

96th General Assembly

Second Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

January 9 - 13, 2012

Prepared by
Divisions of Research and Computer Information Systems

*** SB 434 ***

4373S.011

SENATE SPONSOR: Callahan

SB 434 – This act modifies provisions relating to changes in school district boundary lines.

ADJUSTMENT AND APPORTIONMENT OF SCHOOL PROPERTY: Current law requires the school boards of school districts for which a boundary line change occurs to make a just and proper adjustment and apportionment of all school property. When an election is to occur to decide whether to change school district boundary lines under section 162.431, this act requires the affected school districts to make a preliminary adjustment and apportionment of the districts' property at least sixty days prior to the election. If the districts cannot agree on a preliminary adjustment and apportionment, the State Board of Education must appoint a three person board of arbitration to determine the preliminary apportionment and adjustment. If the boundary line change occurs and the districts cannot agree when making the apportionment and adjustment and a board of arbitration is appointed, the board must follow the preliminary apportionment and adjustment unless new and significant circumstances exist. In such a situation, the Board of Arbitration must state in writing why it is deviating from the preliminary adjustment and apportionment. (Sections 162.041 and 162.431)

SCHOOL DISTRICT BOUNDARY LINE CHANGES: This act modifies the effective date of a boundary line change. Instead of the change being effective from the date of the election, the change would be effective at the beginning date of the next school year.

When one district votes in favor of the boundary line change and one district votes against the change and a board of arbitration is appointed by the State Board of Education to determine whether to make the change, the board of arbitration must base its decision on the current accreditation status of each affected district. The Board of Arbitration would determine the boundary line change in a manner that moves students out of unaccredited and provisionally accredited districts and into accredited districts. If each district is accredited, the Board of Arbitration must use the existing factors in the statute to make its decision.

After a boundary line change occurs, for the next three school years, the receiving district may, but will not be required to, include the statewide assessment scores for any students it receives in the district's scores.

If a boundary line change results in a charter school being located in a district other than Kansas City or St. Louis, the local school district and charter school's governing board may enter into an agreement to incorporate the charter school into the district and operate it as a regular school building of the district. If such an agreement occurs, the district must make arrangements for the charter school's students to continue attending school at that building until they graduate. The Department of Elementary and Secondary Education may grant a waiver for such a school to continue operating like a charter school while functioning as part of the district. (Section 162.431)

WEIGHTED AVERAGE DAILY ATTENDANCE FOR DISTRICTS AFFECTED BY A BOUNDARY LINE CHANGE: When a school district gains enrollment because of a boundary line change, during the two school years following the change, its weighted average daily attendance figure will be adjusted so that it receives twice the weighted average daily attendance for any students it received as a result of the boundary line change.

When a school district loses student enrollment because of a boundary line change, during the school year following the line change, it may only submit an estimate of the weighted average daily attendance for the current year. During the second year following the line change, it may submit an estimate of the weighted average daily attendance for the current year or the weighted average daily attendance for the immediately preceding year, whichever is greater. During the third year following the line change, it may submit an estimate of the weighted average daily attendance for the current year or the weighted average daily attendance for the immediately preceding year, or the weighted average daily attendance for the second preceding school year, whichever is greater. (Section 162.431)

SCHOOL DISTRICT TRUST FUND (PROP C FUNDS): When a change in school district boundary lines occurs under section 162.431, the Department of Elementary and Secondary Education must modify the school district trust fund payments to the affected school districts during the first academic year in which the boundaries are changed to reflect the current weighted average daily attendance count. In subsequent years, districts' payments will be determined by the first preceding weighted average daily attendance count. (Section 163.087)

MICHAEL RUFF

12/01/2011 Prefiled
01/04/2012 S First Read--SB 434-Callahan and Pearce (S34)
01/05/2012 Second Read and Referred S General Laws Committee (S59)

EFFECTIVE: August 28, 2012

*** SB 435 ***

4228S.011

SENATE SPONSOR: Crowell

SB 435 - Upon voter approval, this act bars public employee labor unions from withholding fees from employee paychecks. The act requires the employee's consent for public employee labor unions to use fees and dues for political purposes.

The employee must authorize the amount to 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.

This act is similar to SB 814 (1998), SB 610 (2006), HB 492 (2011), and SB 202 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled
01/04/2012 S First Read--SB 435-Crowell (S34)
01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S59)
01/17/2012 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: Upon voter approval

*** SB 436 ***

4232S.011

SENATE SPONSOR: Crowell

SB 436 - 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 2014 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, 2013. 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, 2013. 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 any 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 SB 954 (2010) and SB 139 (2011).

EMILY KALMER

12/01/2011 Prefiled
01/04/2012 S First Read--SB 436-Crowell (S34)
01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S59)

EFFECTIVE: August 28, 2012

*** SB 437 ***

4294S.011

SENATE SPONSOR: Crowell

SB 437 - This act mandates that the Governor and Lieutenant Governor candidates shall be elected jointly. A candidate for Governor shall pick the candidate for Lieutenant Governor and both candidates shall be considered as one candidate for both the primary election and the general election. If a candidate for Governor is disqualified for any reason after the primary election, then current law provisions for the selection of a new gubernatorial candidate shall apply and the disqualified candidate's selection of a Lieutenant Governor shall not be listed as the party's candidate for Governor unless chosen through the current law processes for replacing a disqualified gubernatorial candidate.

The passage of this act is contingent upon voter approval of a senate joint resolution amending the Missouri Constitution to require the joint election of the Governor and Lieutenant Governor.

This act is similar to SB 1114 (2002).

JIM ERTLE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 437-Crowell (S34)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S59)

EFFECTIVE: Contingent

*** SB 438 ***

4296S.011

SENATE SPONSOR: Mayer

SB 438 - 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), SB 888 (2010), SB 1 (2011), and SB 109 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 438-Mayer (S34)

01/05/2012 Second Read and Referred S General Laws Committee (S59)

01/17/2012 Hearing Scheduled S General Laws Committee

EFFECTIVE: Upon voter approval

*** SB 439 ***

4295S.011

SENATE SPONSOR: Mayer

SB 439 - This act suspends the prevailing wage laws in areas declared by the Governor to be natural disasters for 5 years following such a declaration.

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 439-Mayer (S34)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S59)

01/17/2012 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2012

*** SB 440 ***

4161S.011

SENATE SPONSOR: Engler

SB 440 - 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 (Section 383.016).

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 (Section 383.015).

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 (Section 383.035.5). Assessable associations licensed under Chapter 383 as of February 9, 2012, may renew their licenses with lower surplus requirements over a three year period (\$200,000 surplus after 2012, \$400,000 surplus after 2013, and \$600,000 surplus after 2014). 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, 2012, may renew their licenses with higher ratios over a three year period (4 to 1 after 2012, 3.5 to 1 after 2013, and 3 to 1 after 2014)(Section 383.035.6).

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, 2012, 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).

The provisions of this act are virtually identical to those contained in SB 302 (2011).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 440-Engler (S34)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S59)

EFFECTIVE: August 28, 2012

SENATE SPONSOR: Engler

SB 441 - This act allows motorists to obtain Missouri Junior Golf Foundation special license plates. In order to obtain Missouri Junior Golf Foundation license plates, a motorist must pay a \$25 emblem-used contribution fee to the Missouri Junior Golf Foundation. After obtaining an emblem-use authorization statement from the Missouri Junior Golf Foundation, the motorist must pay a \$15 fee to the Department of Revenue in addition to regular registration fees. A motorist who was previously issued Missouri Junior Golf Foundation plates and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued new plates which do not bear the Missouri Junior Golf Foundation's emblem.

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 441-Engler (S34)

01/05/2012 Second Read and Referred S Transportation Committee (S59)

01/18/2012 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2012

*** SB 442 ***

4292S.011

SENATE SPONSOR: Stouffer

SB 442 - The act establishes identification requirements for voting. Voters shall produce a nonexpired Missouri driver's license; a nonexpired or nonexpiring Missouri nondriver's license; any identification containing a photograph issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veterans Affairs; or a document issued by the United States or the state of Missouri containing the name of the voter which substantially conforms to the most recent signature in the individual's voter registration records, a photograph, and an expiration date or if expired, the expiration is after the date of the most recent general election.

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

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

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

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

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

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

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

This act is similar to SB 1014 (2006), SB 523 (2009), HB 1966 (2010), and SB 3 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 442-Stouffer (S35)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S59)

01/17/2012 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: Contingent

*** SB 443 ***

SCS SB 443

4277S.03C

SENATE SPONSOR: Stouffer

SCS/SB 443 - This act modifies various provisions relating to the regulation of motor vehicles.

INTOXICATION-RELATED TRAFFIC OFFENSES - 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 USC §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 driving to or from the operator's place of employment, attending school, attending 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 in cases of a revocation so that certain repeat offenders will not be eligible for a limited driving privilege until such person has completed the first 45 days of the 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.

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. This act specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service. These provisions are also contained in HB 199 (2011).

The intoxication-related offenses provisions are also contained in the truly agreed to version of HB 430 (2011) and SS/SCS/SB 254 (2011).

FAILURE TO APPEAR IN COURT- Under current law, if a person fails to timely dispose of a traffic ticket, the court will notify the director of revenue of such fact and the director will suspend the offender's driver's license until such time the person settles the matter by paying the fines and applicable court costs. Upon proof of disposition of the charges, and payment of a reinstatement fee, the director will return the license and remove the suspension from the person's driver's record. This act modifies this provision so that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have such a suspension removed from his or her driving record (Section 302.341). This provision is also contained in the truly agreed to version of HB 430 (2011) and HCS/HB 818 (2011).

UNIFORM COMMERCIAL DRIVER'S LICENSE ACT - This act adds new definitions to Uniform Commercial Driver's License Act (Sections 302.700 to 302.780) and makes modifications to current definitions relating to commercial driver license requirements to comply with Federal Motor Carrier Safety regulations and support the implementation of the federal rule labeled "Medical Certification Requirements as part of the CDL". The act revises the definition section by adding the following terms:

- 1) CDLIS driver record;
- 2) CDLIS motor vehicle record;
- 3) Commercial driver's license downgrade;
- 4) Driver applicant;
- 5) Employee;

- 6) Endorsement;
- 7) Foreign;
- 8) Medical examiner;
- 9) Medical variance (Section 302.700). This provision is also contained in the truly agreed to version of HB 430 (2011) and in HCS/HB 818 (2011).

CDL MEDICAL CERTIFICATION COMPLIANCE - This act implements a Federal Motor Carrier Safety Regulation known as "Medical Certification Requirements as part of the CDL". This act requires commercial driver license applicants to complete certain self certifications and submit required medical examiner certification documents when applicable. The act specifies the certification process. Applicants certifying to the operation in nonexcepted interstate or nonexcepted intrastate commerce must provide the state with an original or copy of a current medical examiners certificate. The state is required to maintained such documents for a period of 3 years beyond the date the certificate was issued. The act requires applicants to provide updated medical certificates or variance documents in order to maintain commercial motor vehicle driving privileges. The director must post the medical examiners certificate information to the driver record within 10 calendar days of receipt and the information will become part of the CDLIS driver record. Under the act, any person who falsifies any information in an application for or an update of medical certification status information shall not be licensed to operate a commercial vehicle or the person's commercial driver's license must be canceled for a period of one year after the director discovers the falsification. This provision is also contained in the truly agreed to version of HB 430 (2011), HCS/HB 818 (2011) and HB 820 (2011) (Section 302.768).

The CDL medical certification compliance sections (Section 302.200 and 302.768) shall become effective on the date the director begins accepting commercial driver license medical certifications or on May 1, 2013, whichever occurs first.

STEPHEN WITTE

12/01/2011 Prefiled
 01/04/2012 S First Read--SB 443-Stouffer (S35)
 01/05/2012 Second Read and Referred S Transportation Committee (S60)
 01/11/2012 Hearing Conducted S Transportation Committee
 01/11/2012 SCS Voted Do Pass S Transportation Committee (4277S.03C)
 01/12/2012 Reported from S Transportation Committee to Floor w/SCS (S87)
 01/17/2012 S Formal Calendar S Bills for Perfection--SB 443-Stouffer, with SCS

EFFECTIVE: Varies

*** SB 444 ***

4314S.011

SENATE SPONSOR: Stouffer

SB 444 - This act modifies the law with respect to how the department of transportation handles legal actions.

BINDING ARBITRATION - 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 (Section 226.095). This provision may be found in SB 33 (2011).

DELEGATION OF AUTHORITY TO CONDUCT HEARINGS BY THE COMMISSION - The act also allows the commission to delegate to a designated hearing examiner and/or appeals board the authority to conduct hearings and render final decisions and orders on behalf of it in all contested case administrative hearings that are required by federal or state law (Section 226.131).

STEPHEN WITTE

12/01/2011 Prefiled
 01/04/2012 S First Read--SB 444-Stouffer (S35)
 01/05/2012 Second Read and Referred S Transportation Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 445 ***

4526S.011

SENATE SPONSOR: Goodman

SB 445 - This act creates the "Joint Committee on the Missouri Criminal Code". The committee is to be composed of senators, house members and representatives from the Attorney General's office, the state

Public Defender System, victims of crime, the Governor's office and the Missouri Supreme Court.

The committee's charge is to report to the General Assembly by December 31, 2012, its recommendations for ways to harmonize, organize and revise the criminal laws.

MEGHAN LUECKE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 445-Goodman (S35)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 446 ***

4421S.011

SENATE SPONSOR: Goodman

SB 446 - This act adds drug courts to the list of purposes the county commission may fund with money from the county law enforcement restitution fund.

MEGHAN LUECKE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 446-Goodman (S35)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 447 ***

4527S.021

SENATE SPONSOR: Goodman

SB 447 - Under current law, both the crimes of stealing and receiving stolen property are Class A misdemeanors unless the stolen property is of a certain type. This act adds mail to the list of types of property that, when stolen, increase the classification of the crimes to Class C felonies.

This act also contains technical revisions to make the provisions of stealing and receiving stolen property more consistent.

MEGHAN LUECKE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 447-Goodman (S35)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 448 ***

4183S.011

SENATE SPONSOR: Rupp

SB 448 - 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

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

This act is identical to SB 339(2011).

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 448-Rupp (S35)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 449 ***

4182S.011

SENATE SPONSOR: Rupp

SB 449 - This act requires on or before December 31, 2013, 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, 2019.

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, 2012, 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 identical to SB 56 (2011).

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 449-Rupp (S35)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S60)

01/19/2012 Hearing Scheduled S Health, Mental Health, Seniors and Families Committee

EFFECTIVE: August 28, 2012

*** SB 450 ***

4266S.021

SENATE SPONSOR: Rupp

SB 450 – Current law provides that school board members of urban school districts serve a term of six years whereas board members in a seven director school district serve a term of three years. This act provides that any school district in St. Charles County that becomes an urban school district because of the 2010 federal decennial census will retain terms of three years for its school board members. In addition, school board member elections will continue to be held at the general municipal election in April of each year.

This act contains an emergency clause.

MICHAEL RUFF

12/01/2011 Prefiled

01/04/2012 S First Read--SB 450-Rupp (S35)

01/05/2012 Second Read and Referred S Education Committee (S60)

01/11/2012 Hearing Conducted S Education Committee

EFFECTIVE: Emergency clause

*** SB 451 ***

4507S.011

SENATE SPONSOR: Cunningham

SB 451 – 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.

This act also provides that nothing may interfere with any entity from entering into any contract.

In addition, this act 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.

This act is identical to SB 243 (2011).

MICHAEL RUFF

12/01/2011 Prefiled

01/04/2012 S First Read--SB 451-Cunningham (S35)

01/05/2012 Second Read and Referred S General Laws Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 452 ***

4506S.011

SENATE SPONSOR: Cunningham

SB 452 – A student whose residence is located closer to a school in an adjoining district than to his or her public school of enrollment 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. The receiving district shall enroll pupils if it 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" teacher-pupil ratio identified in the resource standards under the Missouri school improvement program. Natural barrier is defined as an obstruction caused by streams, rivers, lakes

and multilane highways with limited access.

The pupil's parent or guardian must contact the receiving district by March 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, based on the two districts' rate of tuition. The pupil will be counted in the weighted average daily attendance of the school district of residence. The sending district must pay the receiving district the cost of the receiving district's tuition if the tuition is less than or equal to the sending district's tuition rate. If the receiving district's tuition rate is greater than the sending district's tuition rate, the sending district must pay the receiving district the amount of the tuition rate and the parent must pay the difference. The school district of residence must pay the receiving district up to twice annually, once at the start of the school year and once in the middle of the year if two payments are made. 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.

This act is substantially similar to SS/SCS/SB 242 (2011).

MICHAEL RUFF

12/01/2011 Prefiled

01/04/2012 S First Read--SB 452-Cunningham (S35)

01/05/2012 Second Read and Referred S General Laws Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 453 ***

4505S.011

SENATE SPONSOR: Cunningham

SB 453 - 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.

This act is similar to SB 221 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 453-Cunningham (S35-36)

01/05/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 454 ***

4366S.021

SENATE SPONSOR: Pearce

SB 454 – This act modifies the elementary and secondary education foundation formula.

