution shall not be construed to expand the rights of prisoners in state or local custody beyond those afforded by the laws of the United States.

This act is similar to SJR 16 (2011), SJR 31 (2010), SCS/SJR 12 (2009), SS/HJR 11 (2009), HJR 55 (2008), and HJR 19 (2007).

EMILY KALMER

12/22/2010 Prefiled (H)

01/05/2011 Read First Time (H) (H19)

01/06/2011 Read Second Time (H) (H71)

01/20/2011 Referred: Children and Families (H) (H198)

01/26/2011 Public Hearing Completed (H)

02/16/2011 Executive Session Completed (H)

02/16/2011 Voted Do Pass (H)

02/21/2011 Reported Do Pass (H) (H403)

02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H403)

02/28/2011 Rules - Executive Session Completed (H)

02/28/2011 Rules - Voted Do Pass (H)

02/28/2011 Rules - Reported Do Pass (H) (H473)

03/08/2011 Perfected (H) (H546)

03/08/2011 Referred: Fiscal Review (H) (H553)

03/09/2011 Executive Session Completed (H)  
 03/09/2011 Voted Do Pass (H)  
 03/09/2011 Reported Do Pass (H) (H568)  
 03/10/2011 Third Read and Passed (H) (H586-587)  
 03/10/2011 S First Read--HJR 2-McGhee, et al (S436-437)  
 03/17/2011 Second Read and Referred S General Laws Committee (S496)

EFFECTIVE: upon voter approval

\*\*\* HJR 6 \*\*\*

0366L.01P

HOUSE HANDLER: Cierpiot

HJR 6 - This constitutional amendment, if approved by the voters, would ensure the right of individuals to vote by secret ballot when local, state, or federal law requires public elections for public office or on initiatives or referenda, or where local, state or federal law requires designations or authorizations of employee representation.

This resolution is similar to HJR 37 (2009), HJR 51 (2010), and SJR 40 (2010).  
 CHRIS HOGERTY

01/13/2011 Introduced and Read First Time (H) (H155)  
 01/18/2011 Read Second Time (H) (H163)  
 01/20/2011 Referred: Workforce Development & Workplace Safety (H) (H198)  
 02/14/2011 Public Hearing Completed (H)  
 02/21/2011 Executive Session Completed (H)  
 02/21/2011 Voted Do Pass (H)  
 02/21/2011 Reported Do Pass (H) (H406)  
 02/21/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H406)  
 02/28/2011 Rules - Executive Session Completed (H)  
 02/28/2011 Rules - Voted Do Pass (H)  
 02/28/2011 Rules - Reported Do Pass (H) (H473)  
 03/14/2011 Perfected (H) (H605)  
 03/15/2011 Referred: Fiscal Review (H) (H634)  
 03/16/2011 Executive Session Completed (H)  
 03/16/2011 Voted Do Pass (H)  
 03/16/2011 Reported Do Pass (H)  
 03/17/2011 Third read and passed (H)  
 03/17/2011 S First Read--HJR 6-Cierpiot, et al (S495)

EFFECTIVE: upon voter approval

\*\*\* HJR 29 \*\*\*

1569L.01P

SENATE SPONSOR: Munzlinger

HOUSE HANDLER: Solon

HJR 29 Solon, Sheila Torpey, Noel et al

P E R F E C T E D

HJR 29 -- VETERANS LOTTERY TICKET (Solon)

COMMITTEE OF ORIGIN: Committee on Veterans

Upon voter approval, this proposed constitutional amendment requires the State Lottery Commission to develop and begin selling a "Veterans Lottery Ticket" by July 1, 2013. All net proceeds received from the sale of these tickets must be deposited solely into the Veterans Commission Capital Improvement Trust Fund.

FISCAL NOTE: Estimated Net Effect on General Revenue Fund of an income of \$0 or a cost of More than \$7,000,000 in FY 2012, an income of \$0 or a cost of More than \$7,000,000 in FY 2013, and an income of \$0 in FY 2014. No impact on Other State Funds in FY 2012, FY 2013, and FY 2014.

02/22/2011 Introduced and Read First Time (H) (H419)  
 02/23/2011 Read Second Time (H) (H427)  
 02/24/2011 Referred: Veterans (H) (H450)  
 03/01/2011 Public Hearing Completed (H)  
 03/01/2011 Executive Session Completed (H)  
 03/01/2011 Voted Do Pass (H)  
 03/01/2011 Reported Do Pass (H) (H487)  
 03/01/2011 Referred: Rules - Pursuant to Rule 25(32)(f) (H) (H487)  
 03/09/2011 Rules - Reported Do Pass (H) (H572)

03/15/2011 Taken Up for Perfection (H) (H616)  
 03/15/2011 Laid Over (H) (H616)  
 03/15/2011 Taken Up for Perfection (H) (H618)  
 03/15/2011 Perfected with Amendments (H) (H618)  
 03/16/2011 Referred: Fiscal Review (H)  
 03/16/2011 Executive Session Completed (H)  
 03/16/2011 Voted Do Pass (H)  
 03/16/2011 Reported Do Pass (H)  
 03/17/2011 Third read and passed (H)  
 03/17/2011 S First Read--HJR 29-Solon, et al (S495)

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