Current law will allow the state adequacy target to be adjusted to accommodate available appropriations effective July 1, 2012, which is the completion date of the phase-in of the formula. This adjustment method is repealed.

This act provides proration benchmarks for appropriations beginning in fiscal year 2014 that increase and continue until fiscal year 2017. 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.

Language pertaining to the phase-in, which will be completed on July 1, 2012, is repealed. In addition, 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 contains an effective date of July 1, 2012, or upon the Governor's approval. (Section B)
MICHAEL RUFF

12/01/2011 Prefiled
01/04/2012 S First Read--SB 454-Pearce (S36)
01/05/2012 Second Read and Referred S Education Committee (S60)
01/18/2012 Hearing Scheduled S Education Committee

EFFECTIVE: July 1, 2012

*** SB 455 ***

4233S.031

SENATE SPONSOR: Pearce

SB 455 – This act modifies the duties prescribed to the Coordinating Board for Higher Education.

The Coordinating Board will require all public two-year and four-year higher education institutions to replicate best practices in remediation, as described in the act.

The Coordinating Board will also require all public two-year and four-year higher education institutions, by July 1, 2014, to create a statewide core transfer library of at least twenty-five lower division courses across all institutions that are transferable among all public higher education institutions.

The Coordinating Board must develop a policy to foster reverse transfer for students who have accumulated enough hours in combination with public higher education institution in Missouri that offers an associate degree and four-year institutions to be awarded an associate degree.

The Department of Elementary and Secondary Education must maintain the alignment of the statewide assessments for entry-level courses in English, mathematics, foreign language, sciences, and social sciences associated with an institution's general education core with the existing competencies.

The Coordinating Board may charge and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the quality of programs offered by out-of-state public institutions.

The annual report that the Coordinating Board submits prior to the start of the legislative session must include campus-level progression, retention, and completion metrics consistent with performance-funding goals. It must also contain a description of progress implementing revised remediation, transfer, and retention practices.

MICHAEL RUFF

12/01/2011 Prefiled
01/04/2012 S First Read--SB 455-Pearce (S36)

01/05/2012 Second Read and Referred S Education Committee (S60)

01/11/2012 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2012

*** SB 456 ***

4367S.011

SENATE SPONSOR: Pearce

SB 456 – Currently, the school board of a school district that does not maintain an accredited school is required to pay the tuition and transportation of resident pupils who attend an accredited school in another district of the same or an adjoining county. This provision of law currently applies to both unaccredited school districts and K-8 school districts that do not offer high school grades.

This act differentiates between a K-8 school district that does not offer high school grades and a school district classified as unaccredited by the State Board of Education. This act specifies that the school board of an unaccredited district must pay the tuition and transportation of resident pupils who attend an accredited school in another district of the same or an adjoining county. A resident pupil of an unaccredited district may attend a school in another accredited district in the same or an adjoining county if the student was enrolled in and attending a public school in the district during the school year when the district lost its accreditation, or years subsequent to the year in which the district lost its accreditation. Pupils who reside in the unaccredited district who become eligible for kindergarten or first grade after the effective date of this section are also eligible to transfer. Before a student may transfer, the unaccredited district must determine whether it has sufficient capacity in a magnet school or school with an open admissions policy that has met standards on its annual performance report equivalent to the classification of accredited under the Missouri School Improvement Program in the previous school year and that offers the student's grade level of enrollment. If there is capacity, the student must remain in the school district and attend that school provided the student meets the school's regular admissions criteria. Any district that receives transfer students will not be required to include those student's scores on the statewide assessment in that district's scores for three years.

The rate of tuition to be charged is the lesser of the nonresident tuition established by each district, or in the absence of nonresident tuition, the lesser of the two districts' average expenditure per pupil for the most recently completed year for which data are available. The residence district shall also pay the cost of education in the receiving district for any student with an IEP accepted in the receiving district.

By June 30, 2012, each district must establish criteria for the admission of nonresident pupils from unaccredited districts. The primary criteria must be the availability of highly qualified teachers in existing classroom space. Each district must establish criteria for calculating available seats, taking into account the district's resident student population growth or decrease, such that the receiving district is not required to employ additional teachers or construct additional classrooms. In addition, resident pupils must not be displaced from the school building to which they are assigned. The receiving district will be responsible for assigning a student to a particular building.

When a student from an unaccredited district has been accepted in an accredited district, he or she may complete the educational program in the building to which he or she has been assigned, even if the district of residence regains accreditation. Upon a student's transition from an educational program in the building to which the student was assigned to a program in another building if the student's district of residence has regained accreditation, the student must return to his or her district of residence.

This act contains an emergency clause.

This act is substantially similar to SCS/SB 14 (2011), HB 763 (2011) and provisions contained in HCS/SB 243 (2011) and HCS/SB 147 (2011).

MICHAEL RUFF

12/01/2011 Prefiled

01/04/2012 S First Read--SB 456-Pearce (S36)

01/05/2012 Second Read and Referred S General Laws Committee (S60)

EFFECTIVE: Emergency clause

*** SB 457 ***

4432S.021

SENATE SPONSOR: Schmitt

SB 457 – This act changes the law on mandatory reporters of suspected child abuse and neglect. Current law mandates that certain professional workers, such as physicians, nurses, principals or schools officials or other persons with responsibility for the care of children shall immediately report or cause a report to be made to the Children's Division of the Department of Social Services regarding suspected child abuse. This act provides that in addition to those persons, any person who observes a child being subjected to sexual abuse shall immediately report the abuse to the division.

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 457-Schmitt (S36)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 458 ***

4498S.011

SENATE SPONSOR: Wright-Jones

SB 458 - The act creates the Green Jobs-Green Missouri Act.

The Department of Natural Resources shall administer the Green Jobs-Green Missouri Program that provides: loans to homeowners and small business owners for energy improvement projects; and training for green energy workforce development.

The Department shall promulgate rules for the energy improvement loans, which shall include cost-effectiveness and eligibility standards. Loan amounts may not exceed \$13,000 for residential properties or \$26,000 for non-residential properties unless the anticipated project payback period is less than 15 years, in which case the loan maximums increase to \$25,000 and \$50,000 respectively.

The Department is required to create a loan repayment mechanism whereby the loan recipient makes the loan repayments through a separate charge attached to the recipient's electric or gas bill. The utility collects the charge and remits it to the Department of Natural Resources on behalf of the customer. The amount of the monthly charge must not exceed 1/12th of the anticipated amount of annual energy savings cost from the project.

The act directs the Public Service Commission (PSC) to develop rules to implement the on-bill loan repayment mechanism. The utilities must file tariffs for the mechanism. The act initially limits the amount of customer participation and the Department of Natural Resources must petition the PSC to increase the limit, which the PSC must do unless it determines that significant harm from the program has occurred to the utility. The PSC may suspend a utility's participation in the on-bill recovery mechanism if the PSC determines after a hearing that there has been a significant increase in arrears or disconnections as a result of the mechanism. The act contains certain provisions that require customers who participate in the on-bill loan repayment mechanism to be treated the same as other utility customers and requires certain notifications to be provided to participating customers. Complaints about the on-bill loan repayment mechanism must be handled by the Department of Natural Resources and must not be treated as a complaint about the utility by the PSC.

The Department of Natural Resources may contract with certain employment and job-skill training providers to provide training and workforce development support for the Green Jobs-Green Missouri program. The Department must develop training standards. The Department must facilitate coordination between related workforce organizations to facilitate job placement for individuals who receive training under the program.

The act creates the Green Jobs-Green Missouri Advisory Council, which provides guidance to the Department of Natural Resources on the implementation of the act. The composition of the council is listed in the act. The council must meet at least 3 times a year.

The act creates the Green Jobs-Green Missouri Revolving Loan Fund, into which the principal and interest on loan repayments must be deposited.

The Department must report annually to the Governor and certain members of the General Assembly on the activities and status of the Green Jobs-Green Missouri Program. The act prescribes certain information to be included in the report.

The act requires notification to prospective buyers of real property on which a Green Jobs-Green Missouri loan repayment mechanism is in effect.

ERIKA JAQUES

12/01/2011 Prefiled

01/04/2012 S First Read--SB 458-Wright-Jones (S36)

01/05/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 459 ***

4168S.011

SENATE SPONSOR: Wright-Jones

SB 459 - Those engaging in public works projects in the state shall only employ laborers from the locality in which the project is being constructed unless no such laborers are available.

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 459-Wright-Jones (S36)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 460 ***

4402S.011

SENATE SPONSOR: Wright-Jones

SB 460 – 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.

This act is identical to SB 21 (2011).

MICHAEL RUFF

12/01/2011 Prefiled

01/04/2012 S First Read--SB 460-Wright-Jones (S36)

01/05/2012 Second Read and Referred S Education Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 461 ***

4382S.011

SENATE SPONSOR: Keaveny

SB 461 - This act modifies provisions relating to the St. Louis police force.

No elected or appointed official of the state or a political subdivision may interfere with any member of the St. Louis police force in the performance of his or her job duties or in any investigation or else face a penalty of \$2,500 and disqualification from office.

This act also makes it an unlawful employment practice to take certain adverse employment actions against an employee of the St. Louis police force for reporting the illegal conduct of a co-worker.

The City of St. Louis is authorized by this act to establish a municipal police force, no sooner than Jan. 1, 2013, after certain conditions have been met and according to certain procedures. The terms of the commissioners of the board of police shall expire upon the establishment of the police force and several provisions of current law shall no longer apply to the city or its municipal police force, but the act shall not be construed as changing the retirement benefits provided under current law.

The municipal police force is required to employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners.

The residency rule established by the board and currently in effect shall apply to the commissioned and

civilian personnel of the board who transfer to the new police force, but the city may enforce any residency rule for those hired after the transfer.

Under this act, the city may adopt rules for the police force, but disciplinary decisions shall be governed by the civil service commission's rules. The commission shall issue decisions in appeals of disciplinary actions, which shall be subject to appeal.

The city must provide or contract for certain benefits. 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.

This act requires the city to create a transition committee to coordinate and implement the transition of the police force to the city.

This act provides that the city shall not be restricted in any way in the selection of a police chief. Under this act, the police chief may require the city's sheriff and other local and municipal law enforcement officers to act under the chief's control when needed.

This act further provides that any person who acts as a private watchman, private detective, or private policeman in St. Louis without having obtained a written license is guilty of a Class A misdemeanor.

This act modifies the definitions of "earnable compensation" 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. The makeup of the St. Louis Police Retirement System Board of Trustees is also modified.

This act provides, in the event the state or any state official is ordered to provide state funds to St. Louis City to satisfy pension obligations for members of the Police Retirement System of St. Louis, that the amount of the funds shall constitute a first lien on the funds of the city. The state treasurer and director of the Department of Revenue are required to withhold all money due to the city until the amount, together with interest, is satisfied.

The State Legal Expense Fund will no longer reimburse the St. Louis Board of Police Commissioners for up to a maximum of one million dollars per fiscal year for claims tendered to the Attorney General after the effective date of this act. The Attorney General will continue to provide legal representation for claims tendered by the board of police commissioners before the effective date of this act.

Some of the provisions of this act are nonseverable.

This act is identical to SS/HB 1 (2011) and is similar to SB 23 (2011) and HB 71 (2011).

MEGHAN LUECKE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 461-Keaveny (S36)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 462 ***

4123S.011

SENATE SPONSOR: Keaveny

SB 462 - 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 more than once. Lenders shall not make loans to consumers who have one outstanding or within 1 day of a borrower paying a previous loan.

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 15 days.

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 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), SB 811 (2010), HB 656 (2011), and SB 295 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 462-Keaveny and Lamping (S36)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 463 ***

4154S.011

SENATE SPONSOR: Keaveny

SB 463 - This act increases the fine for a seat belt violation from \$10 to \$50.

This act is identical to SB 24 (2011) and SB 822 (2010).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 463-Keaveny (S36)

01/05/2012 Second Read and Referred S Transportation Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 464 ***

4313S.011

SENATE SPONSOR: Schaaf

SB 464 - This act prohibits the establishment, creation, or operation of a state-based health insurance exchange unless the exchange is created by a legislative act, an initiative petition, or referendum. The act specifically prohibits the establishment of a state-based health insurance exchange by an executive order issued by the Governor.

The act further prohibits state agencies from establishing programs or promulgating any rules or policies to establish, create, administer or otherwise operate a state-based health insurance exchange unless the agency has received statutory authority to create it. The act specifically prohibits agencies from performing responsibilities of a state-based health insurance exchange unless authorized by statute.

The act prohibits agencies from entering into agreements to establish or operate a federally-facilitated health benefit exchange unless the agency has received statutory authority to enter into such agreements. In addition, the act prohibits departments and agencies from providing assistance or resources of any kind to any federal agency or department relating to the creation of a federally-facilitated health benefit exchange unless the assistance or resources are authorized by state statute or the assistance is mandated by federal law.

This act, if approved by the General Assembly, will be submitted to the voters for their approval in November of 2012.

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 464-Schaaf (S36)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S60)

01/10/2012 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: Referendum clause

*** SB 465 ***

4297S.011

SENATE SPONSOR: Schaaf

SB 465 - This act adds Buchanan County and the cities, towns, or villages within Buchanan County to the list of governmental entities that are authorized to establish a Theater, Cultural Arts, and Entertainment taxing district.

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 465-Schaaf (S37)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S60)

01/17/2012 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2012

*** SB 466 ***

4360S.011

SENATE SPONSOR: Munzlinger

SB 466 - This act modifies how certain money from the Gaming Commission Fund is allocated. For fiscal year 2014 and each fiscal year after that, the proceeds will be allocated differently based on whether the proceeds came from a gambling boat that was licensed before or after January 1, 1999. Proceeds from gambling boats licensed before January 1, 1999, will continue to be allocated as they are under current law. Proceeds from gambling boats licensed on or after January 1, 1999, will be transferred to the Veterans' Commission Capital Improvement Trust Fund. However, if transferring these funds to the Veterans' Commission Capital Improvement Trust Fund would result in a decrease in certain allocations to the Missouri National Guard Trust Fund, or the Access Missouri Financial Assistance Fund, then allocations to those trust funds shall be taken from the funds that would otherwise go to the Veterans' Commission Capital Improvement Trust Fund.

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 466-Munzlinger (S37)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 467 ***

SCS SB 467

4291S.03C

SENATE SPONSOR: Munzlinger

SCS/SB 467 - This act requires state departments and divisions that accept federal grants of over one million dollars to post information relating to the grant on the Missouri accountability portal, including the amount, origin, and purpose of the grant; any amount being transferred to another department or division; the purpose for such transfer; and how secondary recipient used the funds and the impact of that use. All costs to administer the act shall be paid out of the original grant.

The Governor shall submit a daily report stating the amounts withheld from the state operating budget to be posted on the portal.

This act contains an emergency clause.

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 467-Munzlinger (S37)

01/05/2012 Second Read and Referred S Appropriations Committee (S60)

01/11/2012 Hearing Conducted S Appropriations Committee

01/11/2012 SCS Voted Do Pass S Appropriations Committee (4291S.03C)

01/12/2012 Reported from S Appropriations Committee to Floor w/SCS (S87)

01/17/2012 S Formal Calendar S Bills for Perfection--SB 467-Munzlinger, with SCS

EFFECTIVE: Emergency Clause

*** SB 468 ***

4456S.011

SENATE SPONSOR: Munzlinger

SB 468 - 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.

The act also modifies Missouri law relating to the prevailing wage.

The definition of "construction" only includes new construction, enlargement, or major alteration. Reconstruction, improvement, painting and decorating, and major repair are no longer considered construction for the purposes of prevailing wage.

"Prevailing hourly rate of wages" is defined as the mean rate of wages paid generally in the locality in which the construction is being performed.

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 no longer be considered when determining wage rates and the rate shall be the mean 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.

This act is similar to SB 175 (2011) and SB 176 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 468-Munzlinger (S37)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 469 ***

4433S.011

SENATE SPONSOR: Dixon

SB 469 - This act modifies provisions regarding the updating and review of administrative rules. The Secretary of State is given the authority to make non-substantive changes to the Code of State Regulations to update state agency information, such as name or address changes.

This act provides that every state administrative rule that is filed by any state agency after August 28, 2012, shall automatically sunset ten years after their effective date. The act creates a schedule for the expiration of currently enacted rules. If an agency wants to continue the effectiveness of the rule beyond ten years, the agency shall repromulgate the rule at least once every ten years after its sunset.

For each rule filed, amended or repromulgated under this act, the agency shall review the rule to determine whether the rule: continues to be necessary or is obsolete; duplicates, overlaps or conflicts with other state, federal or local rules; needs changes or should be rescinded in order to reduce regulatory burdens on businesses, individuals or political subdivisions, or to eliminate unnecessary paperwork; and whether a less restrictive, more narrowly tailored rule could adequately protect the public or accomplish the same statutory purpose.

Within sixty days after receipt by an agency of a petition filed by an individual requesting an agency to adopt, amend or repeal a rule, the act requires an agency to submit a written response to the petitioner, the Joint Committee on Administrative Rules, and the Commissioner of Administration containing its determination, along with the basis for its determination.

The Joint Committee on Administrative Rules shall provide a semi-annual report to state departments and the Secretary of State on rules that are scheduled to expire, however, the state agencies retain ultimate responsibility for monitoring the effectiveness of their rules.

This act is similar to SB 350 (2011) and HCS/HB 697 (2011).

JIM ERTLE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 469-Dixon (S37)

01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S60)

01/11/2012 Hearing Conducted S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2012

*** SB 470 ***

4430S.011

SENATE SPONSOR: Dixon

SB 470 - This act modifies provisions relating to the regulation of household goods movers. These provisions are similar to the ones contained in the truly agreed to version of HB 430 (2011) and in SB 58 (2011).

Under 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 (Sections 387.040 and 387.050).

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 (Sections 387.080 and 390.116).

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 (Section 387.110).

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 (Section 387.207)

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 (Section 387.355).

The act eliminates the requirement that household goods or non charter passenger carriers demonstrate that their proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. Concomitantly, applicants for household goods or passenger certificates or permits 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 or passenger 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.

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

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, 2012, 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 (Section 390.280).

The act provides that nothing contained in the provisions of Sections 390.051 to 390.116 shall be construed to alter the obligation of compliance by carriers transporting passengers point-to-point within the regional taxicab district of St. Louis (Section 390.280).

Beginning August 28, 2012, 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).

This act requires the commission to establish consumer protection requirements for household goods carriers (Section 387.137).

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 for a complaint dismissal, and provide other information (Section 387.139).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 470-Dixon (S37)

01/05/2012 Second Read and Referred S Transportation Committee (S60)

01/11/2012 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2012

SENATE SPONSOR: Dixon

SB 471 - The Children in Crisis Tax Credit program currently provides an income tax credit for contributions to child advocacy centers, crisis care centers, and entities that receive funding from the Court-Appointed Special Advocate Fund. This act extends the sunset on this tax credit program from August 28, 2012 to August 28, 2018.

This act is identical to HB 958 (2011).

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 471-Dixon (S37)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S60)

EFFECTIVE: August 28, 2012

*** SB 472 ***

4324S.031

SENATE SPONSOR: Kraus

SB 472 - This act modifies provisions of existing tax credit programs and requires the Department of Revenue to apply any increase in revenue generated from these modifications to a decrease in the corporate income tax rate. The Director of Revenue is required to accomplish this decrease in the corporate income tax rate by rule.

The act prohibits the authorization of further tax credits after August 28, 2012 under the following tax credit programs: the distressed areas land assemblage tax credit program, the business facility tax credit program, the wood energy producer tax credit program, the neighborhood preservation tax credit program, the rebuilding communities tax credit program, the film production tax credit program, the enhanced enterprise zone tax benefit program, the family farm breeding livestock loan tax credit, and the Brownfield redevelopment tax credit program. The act also repeals the rolling stock tax credit and the charcoal producers tax credit.

The act also prohibits the Department of Economic Development from approving any new notices of intent or entering into any new agreements with qualified manufacturers under the manufacturing jobs act after August 28, 2012.

The act also ends tax credits under the qualified beef tax credit program, the wine and grape production tax credit program, the agricultural product utilization contributor tax credit program, and the new generation cooperative incentive tax credit program effective December 31, 2012.

LOW-INCOME HOUSING TAX CREDITS

The act establishes a one hundred ten million dollar cap for authorizations of 9% low-income housing tax credits for FY 2013. For each subsequent fiscal year from FY 2014 to FY 2016 the amount of 9% low-income housing tax credits which may be authorized is gradually reduced such that beginning FY 2016, no more than twenty-seven and a half million dollars in 9% low-income housing tax credits may be authorized each fiscal year.

Authorizations of 4% low-income housing tax credits are capped at twenty million dollars for FY 2013. For each subsequent fiscal year the amount of 4% low-income housing tax credits which may be authorized is reduced by five million dollars, such that after June 30, 2015, no more than five million dollars in 4% low-income housing tax credits may be authorized each fiscal year.

The stacking of state 9% low-income housing tax credits with state historic preservation tax credits for the same project is prohibited. The carry-back for low-income housing tax credits is reduced from three years to two years.

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 2013, this act would prohibit the Department of Economic Development from approving more than eighty million dollars in historic preservation tax credits increased by the amount of any rescissions of approved applications for such

tax credits. For each subsequent fiscal year the amount is reduced by twenty million dollars, so that after June 30, 2015, no more than twenty million dollars in these historic preservation tax credits may be authorized each fiscal year. Projects which would receive less than two hundred seventy-five thousand dollars in tax credits will be subject to a ten million dollar fiscal year cap for fiscal year 2013, which is gradually reduced so that after June 30, 2015, no more than two and a half million dollars in these tax credits may be authorized each fiscal year.

NON-INCOME PRODUCING RESIDENTIAL PROJECTS

The act prohibits the Department from issuing more than one hundred twenty-five thousand dollars in historic preservation tax credits per project for non-income producing residential rehabilitation projects.

TRANSITION RULES

Applicants for projects that, as of August 28, 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.

STACKING

The act also prohibits the stacking of state historic preservation tax credits with state 9% low-income housing tax credits. Historic preservation tax credits will now be capable of being carried back one year or forward five years.

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 472-Kraus (S37)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S60)

01/19/2012 Hearing Scheduled S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2012

*** SB 473 ***

4177S.011

SENATE SPONSOR: Kraus

SB 473 - 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. Costs incurred by the state and its political subdivisions due to the lack of enforcement shall be provided by the State Auditor and sought by the Attorney General.

This act is similar to SB 72 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 473-Kraus (S37)

01/05/2012 Second Read and Referred S Governmental Accountability Committee (S60)

EFFECTIVE: Contingent

*** SB 474 ***

4439S.011

SENATE SPONSOR: Kraus

SB 474 – This act requires the Department of Social Services to request the federal Department of Agriculture, Food and Nutrition Service (FNS) to mandate the use of photo identification for continued eligibility in the food stamp program administered in Missouri. Upon six months after approval of the request by FNS, the department shall issue a photo identification card to each eligible household as proof of food stamp eligibility.

The department shall adopt rules for the use of photo identification cards required under this act, including rules for whether the department shall:

(1) issue separate photo identification cards to other eligible household members or the household's authorized representative; or

(2) list such additional persons on the photo identification card issued to the eligible household.

ADRIANE CROUSE

12/01/2011 Prefiled
 01/04/2012 S First Read--SB 474-Kraus (S37)
 01/05/2012 Second Read and Referred S Governmental Accountability Committee (S60)
 01/11/2012 Hearing Conducted S Governmental Accountability Committee

EFFECTIVE: August 28, 2012

*** SB 475 ***

4438S.021

SENATE SPONSOR: Lamping

SB 475 – This act mandates that the Governor and Lieutenant Governor candidates shall be elected jointly. There shall be no primary election for the office of Lieutenant Governor. Once a candidate for Governor wins the primary of his political party, or otherwise becomes qualified to be a candidate for Governor at the general election, such candidate shall choose a running mate for lieutenant governor. The gubernatorial candidate is responsible for certifying his choice for running mate to the Secretary of State no later than the eleventh Tuesday before the general election. If a gubernatorial candidate fails to certify his running mate to the Secretary of State by such date, then the candidate shall be deemed to have withdrawn as a candidate for Governor.

The passage of this act is contingent upon voter approval of a senate joint resolution amending the Missouri Constitution to require the joint election of the Governor and Lieutenant Governor.

This act is similar to SB 1114 (2002).

JIM ERTLE

12/01/2011 Prefiled
 01/04/2012 S First Read--SB 475-Lamping (S37-38)
 01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S61)

EFFECTIVE: Contingent

*** SB 476 ***

4434S.011

SENATE SPONSOR: Lamping

SB 476 - 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 more than once. Lenders shall not make loans to consumers who have one outstanding or within one day of a borrower paying a previous loan.

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 15 days.

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.

The Division of Finance is required to develop and administer a real-time statewide compliance system for payday lenders to record each payday loan transaction.

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), SB 811 (2010), and SB 295 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled
 01/04/2012 S First Read--SB 476-Lamping (S38)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections
Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 477 ***

4227S.011

SENATE SPONSOR: Crowell

SB 477 - 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 is identical to SB 199 (2011) and 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

12/01/2011 Prefiled

01/04/2012 S First Read--SB 477-Crowell (S38)

01/05/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment
Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 478 ***

4454S.011

SENATE SPONSOR: Crowell

SB 478 - This act eliminates retirement benefits for members of the General Assembly and statewide elected officials who first take office on or after January 1, 2013. A retired state employee who retired under the year 2000 plan and holds one of these elected offices for the first time on or after January 1, 2013 will also be prohibited from receiving retirement benefits from the Missouri State Employees' Retirement System or the Missouri Department of Transportation and Highway Patrol Employees' Retirement System during his or her term of office.

This act also eliminates life insurance and disability insurance coverage for these elected officials and makes them ineligible to have health insurance through the Missouri Consolidated Health Care Plan. These

elected officials will also no longer be able to purchase medical insurance coverage from the Missouri Consolidated Health Care Plan after they cease to hold elective office.

MIKE HAMMANN

12/01/2011 Prefiled

01/04/2012 S First Read--SB 478-Crowell (S38)

01/05/2012 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S61)

01/18/2012 Hearing Scheduled S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2012

*** SB 479 ***

4455S.011

SENATE SPONSOR: Crowell

SB 479 - This act eliminates retirement benefits for members of the General Assembly and statewide elected officials who first take office on or after January 1, 2013. A retired state employee who retired under the Year 2000 plan and holds one of these elected offices for the first time on or after January 1, 2013 will also be prohibited from receiving retirement benefits from the Missouri State Employees' Retirement System or the Missouri Department of Transportation and Highway Patrol Employees' Retirement System during his or her term of office.

This act also eliminates basic life insurance and disability insurance coverage for these elected officials, but gives the official the option to purchase life insurance and disability insurance through the state. These elected officials will be required to pay all of the cost of the premiums for any health insurance they choose to receive from the Missouri Consolidated Health Care Plan and are prohibited from receiving any contribution from the state towards their retiree health insurance premium.

MIKE HAMMANN

12/01/2011 Prefiled

01/04/2012 S First Read--SB 479-Crowell (S38)

01/05/2012 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S61)

01/18/2012 Hearing Scheduled S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2012

*** SB 480 ***

4472S.011

SENATE SPONSOR: Stouffer

SB 480 - This act provides an exemption from state and local sales and use taxes for motor vehicles licensed for a gross weight of 24,000 pounds or more or trailers used by motor carriers in the transportation of persons or property. The current sales tax exemption only applies to motor vehicle and trailers used by common carriers (Section 144.030). In addition, the act modifies the definition of the term "common carrier" by removing the qualification that it must "hold itself out to the general public" to engage in the transportation of passengers or property (Section 390.020).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 480-Stouffer (S38)

01/05/2012 Second Read and Referred S Transportation Committee (S61)

01/18/2012 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2012

*** SB 481 ***

4386S.011

SENATE SPONSOR: Stouffer

SB 481 - 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, 2015.

The act creates an income tax credit equal to fifty percent of the amount of an eligible donation made, on or after January 1, 2012, 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 Social Services for the tax credits. The provisions of this act shall automatically sunset six years after August 28, 2012 unless reauthorized.

This act is similar to the perfected version of SB 100 (2011), SB 608 (2010) and contains provisions similar to those in SB 71 (2009) and SB 1274 (2008).

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 481-Stouffer (S38)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 482 ***

4385S.011

SENATE SPONSOR: Stouffer

SB 482 – 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 \$30,000 to \$50,000 per year.

This act is identical to SB 268 (2011).

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 482-Stouffer (S38)

01/05/2012 Second Read and Referred S Education Committee (S61)

01/11/2012 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2012

*** SB 483 ***

4258S.011

SENATE SPONSOR: Rupp

SB 483 – 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 weighted 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, 2013, the Department of Higher Education, in cooperation with the Department of Elementary and Secondary Education, must prepare a publication about the program and post it on its website.

This act is identical to SCS/SB 130 (2011) and similar to SB 907 (2010).

MICHAEL RUFF

12/01/2011 Prefiled

01/04/2012 S First Read--SB 483-Rupp (S38)

01/05/2012 Second Read and Referred S Education Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 484 ***

4252S.011

SENATE SPONSOR: Rupp

SB 484 - 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 the use of a fax or text message.

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 SS/SB 9 (2011) and similar to 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

12/01/2011 Prefiled

01/04/2012 S First Read--SB 484-Rupp (S38)

01/05/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 485 ***

4504S.011

SENATE SPONSOR: Cunningham

SB 485 - 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 vehicles, aircraft, vessels, outboard motors, and trailers 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.

This act is identical to SB 159 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 485-Cunningham (S38)

01/05/2012 Second Read and Referred S Transportation Committee (S61)

01/18/2012 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2012

*** SB 486 ***

4411S.011

SENATE SPONSOR: Wright-Jones

SB 486 - 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), SB 694 (2010), and SB 84 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 486-Wright-Jones (S38)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S61)

01/17/2012 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2012

*** SB 487 ***

4410S.011

SENATE SPONSOR: Wright-Jones

SB 487 - This act requires the Commissioner of the Office of Administration to cause a disparity study to be conducted to measure the participation of minority business enterprises and women business enterprises in contracts for supplies, services, and contracts with the state. The study shall be completed by December 31, 2013 and delivered to the newly created Minority Business Enterprise and Women's Business Enterprise Oversight Review Committee by that time.

The committee shall review the results of the disparity study and make recommendations to the Office of Equal Opportunity by March 31, 2014 to be implemented by the office.

The provisions of the act shall expire on January 1, 2015.

This act is similar to HB 1484 (2009), SB 1066 (2010), and SB 47 (2011).

CHRIS HOGERTY

12/01/2011 Prefiled

01/04/2012 S First Read--SB 487-Wright-Jones (S39)

01/05/2012 Second Read and Referred S Progress and Development Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 488 ***

4403S.011

SENATE SPONSOR: Wright-Jones

SB 488 - State-funded buildings over 5,000 square feet constructed after August 28, 2012 must be certified, at minimum, as meeting the Two Globes level under the Green Globes building rating system. The act prescribes certain points that must be earned in achieving the Two Globes 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 Two Globes standard, 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 standard.

The act requires periodic inspections of buildings built to the Two Globes standard. 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 SCS/SB 22 (2011) and similar to SB 952 (2010).

ERIKA JAQUES

12/01/2011 Prefiled
01/04/2012 S First Read--SB 488-Wright-Jones (S39)
01/05/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment
Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 489 ***

4464S.011

SENATE SPONSOR: Munzlinger

SB 489 - This act reenacts a provision that was rescinded from law by HB 294 (2011). The provision authorizes the use of certain otherwise unlawful weapons if the weapons are being dealt with as curios, ornaments, or keepsakes.

Training requirements for concealed carry endorsement applicants were increased in HB 294 (2011). This act adopts a grandfather clause for those who were issued a firearms safety training certificate prior to the date the standards were increased, so these certificate-holders can receive a concealed carry endorsement without having to retake a training course.

MEGHAN LUECKE

12/01/2011 Prefiled
01/04/2012 S First Read--SB 489-Munzlinger (S39)
01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 490 ***

4458S.011

SENATE SPONSOR: Munzlinger

SB 490 - 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.

This act is similar to SB 278 (2011).

EMILY KALMER

12/01/2011 Prefiled
01/04/2012 S First Read--SB 490-Munzlinger (S39)
01/05/2012 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee
(S61)

EFFECTIVE: August 28, 2012

*** SB 491 ***

4459S.011

SENATE SPONSOR: Munzlinger

SB 491 - Under current law, the Department of Agriculture may acquire farmland for the Missouri Farmland Trust through various methods, including donation, purchase, or lease. The act modifies the law so that land may only be acquired by donation. The act requires the department to compensate counties for lost property tax revenue on the land.

Provided that a gas station is in compliance with the state ethanol mandate, the gas station owner is not liable for damage caused to a customer's vehicle from use of ethanol-blended fuel purchased from the gas station.

ERIKA JAQUES

12/01/2011 Prefiled
01/04/2012 S First Read--SB 491-Munzlinger (S39)
01/05/2012 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee
(S61)

EFFECTIVE: August 28, 2012

*** SB 492 ***

4489S.011

SENATE SPONSOR: Crowell

SB 492 - Members of the General Assembly and statewide elected officials who first take office on or after January 1, 2013, will no longer have retirement benefits determined based on a different formula than other state employees who are under the year 2000 plan.

MIKE HAMMANN

12/01/2011 Prefiled

01/04/2012 S First Read--SB 492-Crowell (S39)

01/05/2012 Second Read and Referred S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee (S61)

01/18/2012 Hearing Scheduled S Veterans' Affairs, Emerging Issues, Pensions and Urban Affairs Committee

EFFECTIVE: August 28, 2012

*** SB 493 ***

4384S.011

SENATE SPONSOR: Stouffer

SB 493 - 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.

This act is similar to SB 224 (2011).

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 493-Stouffer (S39)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 494 ***

4416S.011

SENATE SPONSOR: Wright-Jones

SB 494 – 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 physician or an authorized person under state law 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.

This act is substantially similar to SB 346 (2011).

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 494-Wright-Jones (S39)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 495 ***

4419S.011

SENATE SPONSOR: Wright-Jones

SB 495 – This act establishes the Compassionate Assistance for Rape Emergencies (CARE) Act and provides that hospitals and health care facilities are required to do the following:

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

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

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

This act is identical to SB 396 (2011).

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 495-Wright-Jones (S39)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 496 ***

4418S.011

SENATE SPONSOR: Wright-Jones

SB 496 – 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, 2013, and shall be initially funded with five million dollars. The goal of the program is to reduce the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers, as determined by the department. This program shall sunset in six years, unless reauthorized by the General Assembly (SECTION 192.970).

PATIENT PROTECTION

Upon receipt of a valid and lawful prescription or upon a lawful request for contraception approved for over-the-counter use, a licensed pharmacy shall dispense the prescribed drug or device without delay, consistent with the normal time frame for filling any other prescription and shall fulfill the request for the over-counter drug in a timely fashion.

When the customer requests a prescribed drug or device, or contraception approved for over-the-counter use, and such drug or device is not in stock, the pharmacy shall offer the customer the option of having the pharmacy obtain the contraception under the pharmacy's standard procedures for expediting ordering of any drug or device not in stock or the pharmacy may locate another pharmacy of the customer's choice or closest pharmacy that has the drug or device in stock and transfer the customer's prescription to that pharmacy, if necessary. The pharmacy shall perform the customer's chosen option in a timely fashion.

The pharmacy shall ensure that it does not intimidate, threaten, or harass its customers in the delivery of services.

Nothing in this act shall prohibit a licensed pharmacy from refusing to dispense a prescribed drug or device in accordance with standard pharmacy practice if there is a valid medical concern or if the customer is unable to pay for the drug or device. (SECTIONS 338.012 AND 338.014).

This act is identical to SB 348 (2011).

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 496-Wright-Jones (S39)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 497 ***

4358S.011

SENATE SPONSOR: Munzlinger

SB 497 - This act increases the penalties for the crimes of trespassing and false impersonation. Under this act, first degree trespassing becomes a Class A misdemeanor, second degree trespassing becomes a Class B misdemeanor, false impersonation becomes a Class D felony, and false impersonation of a law enforcement officer becomes a Class C felony.

In addition, this act creates the crime of impersonation of a public servant, which is a Class C felony. Public servant is defined under the act.

MEGHAN LUECKE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 497-Munzlinger (S39)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 498 ***

4076S.011

SENATE SPONSOR: Munzlinger

SB 498 - Under current law, cities are prohibited from passing laws that restrict 501(c)(3) organizations from operating retail businesses that sell donated items when the organizations use at least 80% of the revenue to fund their charitable purposes. This act expands the law to also include 501(c)(19) organizations and removes the 80% requirement.

ERIKA JAQUES

12/01/2011 Prefiled

01/04/2012 S First Read--SB 498-Munzlinger (S39)

01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S61)

01/18/2012 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2012

*** SB 499 ***

4095S.011

SENATE SPONSOR: Munzlinger

SB 499 - This act imposes an additional one dollar admission fee on excursion gambling boat licensees beginning August 28, 2012. The revenues generated by the additional admission fee will be deposited to the credit of the Veterans Commission Capital Improvement Trust Fund.

This act is similar to SB 385 (2011).

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 499-Munzlinger (S40)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 500 ***

4420S.011

SENATE SPONSOR: Wright-Jones

SB 500 – This act modifies provisions relating to certain health care professionals.

STATE LEGAL EXPENSE FUND

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.

These provisions are identical to SB 40 (2011).

PATIENT SAFETY

This act modifies laws regarding hospital patient safety. Under the act, each hospital is required to establish a patient safety committee by January 1, 2013, to design and recommend the process for implementing a safe patient handling program, which shall be implemented by July 1, 2013. 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, 2016, 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, 2014, 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, 2017 and December 1, 2019.

These provisions are identical to SB 39 (2011).

ADRIANE CROUSE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 500-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 501 ***

4415S.011

SENATE SPONSOR: Wright-Jones

SB 501 - 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.

The act is identical to SB 345 (2011).

ERIKA JAQUES

12/01/2011 Prefiled

01/04/2012 S First Read--SB 501-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Education Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 502 ***

4409S.011

SENATE SPONSOR: Wright-Jones

SB 502 - This act allows elected officials to be excused from jury duty during their term of office.

This act is similar to SB 46 (2011), SB 695 (2010), SB 476 (2009), and HB 1091 (2006).

MIKE HAMMANN

12/01/2011 Prefiled

01/04/2012 S First Read--SB 502-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 503 ***

4412S.011

SENATE SPONSOR: Wright-Jones

SB 503 – 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.

This act is identical to SB 184 (2011) and is similar to provisions contained in HCS/HB 473 (2011).

MICHAEL RUFF

12/01/2011 Prefiled

01/04/2012 S First Read--SB 503-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Education Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 504 ***

4406S.011

SENATE SPONSOR: Wright-Jones

SB 504 - 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 45 (2011), SB 687 (2010) and HB 2588 (2008).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 504-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Transportation Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 505 ***

4405S.011

SENATE SPONSOR: Wright-Jones

SB 505 - 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 44 (2011), SB 642 (2010) and SB 475 (2009).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 505-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 506 ***

4413S.011

SENATE SPONSOR: Wright-Jones

SB 506 - 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 343 (2011), SB 330 (2009), SB 814 (2010) and HB 487 (2009).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 506-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S61)

EFFECTIVE: August 28, 2012

*** SB 507 ***

4414S.011

SENATE SPONSOR: Wright-Jones

SB 507 - 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.

This act is identical to SB 344 (2011).

STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 507-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 508 ***

4417S.011

SENATE SPONSOR: Wright-Jones

SB 508 - 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.

This provision may also be found in SB 347 (2011) and the truly agreed to version of HB 430 (2011).
STEPHEN WITTE

12/01/2011 Prefiled

01/04/2012 S First Read--SB 508-Wright-Jones (S40)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 509 ***

4508S.011

SENATE SPONSOR: Wright-Jones

SB 509 - This act authorizes the governing body of St. Louis City to designate areas within the city 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.

This act is similar to SB 224 (2011).
EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SB 509-Wright-Jones (S40-41)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 510 ***

4503S.011

SENATE SPONSOR: Cunningham

SB 510 - 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 identical to SB 52 (2011) and similar to provisions contained within SB 671 (2010).
EMILY KALMER

12/02/2011 Prefiled

01/04/2012 S First Read--SB 510-Cunningham (S41)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 511 ***

4476S.011

SENATE SPONSOR: Schaaf

SB 511 - This act provides that no amendments shall be made to the Missouri State Medicaid Plan without first obtaining approval from the Joint Committee on MO HealthNet.
ADRIANE CROUSE

12/02/2011 Prefiled

01/04/2012 S First Read--SB 511-Schaaf (S41)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 512 ***

4328S.011

SENATE SPONSOR: Schaaf

SB 512 - 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.

This act is identical to SB 214(2011).

ADRIANE CROUSE

12/02/2011 Prefiled

01/04/2012 S First Read--SB 512-Schaaf (S41)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 513 ***

4226S.011

SENATE SPONSOR: Crowell

SB 513 - This act prohibits the approval of new applications under the Missouri Downtown Economic Stimulus Act after August 28, 2012.

This act is similar to SB 143 (2010).

EMILY KALMER

12/05/2011 Prefiled

01/04/2012 S First Read--SB 513-Crowell (S41)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 514 ***

4223S.011

SENATE SPONSOR: Crowell

SB 514 - 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), SB 888 (2010), SB 1 (2011), and SB 109 (2011).

CHRIS HOGERTY

12/05/2011 Prefiled

01/04/2012 S First Read--SB 514-Crowell (S41)

01/05/2012 Second Read and Referred S General Laws Committee (S62)

01/17/2012 Hearing Scheduled S General Laws Committee

EFFECTIVE: Upon voter approval

*** SB 515 ***

4334S.011

SENATE SPONSOR: Schaaf

SB 515 - 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.

This act is identical to SCS/SB 92 (2011).

STEPHEN WITTE

12/05/2011 Prefiled

01/04/2012 S First Read--SB 515-Schaaf (S41)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 516 ***

4332S.021

SENATE SPONSOR: Schaaf

SB 516 - 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, 2012, 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, or certain family 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.

This act is similar to SB 355 (2011).

JIM ERTLE

12/05/2011 Prefiled

01/04/2012 S First Read--SB 516-Schaaf (S41)

01/05/2012 Second Read and Referred S Gubernatorial Appointments Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 517 ***

4307S.011

SENATE SPONSOR: Brown

SB 517 - This act imposes an additional \$1,500 fine for failing to drive in the right-hand lane. Under current law, vehicles must be driven in the right-hand lane except for passing another vehicle, preparing to make a left turn, or when otherwise marked by traffic signals. A violation of the current law is a Class C misdemeanor (up to 15 days in jail/ fine up to \$300).

STEPHEN WITTE

12/05/2011 Prefiled

01/04/2012 S First Read--SB 517-Brown (S41)

01/05/2012 Second Read and Referred S Transportation Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 518 ***

4162S.011

SENATE SPONSOR: Engler

SB 518 - This act allows the Department of Corrections to establish a three-year pilot program in which judges in participating counties may send a criminal offender, upon a motion by a prosecutor, to the department of corrections for 120 days for 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, 2015 on whether the program should be statewide.

This act is substantially similar to SB 352 (2011) and HB 302 (2011).

MEGHAN LUECKE

12/06/2011 Prefiled

01/04/2012 S First Read--SB 518-Engler (S41)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 519 ***

4335S.011

SENATE SPONSOR: Schaaf

SB 519 - 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.

This act is identical to SB 111 (2011).

STEPHEN WITTE

12/06/2011 Prefiled

01/04/2012 S First Read--SB 519-Schaaf (S41)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 520 ***

4359S.011

SENATE SPONSOR: Schaaf

SB 520 - This act requires a candidate who forms a committee to designate the office to which the candidate is seeking nomination or election.

This act is similar to HB 1708 (2010).

CHRIS HOGERTY

12/06/2011 Prefiled

01/04/2012 S First Read--SB 520-Schaaf (S41)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S62)

01/17/2012 Hearing Scheduled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2012

*** SB 521 ***

4368S.011

SENATE SPONSOR: Curls

SB 521 - This act requires a non-custodial parent to pay child support until his or her child reaches 22 years of age instead of 21 years of age.

This act is identical to HB 879 (2009).

ADRIANE CROUSE

12/06/2011 Prefiled

01/04/2012 S First Read--SB 521-Curls (S42)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 522 ***

4173S.011

SENATE SPONSOR: Curls

SB 522 - This act provides that pursuant to the option granted under the federal Personal Responsibility and Work Opportunity Act of 1996, an individual who has a felony conviction under federal or state law involving possession or use of a controlled substance shall be eligible for food stamp benefits if such person, as determined by the Department of Social Services, either:

(1) Successfully participates in, is accepted for treatment and is on a waiting list for, or has satisfactorily completed a substance abuse treatment program approved by the Division of Alcohol and Drug Abuse;

(2) Has been determined by a division-certified treatment provider to not need substance abuse treatment; or

(3) Complies with all obligations imposed by the court, Division of Alcohol and Drug Abuse and the Division of Probation and Parole.

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

This act is identical to HB 74 (2011).

ADRIANE CROUSE

12/06/2011 Prefiled

01/04/2012 S First Read--SB 522-Curls (S42)

01/05/2012 Second Read and Referred S General Laws Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 523 ***

4169S.011

SENATE SPONSOR: Curls

SB 523 - Under current law, a person under the age of 18 is exempt from the prohibition on youth possessing tobacco products if the youth is handling the products for the purpose of selling them in the course of his or her employment. The act removes this exemption. Any store found to have a youth selling tobacco products shall be subject to a fine of \$250 for a first violation and \$500 for subsequent violations.

This act is identical to HB 63 (2011).

ERIKA JAQUES

12/06/2011 Prefiled

01/04/2012 S First Read--SB 523-Curls (S42)

01/05/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 524 ***

4186S.011

SENATE SPONSOR: Curls

SB 524 - This act increases the number of members on the Missouri Housing Development Commission from 6 members to 8 members. The act further specifies that 3 members must serve two-year terms, 3 members must serve three-year terms, and 2 members must serve four-year terms. At least one member must be from Kansas City and one from St. Louis, who will be chosen from a panel of three selected and submitted to the Governor by the respective city councils. Under the act, 7 members shall constitute a quorum rather than the current number of 6.

This act is identical to HB 651(2011).

STEPHEN WITTE

12/06/2011 Prefiled

01/04/2012 S First Read--SB 524-Curls (S42)

01/05/2012 Second Read and Referred S General Laws Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 525 ***

4159S.011

SENATE SPONSOR: Engler

SB 525 - This act provides that beginning January 1, 2013, 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, 2013. 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 identical to SB 225 (2011) and is similar to SB 757 (2008).

MEGHAN LUECKE

12/07/2011 Prefiled

01/04/2012 S First Read--SB 525-Engler (S42)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 526 ***

4329S.011

SENATE SPONSOR: Schaaf

SB 526 - 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 SB 215 (2011).

ADRIANE CROUSE

12/07/2011 Prefiled
 01/04/2012 S First Read--SB 526-Schaaf (S42)
 01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 527 ***

4457S.011

SENATE SPONSOR: Schaaf

SB 527 – This act provides that students who have completed their secondary education through a home school program of education will receive the same consideration for higher education financial aid as non-home school students. In addition, no rule or prerequisite for financial aid may result so as to disadvantage home school students.

This act is similar to HB 1504 (2010).

MICHAEL RUFF

12/07/2011 Prefiled
 01/04/2012 S First Read--SB 527-Schaaf (S42)
 01/05/2012 Second Read and Referred S Education Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 528 ***

4459S.021

SENATE SPONSOR: Wright-Jones

SB 528 - This act allows motorists to obtain "I HAVE A DREAM" special license plates after making an annual contribution of \$25 to the Martin Luther King Jr. State Celebration Commission Fund. The act requires all contributions be credited to the Martin Luther King Jr. State Celebration Commission Fund. Monies in the fund shall be used for the sole purpose of funding appropriate activities for the recognition and celebration of Martin Luther King, Jr. Day in Missouri. Upon payment of the \$25 contribution to the Martin Luther King Jr. state celebration commission fund, the payment of a \$15 fee in addition to regular registration fees, and the presentment of other legal documents, the director shall issue to the vehicle owner the "I HAVE A DREAM" special license plates. The act requires the director to consult with the Martin Luther King Jr. State Celebration Commission and the Office of Administration when formulating the design for the "I HAVE A DREAM" special license plate.

STEPHEN WITTE

12/08/2011 Prefiled
 01/04/2012 S First Read--SB 528-Wright-Jones (S42)
 01/05/2012 Second Read and Referred S Transportation Committee (S62)
 01/18/2012 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2012

*** SB 529 ***

4336S.011

SENATE SPONSOR: Schaaf

SB 529 - 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 SB 136 (2011).

ADRIANE CROUSE

12/08/2011 Prefiled
 01/04/2012 S First Read--SB 529-Schaaf (S42)
 01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 530 ***

4330S.011

SENATE SPONSOR: Schaaf

SB 530 - Current allocations of tax revenues derived from the nonresident entertainer and athlete tax to the Missouri arts council trust fund, the Missouri humanities council trust fund, the Missouri state library networking fund, Missouri public television broadcasting corporation special fund, and the 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 SB 293 (2011) and HB 429 (2011).

EMILY KALMER

12/08/2011 Prefiled

01/04/2012 S First Read--SB 530-Schaaf (S42)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 531 ***

4374S.011

SENATE SPONSOR: Lamping

SB 531 - This act modifies the low-income housing tax credit program and the historic preservation tax credit program. The Department of Revenue is required to apply any increase in revenue generated from capping these tax credit programs to a decrease in the personal income tax rate to begin on January 1, 2016. The Department of Revenue is required to accomplish this decrease in the personal income tax rate by rule.

LOW-INCOME HOUSING TAX CREDITS

The act establishes a one hundred ten million dollar cap for authorizations of 9% low-income housing tax credits for FY 2014. For each subsequent fiscal year from FY 2015 to FY 2017 the amount of 9% low-income housing tax credits which may be authorized is gradually reduced such that beginning FY 2017, no more than seventy million dollars in 9% low-income housing tax credits may be authorized each fiscal year.

Authorizations of 4% low-income housing tax credits are capped at fifteen million dollars for FY 2014. For each subsequent fiscal year the amount of 4% low-income housing tax credits which may be authorized is reduced by five million dollars. After June 30, 2016, no 4% low-income housing tax credits may be authorized.

The act prohibits the authorization of low-income housing tax credits after August 28, 2018. The stacking of state 9% low-income housing tax credits with state historic preservation tax credits for the same project is prohibited. The carry-back for low-income housing tax credits is reduced from three years to two years.

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 2014, and each fiscal year thereafter, this act would prohibit the Department of Economic Development from approving more than eighty 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 a ten million dollar fiscal year cap.

Non-Income Producing Residential Projects:

The act prohibits the department from issuing more than one hundred twenty-five thousand dollars in historic preservation tax credits per project for non-income producing residential rehabilitation projects.

Transition Rules:

Applicants for projects that, as August 28, 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.

Stacking:

The act also prohibits the stacking of state historic preservation tax credits with state 9% low-income housing tax credits. Historic preservation tax credits will now be capable of being carried back one year or forward five years.

EMILY KALMER

12/08/2011 Prefiled
 01/04/2012 S First Read--SB 531-Lamping (S42)
 01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S62)
 01/19/2012 Hearing Scheduled S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2012

*** SB 532 ***

4635S.011

SENATE SPONSOR: Schaefer

SB 532 - This act modifies the sunset of the tax credit for donations to food pantries, so that the program that expired August 28, 2011, expires August 28, 2022.

EMILY KALMER

12/09/2011 Prefiled
 01/04/2012 S First Read--SB 532-Schaefer (S42)
 01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 533 ***

4407S.011

SENATE SPONSOR: Schaaf

SB 533 - Under this act a certificate of need shall not be required for a proposed project which creates ten or more new full-time jobs. The person proposing the project is required to submit a letter of intent and a report of the number of jobs and such other information as may be required by the Health Facilities Review Committee to document the basis for not requiring a certificate of need. If the letter of intent and report document that ten or more new full-time jobs shall be created, the committee shall respond within thirty days to such person with an approval of the non-applicability of a certificate of need. No job that was created prior to the approval of non-applicability of a certificate of need shall be deemed a new job. For purposes of this amendment, a "full-time employee" means an employee of the person that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the person offers health insurance and pays at least fifty-percent of such insurance premiums.

These provisions are substantially similar to provisions in SB 10 (Special Session 2011).

ADRIANE CROUSE

12/09/2011 Prefiled
 01/04/2012 S First Read--SB 533-Schaaf (S43)
 01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 534 ***

4333S.011

SENATE SPONSOR: Schaaf

SB 534 - 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.

This act is identical to SB 76 (2011).

STEPHEN WITTE

12/09/2011 Prefiled
 01/04/2012 S First Read--SB 534-Schaaf (S43)
 01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 535 ***

4645S.011

SENATE SPONSOR: Chappelle-Nadal

SB 535 - This act modifies provisions relating to the St. Louis police force.

No elected or appointed official of the state or a political subdivision may interfere with any member of the St. Louis police force in the performance of his or her job duties or in any investigation or else face a penalty of \$15,000 and disqualification from office.

This act also makes it an unlawful employment practice to take certain adverse employment actions against an employee of the St. Louis police force for reporting the illegal conduct of a co-worker.

The City of St. Louis is authorized by this act to establish a municipal police force, no sooner than January 1, 2013, after certain conditions have been met and according to certain procedures. For instance, the city is required to amend its charter to repeal its residency rule and the city is prohibited from requiring its employees to live in the city for more than seven years.

The city must also hire a public safety director who has at least ten years experience in correctional management and the director must complete continuing education courses in correctional management every year.

The terms of the commissioners of the board of police shall expire upon the establishment of the police force and several provisions of current law shall no longer apply to the city or its municipal police force, but the act shall not be construed as changing the retirement benefits provided under current law.

The municipal police force is required to employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners. These employees may not be fired or have their salary, benefits, or ranks reduced except for cause and only after certain disciplinary procedures have been followed.

Under this act, the city may adopt rules for the police force, but disciplinary decisions shall be governed by the civil service commission's rules. The commission shall issue decisions in appeals of disciplinary actions, which shall be subject to appeal.

The city must provide or contract for certain benefits. Health, medical, and life insurance must be available for purchase by the spouses, domestic partners, or dependents of deceased retired officers and employees who receive benefits from the Police Retirement System of St. Louis.

This act requires the city to create a transition committee to coordinate and implement the transition of the police force to the city.

This act provides that the city shall not be restricted in any way in the selection of a police chief. Under this act, the police chief may require the city's sheriff and other local and municipal law enforcement officers to act under the chief's control when needed.

This act further provides that any person who acts as a private watchman, private detective, or private policeman in St. Louis without having obtained a written license is guilty of a Class A misdemeanor.

This act modifies the definitions of "earnable compensation" 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. The makeup of the St. Louis Police Retirement System Board of Trustees is also modified.

This act provides, in the event the state or any state official is ordered to provide state funds to St. Louis City to satisfy pension obligations for members of the Police Retirement System of St. Louis, that the amount of the funds shall constitute a first lien on the funds of the city. The state treasurer and director of the department of revenue are required to withhold all money due to the city until the amount, together with interest, is satisfied.

The State Legal Expense Fund will no longer reimburse the St. Louis Board of Police Commissioners for up to a maximum of one million dollars per fiscal year for claims tendered to the Attorney General after the effective date of this act. The Attorney General will continue to provide legal representation for claims tendered by the board of police commissioners before the effective date of this act.

Some of the provisions of this act are nonseverable.

This act is similar to SS/HB 1 (2011), SB 23 (2011), and HB 71 (2011).
MEGHAN LUECKE

12/09/2011 Prefiled
01/04/2012 S First Read--SB 535-Chappelle-Nadal (S43)
01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections
Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 536 ***

4100S.011

SENATE SPONSOR: Chappelle-Nadal

SB 536 - 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 SB 43 (2011).
ADRIANE CROUSE

12/09/2011 Prefiled
01/04/2012 S First Read--SB 536-Chappelle-Nadal (S43)
01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 537 ***

4097S.011

SENATE SPONSOR: Chappelle-Nadal

SB 537 - 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 SB 30 (2011) and HB 1338 (2010).
MEGHAN LUECKE

12/09/2011 Prefiled
01/04/2012 S First Read--SB 537-Chappelle-Nadal (S43)
01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 538 ***

4102S.011

SENATE SPONSOR: Chappelle-Nadal

SB 538 - 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 similar to SB 41 (2011).
ADRIANE CROUSE

12/09/2011 Prefiled
01/04/2012 S First Read--SB 538-Chappelle-Nadal (S43)
01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S62)

EFFECTIVE: August 28, 2012

*** SB 539 ***

4105S.011

SENATE SPONSOR: Chappelle-Nadal

SB 539 - 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), and SB 314 (2011).

CHRIS HOGERTY

12/09/2011 Prefiled

01/04/2012 S First Read--SB 539-Chappelle-Nadal (S43)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 540 ***

4099S.011

SENATE SPONSOR: Chappelle-Nadal

SB 540 - 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), and SB 315 (2011).

CHRIS HOGERTY

12/09/2011 Prefiled

01/04/2012 S First Read--SB 540-Chappelle-Nadal (S43)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 541 ***

4103S.011

SENATE SPONSOR: Chappelle-Nadal

SB 541 - 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 SB 32 (2011) and HB 1753 (2010).

EMILY KALMER

12/09/2011 Prefiled

01/04/2012 S First Read--SB 541-Chappelle-Nadal (S43)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 542 ***

4110S.011

SENATE SPONSOR: Chappelle-Nadal

SB 542 - 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.

The use of remaining direct-record electronic voting machines shall be phased out upon mechanical failure and finally by January 1, 2014, and paper ballot marking devices shall be used to assist disabled voters.

This act is similar to HB 1490 (2010), and SB 418 (2011).

CHRIS HOGERTY

12/09/2011 Prefiled
01/04/2012 S First Read--SB 542-Chappelle-Nadal (S43)
01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections
Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 543 ***

4111S.011

SENATE SPONSOR: Chappelle-Nadal

SB 543 – This act modifies provisions relating to elementary and secondary education.

SUPERINTENDENT EVALUATIONS: By June 30, 2013, 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)

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)

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 by a percent equal to the percent by which the amount of funds spent on teacher compensation was reduced. (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 report 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)

This act is identical to SCS/SB 99 (2011).

MICHAEL RUFF

12/09/2011 Prefiled
01/04/2012 S First Read--SB 543-Chappelle-Nadal (S43)
01/05/2012 Second Read and Referred S Education Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 544 ***

4109S.011

SENATE SPONSOR: Chappelle-Nadal

SB 544 - 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, 2014, 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, 2012.

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), SB 1063 (2010), and SB 382 (2011).

MIKE HAMMANN

12/09/2011 Prefiled

01/04/2012 S First Read--SB 544-Chappelle-Nadal (S43)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S63)

01/17/2012 Hearing Cancelled S Financial and Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2012

*** SB 545 ***

4104S.011

SENATE SPONSOR: Chappelle-Nadal

SB 545 - 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), and SB 127 (2011).

CHRIS HOGERTY

12/09/2011 Prefiled

01/04/2012 S First Read--SB 545-Chappelle-Nadal (S44)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 546 ***

4370S.011

SENATE SPONSOR: Purgason

SB 546 - The act imposes contribution limits for individuals and committees in support of candidates running for public office. Surcharges will be imposed upon committees that accept or give contributions exceeding the limits.

The limits are as follows for contributions made by or accepted from any person other than the candidate and all committees:

- \$2,500 for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, or Attorney General.
- \$1,00 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.
- \$2,500 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), and SB 648 (2010).
CHRIS HOGERTY

12/12/2011 Prefiled

01/04/2012 S First Read--SB 546-Purgason (S44)

01/05/2012 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 547 ***

4371S.011

SENATE SPONSOR: Purgason

SB 547 - 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), SB 888 (2010), SB 1 (2011), SB 109 (2011), and SB 206 (2011).
CHRIS HOGERTY

12/12/2011 Prefiled

01/04/2012 S First Read--SB 547-Purgason (S44)

01/05/2012 Second Read and Referred S General Laws Committee (S63)

01/17/2012 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2012

*** SB 548 ***

4400S.011

SENATE SPONSOR: Purgason

SB 548 - This act sunsets all tax credit programs, which are not currently subject to the Missouri Sunset Act, effective January 1, 2016.

This act is similar to SB 185 (2011).
EMILY KALMER

12/12/2011 Prefiled

01/04/2012 S First Read--SB 548-Purgason (S44)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S63)

01/19/2012 Hearing Scheduled S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2012

*** SB 549 ***

4646S.011

SENATE SPONSOR: Lembke

SB 549 – This act requires any school district that owns school buildings that have been vacant or unused for educational purposes for two consecutive school years to make them available to other public schools free of any rent or lease charge. Any public school that uses them is responsible for maintenance, upkeep, repairs, and utility charges. If no public school makes use of them, the district must sell the buildings at fair market value or make them available for lease at fair market value. A school district may retain up to twenty percent of its vacant buildings.

The terms of sale of any school facilities must not include a restriction in the deed that would prohibit the use of the facilities for educational purposes.

MICHAEL RUFF

12/12/2011 Prefiled

01/04/2012 S First Read--SB 549-Lembke (S44)

01/05/2012 Second Read and Referred S Education Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 550 ***

4331S.011

SENATE SPONSOR: Schaaf

SB 550 - 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.

This act is identical to SB 333(2011).

ADRIANE CROUSE

12/12/2011 Prefiled

01/04/2012 S First Read--SB 550-Schaaf (S44)

01/05/2012 Second Read and Referred S Health, Mental Health, Seniors and Families Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 551 ***

4617S.011

SENATE SPONSOR: Brown

SB 551 - Currently, feed for livestock or poultry and seed, limestone, and fertilizer used for crops to be fed to livestock or poultry are exempted from state and local sales tax. This act adds feed for captive wildlife and seed, limestone, and fertilizer used for crops to be fed to captive wildlife to this exemption.

This act is similar to a portion of SB 241 (2011).

EMILY KALMER

12/12/2011 Prefiled

01/04/2012 S First Read--SB 551-Brown (S44)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 552 ***

4597S.011

SENATE SPONSOR: Brown

SB 552 - Currently there is a statute of limitations time period of two years for medical malpractice actions against health care providers. This act adds veterinarians and entities providing veterinarian services to the list of health care providers. For time periods dependent on knowledge of the negligence, the animal owner's knowledge is used.

This act is identical to HB 1945 (2010).

MIKE HAMMANN

12/12/2011 Prefiled

01/04/2012 S First Read--SB 552-Brown (S44)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 553 ***

4559S.011

SENATE SPONSOR: Brown

SB 553 - Upon voter approval, this act bars public employee labor unions from withholding fees from employee paychecks. The act requires the employee's consent for public employee labor unions to use fees and dues for political purposes.

The employee must authorize the amount to 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.

This act is similar to SB 814 (1998), SB 610 (2006), HB 492 (2011), SB 202 (2011), and identical to SB 435 (2012).

CHRIS HOGERTY

12/12/2011 Prefiled

01/04/2012 S First Read--SB 553-Brown (S44)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S63)

01/17/2012 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: Upon voter approval

*** SB 554 ***

4176S.011

SENATE SPONSOR: Curls

SB 554 – This act changes the notice requirement to a tenant in a foreclosure action from ten business days to ninety days.

This act is identical to HB 485 (2011).

JIM ERTLE

12/12/2011 Prefiled

01/04/2012 S First Read--SB 554-Curls (S44)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 555 ***

4175S.011

SENATE SPONSOR: Curls

SB 555 - This act establishes the Contract for Deed Act. This act regulates certain residential real estate contracts where the contract has not been fully performed, particularly contracts where the seller does not deliver the deed for the property until the buyer finishes making installment payments to the seller. A residential lease agreement that includes an option to purchase real estate is also required to comply with some of the requirements of this act.

This act allows a person who sells residential real estate in this way to rescind the contract, or declare the contract terminated and retake the land, if the person who purchases the property fails to make payment on time or comply with a term of the contract. Before the seller can take these actions, the seller must give a specific notice to the buyer and give the buyer thirty days to fix the default. If the buyer has already paid thirty percent of the amount due, or forty-eight monthly payments, then the seller cannot rescind the contract, or declare the contract terminated and retake the land, but the seller can sell the property after giving the buyer notice and sixty days to fix the default. The sale must be conducted by a trustee with the same notice required in foreclosure sales. If after the sale the buyer still owes money, the seller can have a judgment against the buyer.

The act specifies that a lien on the property for the purposes of providing utility service to the property will not be considered a default under the contract.

If the negotiations before signing the contract are not conducted in English, then the seller is required to provide copies of the written documents relating to the sale, including the notices required by this act, in that language.

The seller is required to make certain disclosures about the property, provide the buyer with information about any delinquent taxes or assessments due on the property, and provide the buyer with a copy of any insurance policy relating to the property before the buyer signs the contract. These contracts are not enforceable, unless they are in writing and the seller is required to include notice to the buyer that the contract is the final agreement between the parties. If the seller does not take these actions, they can be sued based on the unlawful merchandising practice laws or the buyer can cancel and rescind the contract with a full refund.

The seller is also required to give the buyer a written statement that specifies the purchase price of the property, the interest rate under the contract, the total amount of principal and interest to be paid under the

contract, the amount of any late charge that may be assessed under the contract, and the fact that there is no prepayment penalty if the buyer wants to pay the full amount before the date of the last scheduled payment.

These contracts are prohibited from including: late-payment fees that are more than eight percent of the monthly payment, language that prohibits the buyer from using the property as security for a loan for improvements on the property, prepayment penalties, language that requires a person to forfeit an option fee for late payment, or language that penalizes a person leasing property for requesting repairs.

A buyer is allowed to cancel this type of contract within fourteen days of signing it. The seller is required to notify the buyer of their right to cancel the contract. The seller is also required to return the buyer's payments within ten days of receiving the buyer's cancellation notice.

A seller is required to record the contract in the records of the county within thirty days. The seller is also required to send the buyer a statement with certain financial information every January. The seller who does not send this financial statement is liable for damages and reasonable attorney's fees.

If there is insurance on the property, the insured person is required to notify the insurance company of the contract. Then, the insurer is required to issue insurance proceeds jointly to the buyer and seller. If the seller does not follow the requirements regarding insurance, they can be sued based on the unlawful merchandising practice laws or the buyer can cancel and rescind the contract with a full refund.

A seller is required to transfer title of the property to the buyer within thirty days of the buyer's final payment. If the seller does not do this, they are liable for damages and reasonable attorney's fees.

If the buyer has paid at least fifteen percent of the principal and gives the seller a promissory note, the buyer is allowed to convert their interest in the property into recorded title. If the seller does not give the buyer a deed after receiving a promissory note, then the seller is liable to the buyer.

After notifying the seller, the buyer is allowed to cancel this type of contract if the buyer learns that the property is not properly subdivided or platted. The seller is required to notify the buyer that the seller will properly subdivide or plat the property or return all payments to the buyer and reimburse the buyer for property taxes and the value of any improvements to the property.

A buyer is allowed to deduct any amounts the seller owes them as damages under this act from the amount the buyer owes the seller for the property without going to court.

A person who wants to sell their property under this type of contract must own the property and the property must be free from any liens, unless the buyer is notified of the lien before the sale and the lien meets certain requirements, including putting certain terms in the contract. The property must also be kept free of certain liens during the length of the contract. If the seller violates these restrictions they can be sued based on the unlawful merchandising practice laws, the buyer can cancel and rescind the contract with a full refund, and the seller is required to reimburse the buyer for property taxes and the value of any improvements to the property.

This act is similar to HB 296 (2011).

JIM ERTLE

12/12/2011 Prefiled

01/04/2012 S First Read--SB 555-Curls (S44)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 556 ***

4172S.011

SENATE SPONSOR: Curls

SB 556 - Current law allows a court to impose a juvenile disposition and suspend the execution of an adult criminal sentence for juvenile offenders who have been prosecuted as adults and who have pled guilty or been convicted. This act gives the court the opportunity to suspend imposition of the adult criminal sentence rather than suspend execution.

The Division of Youth Services may request a hearing to ask the court to impose the adult sentence upon the division's determination that the child is beyond the scope of its treatment programs. The court is

required to hold a hearing on whether to impose the sentence when the offender turns 17 years of age and the division must request such a hearing before releasing an offender any time before he or she turns 21.

This act is substantially similar to HB 66 (2011).

MEGHAN LUECKE

12/12/2011 Prefiled

01/04/2012 S First Read--SB 556-Curls (S44)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 557 ***

4558S.011

SENATE SPONSOR: Brown

SB 557 - Under the terms of this act, owners of rebuilt salvage vehicles which are 10 years of age or older who submits such vehicles to examinations conducted by the Highway Patrol in order to obtain certificates of ownership with prior salvage motor vehicle designations are not required to repair or restore such vehicles to their original appearance in order to pass or complete the vehicle examination.

STEPHEN WITTE

12/12/2011 Prefiled

01/04/2012 S First Read--SB 557-Brown (S45)

01/05/2012 Second Read and Referred S Transportation Committee (S63)

01/18/2012 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2012

*** SB 558 ***

4340S.021

SENATE SPONSOR: Curls

SB 558 - This act raises by ten percent the maximum salary allowed under current law for the different ranks of police officers employed by Kansas City and the chief of police.

MEGHAN LUECKE

12/12/2011 Prefiled

12/14/2011 Bill Withdrawn (S45)

EFFECTIVE: August 28, 2012

*** SB 559 ***

4174S.011

SENATE SPONSOR: Curls

SB 559 - This act authorizes the expungement of certain criminal records after eight years have elapsed since the person has completed his or her imprisonment, period of probation, or period of parole and has not been convicted of or been placed on probation for any misdemeanor or felony during that time.

The crimes eligible for expungement include felonies, misdemeanors, infractions, and municipal offenses other than certain specified violent crimes and crimes that require registration on the sex offender registry.

To expunge a criminal record under this act, the person must file a petition in the civil division of the circuit court in a county where any of the arrests, pleas, trials, or convictions occurred. Once expunged, the court records and files will be confidential and only available to the parties or by order of the court for good cause shown. The expungement also restores all rights to the person as if the crime had never occurred.

The clerk of the court is required to assess a \$500 surcharge on all petitions for expungement. Moneys collected are payable to the General Revenue Fund.

This act repeals Section 577.054, which allows for the expungement of a first alcohol-related driving offense after a period of ten years, because the act's expungement provisions will apply to alcohol-related driving offenses.

This act is similar to HB 75 (2011).

MEGHAN LUECKE

12/12/2011 Prefiled
 01/04/2012 S First Read--SB 559-Curls (S45)
 01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 560 ***

4473S.011

SENATE SPONSOR: Ridgeway

SB 560 - This act prohibits the establishment, creation, or operation of a state-based health insurance exchange unless the exchange is created by a legislative act, an initiative petition, or referendum. The act specifically prohibits the establishment of a state-based health insurance exchange by an executive order issued by the Governor.

The act further prohibits state agencies from establishing programs or promulgating any rules or policies to establish, create, administer or otherwise operate a state-based health insurance exchange unless the agency has received statutory authority to create it. The act specifically prohibits agencies from performing responsibilities of a state-based health insurance exchange unless authorized by statute.

Under the terms of this act, no department, agency, instrumentality, or political subdivision of this state shall apply for, accept or expend federal moneys related to the creation, implementation or operation of a state-based health insurance exchange or a federally-facilitated health benefit exchange unless such acceptance or expenditure is authorized by statute or an appropriations bill.

The act prohibits agencies from entering into agreements to establish or operate a federally-facilitated health benefit exchange unless the agency has received statutory authority to enter into such agreements. In addition, the act prohibits departments and agencies from providing assistance or resources of any kind to any federal agency or department relating to the creation of a federally-facilitated health benefit exchange unless the assistance or resources are authorized by state statute or the assistance is mandated by federal law.

The act specifically provides any taxpayer of this state or any member of the general assembly with legal standing to bring suit against the state of Missouri or any official, department, division, agency, or political subdivision of this state which is in violation of the act in any court with jurisdiction to enforce the provisions of the act.

This act, if approved by the General Assembly, will be submitted to the voters for their approval in November of 2012.

This act is similar to SB 464 (2012).

STEPHEN WITTE

12/13/2011 Prefiled
 01/04/2012 S First Read--SB 560-Ridgeway (S45)
 01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S63)
 01/17/2012 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: Upon voter approval

*** SB 561 ***

4502S.011

SENATE SPONSOR: Ridgeway

SB 561 - This act sunsets all tax credit programs, which are not currently subject to the Missouri Sunset Act, effective January 1, 2016. The Department of Revenue is required to apply any increase in revenue generated from ending these tax credit programs to a decrease in the personal income tax rate to begin on January 1, 2018. The Department of Revenue is required to accomplish this decrease in the personal income tax rate by rule.

EMILY KALMER

12/13/2011 Prefiled
 01/04/2012 S First Read--SB 561-Ridgeway (S45)
 01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S63)
 01/19/2012 Hearing Scheduled S Ways and Means and Fiscal Oversight Committee

EFFECTIVE: August 28, 2012

*** SB 562 ***

4560S.011

SENATE SPONSOR: Dixon

SB 562 – Current law provides that the board of governors of Missouri Western State University may convey or transfer the title to certain real property, except in fee simple, without authorization from the General Assembly until August 28, 2014. This act would also allow the board of governors of the University of Central Missouri, Missouri State University, Missouri Southern State University; the board of regents of Southeast Missouri State University, Northwest Missouri State University, or Harris-Stowe State University; or the board of curators of Lincoln University to convey or transfer the title to certain real property, except in fee simple, without authorization from the General Assembly until August 28, 2017.

This act is identical to HB 1041 (2012).

MICHAEL RUFF

12/13/2011 Prefiled

01/04/2012 S First Read--SB 562-Dixon, et al (S45)

01/05/2012 Second Read and Referred S Education Committee (S63)

EFFECTIVE: Emergency clause

*** SB 563 ***

4408S.021

SENATE SPONSOR: Dixon

SB 563 – Currently, six of the nine members' terms of the Missouri State University board of governors expire in 2011. However, current law also requires that no more than three terms expire in any given year and does not provide a mechanism to modify term lengths to accommodate the timing of the term expiration. This act modifies the term lengths for the appointments to fill the six terms that expired in 2011 so that no more than three of the nine board members' terms will expire in any given year. This act would allow three members' terms to expire on January 1, 2013, three members' terms to expire on January 1, 2015, and three members' terms to expire on January 1, 2017.

This act contains an emergency clause.

MICHAEL RUFF

12/13/2011 Prefiled

01/04/2012 S First Read--SB 563-Dixon (S45)

01/05/2012 Second Read and Referred S Education Committee (S63)

EFFECTIVE: Emergency clause

*** SB 564 ***

4681S.011

SENATE SPONSOR: Brown

SB 564 - Under this act, the successful completion of a military motorcycle rider training course that meets or exceeds the Motorcycle Safety Foundation curriculum standards by an applicant who is an active member of the U.S. armed forces, shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement.

STEPHEN WITTE

12/13/2011 Prefiled

01/04/2012 S First Read--SB 564-Brown (S45)

01/05/2012 Second Read and Referred S Transportation Committee (S63)

01/11/2012 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2012

*** SB 565 ***

4703S.011

SENATE SPONSOR: Schaaf

SB 565 - This act increases the membership of the Missouri Health Insurance Pool from 9 members to 13

members by adding 2 members of the Senate and 2 members of the House of Representatives. The four legislative members shall serve in an ex officio capacity.

STEPHEN WITTE

12/14/2011 Prefiled

01/04/2012 S First Read--SB 565-Schaaf (S45)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 566 ***

4598S.011

SENATE SPONSOR: Brown

SB 566 - The act requires dog and cat owners to vaccinate these animals against rabies. The vaccinations must be administered by a veterinarian and must be kept current in accordance with a veterinarian's determination or local law. A violation of the act is a Class C misdemeanor.

The act is similar to HB 2309 (2010).

ERIKA JAQUES

12/14/2011 Prefiled

01/04/2012 S First Read--SB 566-Brown (S45)

01/05/2012 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S63)

01/11/2012 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: August 28, 2012

*** SB 567 ***

4733S.011

SENATE SPONSOR: Wright-Jones

SB 567 - Under current law, drivers who are 21 years of age or younger are prohibited from text messaging while operating a motor vehicle. Under this act, the text messaging ban is applied universally so that all drivers, regardless of age, are prohibited from text messaging while operating a motor vehicle. The act also prohibits anyone from being stopped solely to determine compliance with the text messaging ban (Section 304.820).

This act is identical to HB 317 (2011).

STEPHEN WITTE

12/15/2011 Prefiled

01/04/2012 S First Read--SB 567-Wright-Jones (S45)

01/05/2012 Second Read and Referred S Transportation Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 568 ***

4756S.011

SENATE SPONSOR: Parson

SB 568 - This act amends Missouri's move over law so that drivers of motor vehicles approaching stationary emergency vehicles or vehicles owned by the commission and operated by Department of Transportation employees displaying amber or amber and white lights shall proceed with caution by making a lane change away from the stationary vehicle, if possible. The act further modifies the definition of "emergency vehicle" to include any vehicle owned by the commission and operated by a Department of Transportation employee that is marked as an emergency response or motorist assistance vehicle.

This act is identical to HB 1040 (2012).

STEPHEN WITTE

12/15/2011 Prefiled

01/04/2012 S First Read--SB 568-Parson (S45)

01/05/2012 Second Read and Referred S Transportation Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 569 ***

4738S.011

SENATE SPONSOR: Kraus

SB 569 - This act removes the first Tuesday after the first Monday in February and June as dates available for public elections.

This act is similar to SB 270 (2011).

CHRIS HOGERTY

12/15/2011 Prefiled

01/04/2012 S First Read--SB 569-Kraus (S46)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 570 ***

4736S.011

SENATE SPONSOR: Kraus

SB 570 - Under this act, the state will only issue one license plate beginning August 28, 2012, 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 SB 324 (2011) and SS/SCS/HB 2111 (2010).

STEPHEN WITTE

12/15/2011 Prefiled

01/04/2012 S First Read--SB 570-Kraus (S46)

01/05/2012 Second Read and Referred S Transportation Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 571 ***

4208S.011

SENATE SPONSOR: Kraus

SB 571 - This act requires all tax credit recipients to file annual reports with the Missouri Ethics Commission documenting all contributions and expenditures made to or on behalf of all committees. Recipients are required to report for ten years after receipt of any credit.

CHRIS HOGERTY

12/15/2011 Prefiled

01/04/2012 S First Read--SB 571-Kraus (S46)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S63)

EFFECTIVE: August 28, 2012

*** SB 572 ***

4124S.041

SENATE SPONSOR: Dempsey

SB 572 - The act affirmatively states that occupational diseases are exclusively covered under workers' compensation laws.

This act ensures that employers and co-employees shall be released from liability for all workplace injuries and death beyond those covered under the workers' compensation system.

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.

Currently, employees are entitled to \$40 per week for rehabilitation paid out of the Second Injury Fund. This benefit is eliminated.

Employees shall submit to vocational testing and a vocational rehabilitation assessment scheduled by the Attorney General on behalf of 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 Attorney General on behalf of the second injury fund.

Currently, delinquent benefit payments are subject to interest at 10% per year. This act allows the Director of Revenue to set the interest to equal the adjusted prime rate charged by banks.

Claims for permanent partial disability shall not be allowed against the Second Injury Fund after the effective date of the act. Claims for permanent total disability 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 work-related 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.

The act places limitations on when the Treasurer may enter agreed statements of fact and compromise settlements. Settlements are capped at \$60,000 for claims other than permanent total disability claims filed prior to the effective date of the act and capped at 200 times the employee's permanent total disability rate for all permanent total disability claims. Settlements may be made in any amount if a majority of the Second Injury Fund commission expressly authorizes the amount.

The Treasurer, with the advice and consent of the Attorney General and the authorization of the Second Injury Fund Commission, enter into compromise settlements with dependents of claimants arising from the Schoemehl v. Treasurer decision.

Currently, the Second Injury Fund covers the fair, reasonable, and necessary expenses relating to the death and injury of employees of uninsured employers. The fund will no longer cover those costs going forward.

Currently, an actuarial study of the fund is conducted every 3 years. This act requires a yearly study beginning in 2013.

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 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. 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.

The act establishes a priority for paying fund liabilities as follows:

1. Expenses relating to legal defense of the fund.
2. Permanent total disability awards in the order in which they are settled or finally adjudicated.
3. Permanent partial disability awards in the order in which they are settled or finally adjudicated.
4. Medical expenses incurred prior to July 1, 2011.
5. Interest on unpaid awards.

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 institutes a funding mechanism to bolster the Second Injury Fund when usual collections are inadequate. If funds fall short, the Director of the Division of Workers' Compensation shall determine the shortfall which shall be collected with a supplemental surcharge not to exceed 1 1/2%. If funds continue to fall short, the Second Injury Fund Commission shall determine the shortfall which shall be collected with a supplemental surcharge not to exceed 1 1/2%. The provisions containing the authorization of additional surcharges expire on December 31, 2019.

The Attorney General shall reduce staff in proportion to the number of Second Injury Fund cases that remain.

The act creates the Second Injury Fund Commission composed of the Governor, Attorney General, President Pro Tem of the Senate, and the Speaker of the House of Representatives to approve additional surcharges and authorize certain settlements.

Sections 287.165 and 287.220 that establish the type of claims to be paid out of the fund, limitations on settlement agreements, and allowable interest under the chapter carry an emergency clause.

This act is similar to SB 430 (2011), and SB 8 (2011).

CHRIS HOGERTY

12/19/2011 Prefiled

01/04/2012 S First Read--SB 572-Dempsey (S46)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S64)

01/10/2012 Hearing Conducted S Small Business, Insurance and Industry Committee

EFFECTIVE: Varies

*** SB 573 ***

4662S.011

SENATE SPONSOR: Dixon

SB 573 - This act authorizes circuit courts that reimburse the state for salaries of family court commissioners to charge up to a twenty dollar surcharge when a party files a civil court case.

MIKE HAMMANN

12/20/2011 Prefiled

01/04/2012 S First Read--SB 573-Dixon (S46)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 574 ***

4787S.011

SENATE SPONSOR: Dixon

SB 574 - Under current law, associate circuit judges in Cass County may hear and determine county traffic ordinance violations. This act expands that authority to associate circuit judges in Greene County and allows the associate judges in both counties to hear any county ordinance violations adopted pursuant to statutory authority.

MEGHAN LUECKE

12/20/2011 Prefiled

01/04/2012 S First Read--SB 574-Dixon (S46)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 575 ***

4649S.011

SENATE SPONSOR: Dixon

SB 575 - This act allows Greene County to enact nuisance abatement ordinances.

MEGHAN LUECKE

12/20/2011 Prefiled
01/04/2012 S First Read--SB 575-Dixon (S46)
01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 576 ***

4705S.021

SENATE SPONSOR: Stouffer

SB 576 – This act modifies the laws governing charter schools.

SECTION 29.205 – The State Auditor may audit any charter school in the same manner as any agency of the state.

SECTION 160.400 – In addition to the St. Louis City and Kansas City School Districts, charter schools may be operated in unaccredited districts, provisionally accredited districts, and in districts accredited without provisions if sponsored by the local school board.

This act removes the restriction that a sponsoring public four-year college or university have its primary campus in the school district or in a county adjacent to the county in which the district is located. In addition, a community college whose service area encompasses some portion of the district may be a sponsor. Currently, any private four-year college or university located in St. Louis City with an enrollment of one thousand students and an approved teacher preparation program may be a sponsor. This act eliminates the requirement that the institution be located in St. Louis City but requires that its primary campus be located in Missouri. Additional sponsors include the special administrative board of the St. Louis City School District, any two-year private vocational or technical school, as described in the act, the Missouri Charter Public School Commission, and a nonprofit or charitable organization, excluding a nonpublic sectarian or religious institution exempt from federal taxation under Section 501(c)(3) or 501(c)(6).

In an unaccredited or provisionally accredited district where a charter school is sponsored by an entity other than the local school board, when the district becomes classified as accredited, a charter school may continue to be sponsored by the entity sponsoring it prior to the classification of accreditation. Such a school will not be limited to the local school board as a sponsor. Charter schools in Kansas City and St. Louis may be sponsored by any eligible entity, regardless of the districts' accreditation classification.

The mayor of St. Louis City may request a two-year private vocational or technical school, the Missouri Charter Public School Commission, or a nonprofit or charitable organization, excluding a nonpublic sectarian or religious institution exempt from federal taxation under Section 501(c)(3) or 501(c)(6), to consider sponsoring a "workplace charter school."

When a charter school chooses to affiliate with a four-year college or university, the college or university will no longer be required to be located within the county in which school district lies or in an adjacent county.

A school district or the State Board of Education, when acting as a sponsor, may have expenses associated with sponsorship be defrayed by having the Department of Elementary and Secondary Education withhold up to 1.5% of the charter school's state and local funding. A sponsor that receives 1.5% funding to defray expenses associated with sponsorship must submit annual reports to the Joint Committee on Education demonstrating compliance with requirements.

A charter school sponsor must develop policies and procedures for the following: the review of a charter school proposal; the granting of a charter; the performance framework of a charter; the renewal, revocation, and nonrenewal processes; additional criteria for oversight of the charter; and procedures to be used when a school closes for the transfer or repository of student records, personnel records, and the disposition of school assets. The Department of Elementary and Secondary Education is required to provide guidance to sponsors in developing these procedures and policies.

The State Board of Education must evaluate sponsors to determine compliance with sponsorship standards. Currently, the State Board may suspend a sponsor's ability to sponsor a school for a period of one year. This act removes the one year limitation and allows the State Board to suspend sponsorship until reauthorized by the Department of Elementary and Secondary Education under Section 160.403. If the State Board removes sponsorship authority for any currently operating charter school, the Missouri Charter Public School

Commission will become the school's sponsor.

SECTION 160.403 – The Department of Elementary and Secondary Education must establish an annual application and approval process for all entities eligible to sponsor charter schools. All information and guidelines for eligible sponsors must be made available by January 1, 2013.

This act identifies the information that must be included in an eligible sponsor's application.

By July 1 annually, the Department must grant or deny a sponsoring authority to a sponsor applicant. Within thirty days of the Department's decision, it must execute a renewable sponsoring contract with each approved sponsoring entity. The term will be ten years in length.

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 a performance contract, as described in the act.

The term of a charter will be for five years, instead of the current provision that allows charters to be not less than five but not greater than ten years. This act identifies additional items that must be contained in a charter.

A charter must be submitted to the sponsor and follow the sponsor's policies and procedures for review and granting. In addition, the charter must be approved by the State Board of Education by December 1 prior to the proposed opening date of the charter school.

This act removes the requirement if a sponsor grants three or more charters that at least one-third of the schools be actively recruiting dropout students or high-risk students. It also modifies the definition of "high risk" student.

Charter schools must conduct a background check of education personnel, including through the employee criminal history background check and the Family Care Safety Registry.

Audit reports and annual financial reports must be published on the charter school's website or on DESE's website.

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 to annually monitor student academic performance, based upon grade levels offered by the school.

The performance standards for alternative and special purpose charter schools that target high-risk students must be based on measures defined in the school's performance contract with its sponsors.

Charter schools are required to comply with all applicable federal and state special education laws including IDEA and Section 504 of the Rehabilitation Act of 1973.

This act allows proposed or existing high risk or alternative charter schools to include alternative arrangements for students to obtain credits for satisfying graduation requirements in the charter application and charter. Alternative arrangements may include credit for off-campus instruction, embedded credit, work experience, independent studies, and performance-based credit options. Upon approval of the charter by the State Board of Education, any alternative arrangements will be approved at the same time.

The Department of Elementary and Secondary Education must conduct a study of any such charter school granted alternative arrangements for students to obtain credit to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education.

The sponsor, governing board, and charter school staff must jointly review the school's performance, management, and operations during the first year of operation and then every other year after the most recent review, instead of the current requirement of at least once every two years.

This act removes the requirement that a charter school become a local educational agency for the sole purpose of direct access to federal grants and allows the school to become an agency if the sponsor and the

governing board reach a written agreement to become an agency.

This act limits the length of probationary status for a charter school to no more than twelve months, provided that no more than one designation of probationary status is allowed for the duration of the charter contract.

This act removes judicial review of a sponsor's final decision to revoke a charter. Instead, the decision to revoke a charter will be subject to an appeal to the State Board of Education, which must then determine whether the charter will be revoked.

Beginning August 1, during the year in which a charter is up for renewal, a sponsor must demonstrate to the State Board of Education that the charter school is in compliance with federal and state law and the school's performance contract, including academic performance requirements. The sponsor must also submit a revised charter application to the State Board of Education, which must determine if the sponsor has demonstrated compliance. If compliance is demonstrated, the State Board must renew the charter.

A properly authorized charter school will have the right to purchase or lease an unused facility or unused portion of a facility from a school district. A purchase or lease will be made available to a charter school at a fair market value prior to any unused facility or unused portion of a facility being offered to any noncharter school entity. No school district may sell or lease a facility to another entity without doing so first.

SECTION 160.410 – This act requires charter schools whose mission includes student drop-out prevention or recovery to enroll nonresident pupils from the same or an adjacent county who 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. Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

Charter schools may limit admission based on gender if the school is a single-gender school.

Students of a charter school who are present for the January membership count in Section 163.011 will be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners.

If a charter school is operated by a management company, a copy of the contract must be made available for public inspection.

If a student attending a charter school moves so that he or she no longer lives in the school district where charter schools may operate, he or she may complete the current semester at the charter school and will be considered a resident student. The parent or legal guardian will be responsible for the student's transportation.

If a change in school district boundary lines occurs so that a student no longer lives in a school district, or if action by the State Board of Education occurs under Section 162.081, where charter schools may operate, the student may complete the current academic year at the charter school. The parent or legal guardian will be responsible for the student's transportation.

The Foster Care Bill of Rights (Sections 167.018 and 167.019) will apply to charter schools.

SECTION 160.415 – An educational cooperative of school districts may provide managerial academic services as a contractor.

This act contains requirements to be included in a request for proposals if a proposed charter school intends to contract with an education services provider for substantial educational services, management services, or both.

The Department of Elementary and Secondary Education may withhold funding at an adequate level during a charter school's last year of operation until the Department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

SECTION 160.417 – By October 1, 2012, and each October 1 thereafter, the Department of Elementary and

Secondary Education must identify charter schools experiencing financial stress using information from the report required by Section 162.821. A list of charter schools experiencing financial stress will be provided to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate.

Parameters for financial stress are defined in the act.

By November 1, the sponsor must notify the governing board of a charter school if it is identified as experiencing financial stress. The governing board must develop and approve a budget and education plan, which must be submitted to the sponsor within forty-five days. Requirements for what must be included in the plan are described in the act. The sponsor may make suggestions to improve the plan.

The Department may withhold any payment of financial aid until such time as the charter school is in compliance with these requirements.

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.

Multiple provisions are repealed because they are identical to provisions contained in Section 160.415.

SECTION 160.425 – This act creates the Missouri Charter Public School Commission. It will have nine members, all appointed by the Governor with the advice and consent of the Senate. Members will serve a term of four years, except for the initial appointees, whose terms are staggered. Commission members will be: one member selected from a slate of three candidates recommended by the Commissioner of Education; one member selected from a slate of three candidates recommended by the Commissioner of Higher Education; one member selected from a slate of three recommended by the President Pro Tem of the Senate; a member selected from a slate of three recommended by the Speaker of the House of Representatives; and five additional members appointed by the Governor. Operating procedures for the Commission are included.

The Commission may approve proposed charters for its sponsorship, as described in the act. The Department of Elementary and Secondary Education must provide start-up funding for the Commission to operate, which will be reimbursed from funds the Commission receives as sponsor of any charter schools under Section 160.400.

This act is similar to HCS/HB 473 (2011), SCS/SBs 291, 184 & 294 (2011) and contains provisions similar to SB 838 (2010), SB 835 (2010), HB 2200 (2010), SB 317 (2009), SB 1027 (2008) and SB 64 (2009).

MICHAEL RUFF

12/21/2011 Prefiled

01/04/2012 S First Read--SB 576-Stouffer (S46)

01/05/2012 Second Read and Referred S Education Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 577 ***

4814S.011

SENATE SPONSOR: Goodman

SB 577 - 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.

This act is identical to SB 262 (2011).

STEPHEN WITTE

12/21/2011 Prefiled

01/04/2012 S First Read--SB 577-Goodman (S46)

01/05/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 578 ***

4760S.011

SENATE SPONSOR: Parson

SB 578 - This act authorizes the governor to convey an easement over, on, and under state property located in Pettis County to the City of Sedalia.

MEGHAN LUECKE

12/21/2011 Prefiled

01/04/2012 S First Read--SB 578-Parson (S46)

01/05/2012 Second Read and Referred S General Laws Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 579 ***

4468S.011

SENATE SPONSOR: Parson

SB 579 - 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.

This act is identical to the perfected version of SB 71 (2011).

MIKE HAMMANN

12/21/2011 Prefiled

01/04/2012 S First Read--SB 579-Parson (S46)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S64)

EFFECTIVE: August 28, 2102

*** SB 580 ***

4758S.011

SENATE SPONSOR: Parson

SB 580 - Currently, after receiving an initial license and one license renewal the licensing renewal period for gambling boat operators is every two years. This act changes the license renewal period to every five years.

This act also modifies the licensing period from every year to every two years for a person who has an occupational license to work in certain jobs within a gambling boat.

EMILY KALMER

12/21/2011 Prefiled

01/04/2012 S First Read--SB 580-Parson (S47)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 581 ***

4786S.031

SENATE SPONSOR: Callahan

SB 581 – This act modifies provisions relating to school districts.

ADJUSTMENT AND APPORTIONMENT OF SCHOOL PROPERTY RELATING TO A BOUNDARY LINE CHANGE: Current law requires the school boards of school districts for which a boundary line change occurs to make a just and proper adjustment and apportionment of all school property. When an election is to occur to decide whether to change school district boundary lines under Section 162.431, this act requires the affected school districts to make a preliminary adjustment and apportionment of the districts' property at least sixty days prior to the election. If the districts cannot agree on a preliminary adjustment and apportionment, the State Board of Education must appoint a three person board of arbitration to determine the preliminary apportionment and adjustment. If the boundary line change occurs and the districts cannot agree when making the apportionment and adjustment and a board of arbitration is appointed, the board must follow the preliminary apportionment and adjustment unless new and significant circumstances exist. In such a

situation, the Board of Arbitration must state in writing why it is deviating from the preliminary adjustment and apportionment. (Sections 162.041 and 162.431)

KANSAS CITY SCHOOL DISTRICT: This act allows the State Board of Education to assume responsibility and general supervision of the Kansas City School District after classifying it as unaccredited. The State Board may enter into contracts with other school districts or education providers, in order of preference as described in the act, to deliver education programs to residents of the district. Contracts will be for a period of five years and may be renewed. The State Board will create attendance boundaries for contracted portions of the district. Any district or education service provider that contracts with the State Board will have the right to employ teachers and set their compensation.

The State Board must grant waivers from the Missouri School Improvement Program to contracting school districts for the students they serve from the Kansas City School District.

Local tax revenues of the district will be distributed to contracted portions of the district in the same ratio as the pupil count of the contracted portions to the pupil count of the entire district. In addition, state aid, as described in the act, will be distributed to contracted portions of the district in a manner consistent with the current year weighted average daily attendance of each contracted area. This act contains requirements for lease purchase of school facilities, district fund balances, and unallocated qualified school construction bonds.

This act exempts the Kansas City School District from the provisions of Section 167.131 at any time when the State Board of Education has entered into contracts with other school districts or education service providers. (Sections 162.081, 162.082 & 167.131)

RETIREMENT SYSTEMS AND RETIRED TEACHERS: Current members of the Kansas City Public School Retirement System who become employed in a contract portion of the Kansas City School District will remain members of the system. In addition, any employee currently a member of the Public School Retirement System of Missouri who becomes employed in a contract portion of the district will remain a member of that system. Retired members of either the Kansas City Public School Retirement System or the Public School Retirement System of Missouri may be employed in a contract portion of the district and will not be subject to the existing limits on hours and compensation for retired teachers who return to work.

The Joint Committee on Public Employee Retirement must contract with an actuary to conduct an actuarial audit of the Kansas City Public School Retirement System, as described in the act. (Section 162.082)

SCHOOL DISTRICT BOUNDARY LINE CHANGES: This act modifies the effective date of a boundary line change. Instead of the change being effective from the date of the election, the change would be effective at the beginning date of the next school year.

When one district votes in favor of the boundary line change and one district votes against the change and a board of arbitration is appointed by the State Board of Education to determine whether to make the change, the board of arbitration must base its decision on the current accreditation status of each affected district. The Board of Arbitration would determine the boundary line change in a manner that moves students out of unaccredited and provisionally accredited districts and into accredited districts. If each district is accredited, the Board of Arbitration must use the existing factors in the statute to make its decision.

After a boundary line change occurs, for the next three school years, the receiving district may, but will not be required to, include the statewide assessment scores for any students it receives in the district's scores.

If a boundary line change results in a charter school being located in a district other than Kansas City or St. Louis, the local school district and charter school's governing board may enter into an agreement to incorporate the charter school into the district and operate it as a regular school building of the district. If such an agreement occurs, the district must make arrangements for the charter school's students to continue attending school at that building until they graduate. The Department of Elementary and Secondary Education may grant a waiver for such a school to continue operating like a charter school while functioning as part of the district. (Section 162.431)

WEIGHTED AVERAGE DAILY ATTENDANCE FOR DISTRICTS AFFECTED BY A BOUNDARY LINE CHANGE: When a school district gains enrollment because of a boundary line change, during the two school years following the change, its weighted average daily attendance figure will be adjusted so that it receives

twice the weighted average daily attendance for any students it received as a result of the boundary line change.

When a school district loses student enrollment because of a boundary line change, during the school year following the line change, it may only submit an estimate of the weighted average daily attendance for the current year. During the second year following the line change, it may submit an estimate of the weighted average daily attendance for the current year or the weighted average daily attendance for the immediately preceding year, whichever is greater. During the third year following the line change, it may submit an estimate of the weighted average daily attendance for the current year or the weighted average daily attendance for the immediately preceding year, or the weighted average daily attendance for the second preceding school year, whichever is greater. (Section 162.431)

SCHOOL DISTRICT TRUST FUND (PROP C FUNDS): When a change in school district boundary lines occurs under Section 162.431, the Department of Elementary and Secondary Education must modify the school district trust fund payments to the affected school districts during the first academic year in which the boundaries are changed to reflect the current weighted average daily attendance count. In subsequent years, districts' payments will be determined by the first preceding weighted average daily attendance count. (Section 163.087)

This act contains an emergency clause.

This act contains provisions identical to SB 434 (2011).

MICHAEL RUFF

12/22/2011 Prefiled

01/04/2012 S First Read--SB 581-Callahan and Pearce (S47)

01/05/2012 Second Read and Referred S General Laws Committee (S64)

EFFECTIVE: Emergency Clause

*** SB 582 ***

4339S.011

SENATE SPONSOR: Dempsey

SB 582 - 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 these 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.

This act is identical to SB 204 (2011).

EMILY KALMER

12/22/2011 Prefiled

01/04/2012 S First Read--SB 582-Dempsey (S47)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 583 ***

4500S.031

SENATE SPONSOR: Wright-Jones

SB 583 - This act creates the "Economic-Education Partnership Program." If an employer with facilities in Missouri pays for the tuition or fees for an employee or an unpaid intern to pursue an associates degree, bachelors degree, masters degree, or doctorate degree in health care, engineering, or information technology related programs, this act allows the employer to retain withholding taxes on its employees for up to five years. The amount of withholding taxes that the employer may retain is limited to the amount of money the employer spent on the employee or unpaid intern's education. An employer is also allowed to retain withholding taxes on its employees if the employer trains an individual for a job in the health care, engineering, or information technology field for less than a year. The amount of withholding taxes that the employer may retain in that case is limited to the amount of money the employer paid in wages to the individual while training the individual. The total amount of money that employers can retain under this program is three hundred million dollars.

In order to participate in this program the employer is required to enter into an agreement with the Department of Economic Development that requires the employer to employ the individual upon the

completion of the individual's degree or training for at least as long as the employer is authorized to retain withholding taxes under the program. The Department of Economic Development is given the authority to audit employers to ensure compliance with the program requirements.

EMILY KALMER

12/22/2011 Prefiled

01/04/2012 S First Read--SB 583-Wright-Jones (S47)

01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 584 ***

4469S.011

SENATE SPONSOR: Richard

SB 584 - This act allows the governing body of any municipality to enter into loan agreements, or sell, lease, or mortgage municipal property to private entities for the development of a technology business facility project. Transactions involving the lease or rental of such properties will be exempt from state and local sales taxes and any leasehold interests on such properties will not be subject to property taxes. The act allows municipalities to sell or otherwise dispose of municipal property to private entities for technology business facility projects provided that the terms and methods utilized reasonably protect the economic well being of the municipality. Any private entity which transfers property to the municipality for purposes of a technology business facility project will reserve the right to request that the municipality transfer such property back to the entity at no cost.

This act provides state and local sales and use tax exemptions for all machinery, equipment, computers, electrical energy, gas, water and other utilities, including telecommunication and internet services, used in new data storage center facilities. The act also provides a state and local sales and use tax exemption for purchases of tangible personal property for the construction, repair, or remodeling of a new data storage center facility. In order to receive the sales tax exemption provided for new data storage center facilities, an application must be made to the Department of Economic Development for certification. Such application must show that the project will result in at least five million dollars of new facility investment over a three year period.

The act also creates a state and local sales and use tax exemption for existing data storage center facilities for all machinery, equipment, computers, electrical energy, gas, water and other utilities, including telecommunication and internet services. The exemption will only apply to the increase in expenditures for utilities over the previous year's expenditures. The exemptions for tangible property will be available only on the increase in expenditures over the average of the previous three years expenditures. In order to receive the sales tax exemption provided for existing data storage center facilities, an application must be made to the Department of Economic Development for certification. Such application must show that the project will result in at least one million dollars of new facility investment over a one year period.

The Department of Economic Development and the Department of Revenue are authorized to conduct random audits to ensure compliance with the requirements for state and local sales and use tax exemptions authorized under the act.

This act is similar to Senate Bill 217 (2011) and Senate Bill 868 (2010).

EMILY KALMER

12/22/2011 Prefiled

01/04/2012 S First Read--SB 584-Richard and Kehoe (S47)

01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 585 ***

4737S.011

SENATE SPONSOR: Richard

SB 585 - The act creates a refundable income and financial institutions tax credit which may 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 five dollars for each admission ticket sold for the event or one hundred percent of eligible expenses incurred. No more than three million dollars in tax credits may be issued per fiscal year. The tax credits are fully transferrable, provided a notarized endorsement is filed with the Department of Economic Development. The Department of Economic Development is prohibited from certifying game support contracts after August 28, 2017, but may certify game support contracts prior to such date which pertain to games to be held after August 28, 2017.

The act also creates an income, financial institutions, and corporate franchise tax credit equal to fifty percent of the amount of an eligible donation made, on or after January 1, 2012, to a certified sponsor or local organizing committee for the purposes of attracting sporting events to the state. 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. Certified sponsors and local organizing committees may apply to the Department of Economic Development for the tax credits. Applications for tax credits must be accompanied by payment in an amount equal to the tax credits requested. The Department of Economic Development is prohibited from issuing more than ten million dollars in tax credits each fiscal year. The provisions of this act shall automatically sunset six years after August 28, 2012 unless reauthorized.

This act is similar to a provision of SB 8 (1st Ex. Session 2011), SS/SB 203 (2011), SB 840 (2010), and HB 1786 (2010).

EMILY KALMER

12/22/2011 Prefiled
01/04/2012 S First Read--SB 585-Richard and Kehoe (S47)
01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S64)
01/18/2012 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 12, 2012

*** SB 586 ***

4835S.011

SENATE SPONSOR: Richard

SB 586 - Currently, the Director of the Department of Revenue must give priority to certain tax-exempt organizations or a political subdivision when awarding a fee office contract in the competitive bidding process. This act provides that such tax-exempt organization receiving priority must have its primary administrative office located in the same county, legislative district, or senatorial district as the fee office.

This act is identical to HB 786 (2011).

JIM ERTLE

12/22/2011 Prefiled
01/04/2012 S First Read--SB 586-Richard (S47)
01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 587 ***

4569S.031

SENATE SPONSOR: Chappelle-Nadal

SB 587 – This act allows school districts and charter schools to establish and implement an age-appropriate curriculum to educate students about domestic violence. A domestic violence curriculum may contain components to raise awareness, promote healthy behaviors in relationships, allow students to identify the signs that an individual may be a victim of domestic violence, and allow students to identify behaviors associated with an abuser. A curriculum may also contain an emphasis on the primary prevention of violence perpetration.

A curriculum may also address the risk factors for perpetration of domestic violence and contain information about behavior that may occur with domestic violence. In addition, it may advise students about the physical and mental injuries that may occur. A curriculum may include information about how victims may seek assistance or how friends or family of victims may assist them.

A curriculum may also communicate the societal effects of domestic violence.

A school district or charter school may cooperate with other governmental, nonprofit, or private entities, as

described in the act, to develop a curriculum.

MICHAEL RUFF

12/22/2011 Prefiled

01/04/2012 S First Read--SB 587-Chappelle-Nadal (S47)

01/05/2012 Second Read and Referred S Education Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 588 ***

4853S.011

SENATE SPONSOR: Schmitt

SB 588 - The act creates a refundable income and financial institutions tax credit which may 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 five dollars for each admission ticket sold for the event or one hundred percent of eligible expenses incurred. No more than three million dollars in tax credits may be issued per fiscal year. The tax credits are fully transferrable, provided a notarized endorsement is filed with the Department of Economic Development. The Department of Economic Development is prohibited from certifying game support contracts after August 28, 2017, but may certify game support contracts prior to such date which pertain to games to be held after August 28, 2017.

The act also creates an income, financial institutions, and corporate franchise tax credit equal to fifty percent of the amount of an eligible donation made, on or after January 1, 2012, to a certified sponsor or local organizing committee for the purposes of attracting sporting events to the state. 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. Certified sponsors and local organizing committees may apply to the Department of Economic Development for the tax credits. Applications for tax credits must be accompanied by payment in an amount equal to the tax credits requested. The Department of Economic Development is prohibited from issuing more than ten million dollars in tax credits each fiscal year. The provisions of this act shall automatically sunset six years after August 28, 2012 unless reauthorized.

This act is similar to a provision of SB 8 (1st Ex. Session 2011), SS/SB 203 (2011), SB 840 (2010), and HB 1786 (2010).

EMILY KALMER

12/23/2011 Prefiled

01/04/2012 S First Read--SB 588-Schmitt (S47)

01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee (S64)

01/18/2012 Hearing Scheduled S Jobs, Economic Development and Local Government Committee

EFFECTIVE: August 28, 2012

*** SB 589 ***

4813S.011

SENATE SPONSOR: Kraus

SB 589 - 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.

This act is identical to SB 73 (2011).

STEPHEN WITTE

12/23/2011 Prefiled

01/04/2012 S First Read--SB 589-Kraus (S47)

01/05/2012 Second Read and Referred S Governmental Accountability Committee (S64)

01/11/2012 Hearing Conducted S Governmental Accountability Committee

EFFECTIVE: August 28, 2012

*** SB 590 ***

4556S.021

SENATE SPONSOR: Kraus

SB 590 - All public elementary and secondary schools shall determine whether enrolling students are born outside of the United States or are children of an unlawfully present alien at the time of enrollment by checking students' original birth certificates or certified copies thereof. If it is determined that a student was born outside of the United States or is the child of an unlawfully present alien, the parent or guardian shall notify the school of the actual citizenship or immigration status of the child with accompanying documentation.

The State Board of Education shall compile and submit an annual report to the General Assembly containing information regarding immigration classifications of enrolled students, numbers of participants in English as a second language programs, and the effects of education quality as a result of enrollment of unlawfully present aliens and the costs associated. Public disclosure of information which personally identifies a student shall be unlawful.

Upon any lawful stop, detention, or arrest, law enforcement shall determine the citizenship and immigration status of the person if there is reasonable suspicion that the person is an unlawfully present alien. If an alien is determined by the federal government to be unlawfully present, the law enforcement agency shall cooperate in the transfer of the alien into federal custody.

The act creates a Class C misdemeanor crime of willful failure to complete or carry an alien registration document if the person is unlawfully present and in violation of 8 U.S.C. 1304 or 8 U.S.C. 1306 which requires certain persons to carry alien registration documents, apply for alien registration, and be fingerprinted.

CHRIS HOGERTY

12/23/2011 Prefiled

01/04/2012 S First Read--SB 590-Kraus (S47)

01/05/2012 Second Read and Referred S General Laws Committee (S64)

01/17/2012 Hearing Scheduled S General Laws Committee

EFFECTIVE: August 28, 2012

*** SB 591 ***

4702S.011

SENATE SPONSOR: Parson

SB 591 - Currently, county assessors are required to use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide as the recommended guide for information for determining the value of motor vehicles for personal property tax purposes. This act allows the assessor to use any nationally recognized motor vehicle valuation guide.

This act is similar to HB 955 (2011).

EMILY KALMER

12/28/2011 Prefiled

01/04/2012 S First Read--SB 591-Parson (S47-48)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S64)

EFFECTIVE: August 28, 2012

*** SB 592 ***

SCS SB 592

4933S.02C

SENATE SPONSOR: Lager

SCS/SB 592 - 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.

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 individuals employed by employers, and tax exempt private membership clubs (that are not labor organizations) from the definition.

If a party files a motion for summary judgment in a case under the MHRA, the courts shall analyze the merits of the motion.

The act outlines two approaches to be followed depending on whether the plaintiff submits direct evidence of discrimination. Where a plaintiff submits direct evidence of discrimination, the employer has the burden to provide evidence that the same employment decision would have been made regardless of the direct evidence. Where there is no direct evidence of discrimination, the plaintiff has the burden of establishing an allegation of discrimination. The employer may then produce evidence of non-discriminatory reasons for the decision. The employee shall then be required to present facts to show that the employer's explanation is a pretext for discrimination.

Parties to a discrimination case under the MHRA may demand a jury trial.

The court may award the plaintiff actual and punitive damages, and court costs and attorneys fees to the prevailing party. Damages may include future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses.

Damages awarded for employment cases under the MHRA and whistleblower actions shall not exceed back pay, interest on back pay, other equitable relief, court costs, and fees of \$50,000 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 except for in discriminatory housing practices 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 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 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), and SB 852 (2010), SB 188 (2011).

CHRIS HOGERTY

01/03/2012 Prefiled
 01/04/2012 S First Read--SB 592-Lager (S48)
 01/09/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S73)
 01/10/2012 Hearing Conducted S Commerce, Consumer Protection, Energy and the Environment Committee
 01/12/2012 SCS Voted Do Pass S Commerce, Consumer Protection, Energy and the Environment Committee - 4933S.02C
 01/12/2012 Reported from S Commerce, Consumer Protection, Energy and the Environment Committee to Floor w/SCS (S87)
 01/17/2012 S Formal Calendar S Bills for Perfection--SB 592-Lager, with SCS

EFFECTIVE: August 28, 2012

*** SB 593 ***

4889S.011

SENATE SPONSOR: Parson

SB 593 - This act prohibits health carriers from denying reimbursement to licensed athletic trainers who provide covered services within their scope of practice.

This act is similar to SB 233 (2011).

STEPHEN WITTE

01/03/2012 Prefiled
 01/04/2012 S First Read--SB 593-Parson (S48)
 01/12/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S87)

EFFECTIVE: August 28, 2012

*** SB 594 ***

4112S.011

SENATE SPONSOR: Kraus

SB 594 - Under current law, only landline telephone numbers may be placed on the state Do-Not-Call list. This act allows cell phone numbers to also be placed on the list. Additionally the act prohibits telemarketers from sending a fax, text message, digital image, or any other form of data communication to any phone number on the list.

This act contains provisions similar to provisions in SB 199 (2011), SB 633 (2010), SCS/SBs 65 & 43 (2009), SCS/SBs 840 & 857 (2008), SS/SCS/SBs 49, 65, 210, 251 (2007).

ERIKA JAQUES

01/03/2012 Prefiled

01/04/2012 S First Read--SB 594-Kraus (S48)

01/12/2012 Second Read and Referred S Commerce, Consumer Protection, Energy and the Environment Committee (S87)

EFFECTIVE: August 28, 2012

*** SB 595 ***

4939S.011

SENATE SPONSOR: Kraus

SB 595 – This act modifies the qualifications for individuals who serve on a special education due process hearing panel. It prohibits panel members from having previously worked for a school district, either as an employee or as an independent contractor or consultant, within the last five years.

MICHAEL RUFF

01/03/2012 Prefiled

01/04/2012 S First Read--SB 595-Kraus (S48)

01/12/2012 Second Read and Referred S Education Committee (S87)

EFFECTIVE: August 28, 2012

*** SB 596 ***

4925S.011

SENATE SPONSOR: Brown

SB 596 - This act suspends the prevailing wage laws in areas declared by the Governor to be natural disasters for 5 years following such a declaration.

This act is identical to SB 439 (2012).

CHRIS HOGERTY

01/03/2012 Prefiled

01/04/2012 S First Read--SB 596-Brown (S48)

01/12/2012 Second Read and Referred S Small Business, Insurance and Industry Committee (S87)

01/17/2012 Hearing Scheduled S Small Business, Insurance and Industry Committee

EFFECTIVE: August 28, 2012

*** SB 597 ***

4509S.021

SENATE SPONSOR: Dempsey

SB 597 - Under this act, The Missouri-St. Louis Metropolitan Airport Authority is given the responsibility for the operation of the Lambert-St. Louis International Airport beginning on January 1, 2015. The City of St. Louis shall continue to own the airport (Section 305.510). The authority shall honor all bonds, debts and employee pension plans of the former airport authority (Section 305.510).

The act changes the manner in which members of the authority are appointed. Current law requires the Governor to appoint four members; St. Louis City to appoint three members; St. Louis County to appoint three members; and the counties of Jefferson, Franklin, and St. Charles to appoint one member each, for a total of 13 members. Under the terms of this act, the mayor of St. Louis City, the county executive of St. Louis

County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties shall each appoint one member of the authority for each 130,000 residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the authority. The first, third, and fifth members initially appointed by an appointing authority shall be appointed for a term of four years. The second, fourth, and sixth initial members shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority (Section 305.515).

This act also states that the City of St. Louis may continue taxing businesses conducting activities within the St. Louis Metropolitan Airport (Section 92.045). Any profit from the operation of the airport shall continue to be received by the City of St. Louis (Section 305.510).

This act requires the authority and the city of St. Louis to enter into negotiations regarding certain employee issues beginning April 1, 2015 (Section 305.572).

This act is similar to HB 1244 (2004), SB 564 (2003), SCS/SB 1062 (2002) and SB 469 (2001).

This act has an effective date of January 1, 2015.

STEPHEN WITTE

01/04/2012 S First Read--SB 597-Dempsey (S50)

EFFECTIVE: January 1, 2015

*** SB 598 ***

4735S.021

SENATE SPONSOR: Dempsey

SB 598 - With regard to tax increment financing, this act requires that a school district or library district be reimbursed from the special allocation fund for tax revenue the district would have received. The provisions of this act only apply to tax increment financing projects approved on or after August 28, 2012.

EMILY KALMER

01/04/2012 S First Read--SB 598-Dempsey (S50)

EFFECTIVE: August 28, 2012

*** SB 599 ***

4467S.011

SENATE SPONSOR: Schaefer

SB 599 – 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 identical to SB 147 (2011) and is similar to provisions contained in HB 1295 (2010), SB 962 (2010), SB 498 (2009), and HB 2542 (2008).

MICHAEL RUFF

01/04/2012 S First Read--SB 599-Schaefer (S50)

EFFECTIVE: August 28, 2012

*** SB 600 ***

4122S.011

SENATE SPONSOR: Lembke

SB 600 - 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.

This act is identical to SB 85 (2011).

MEGHAN LUECKE

01/04/2012 S First Read--SB 600-Lembke (S50)

EFFECTIVE: August 28, 2012

*** SB 601 ***

4836S.011

SENATE SPONSOR: Lembke

SB 601 - This act allows teachers in the St. Louis City School District who have a permanent appointment to be removed based on incompetency.

This act repeals the requirement that a notification of written charges seeking dismissal received during a vacation period be considered as received on the first day of the following school term.

Currently, to be dismissed for inefficiency in the line of duty, a teacher must be notified in writing at least one semester prior to the presentment of charges. This waiting period is shortened to thirty days and will also apply to incompetency. Upon receipt of the charges, the superintendent, or his or her representative, and the teacher must meet and confer in an effort to resolve the matter.

This act removes the prohibition on new teachers being hired while available teachers have been placed on leave of absence due to a reduction in force because of insufficient funds or a decrease in student enrollment. A leave of absence because of a reduction in force will not impair the tenure of a teacher and may continue for up to three years, unless extended by the school board.

This act repeals a provision governing how a reduction in force based on insufficient funds or a decrease in student enrollment would be conducted for non-certified employees in the St. Louis City School District.

MICHAEL RUFF

01/04/2012 S First Read--SB 601-Lembke (S50-51)

EFFECTIVE: August 28, 2012

*** SB 602 ***

4310S.011

SENATE SPONSOR: Green

SB 602 - 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 107 (2011) and SB 762 (2010).

STEPHEN WITTE

01/04/2012 S First Read--SB 602-Green (S51)

EFFECTIVE: Emergency clause

*** SB 603 ***

4311S.011

SENATE SPONSOR: Green

SB 603 - 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, 2013.

This act is similar to SB 859 (2006), SB 37 (2007), SB 1251 (2008), SB 523 (2009), SB 21 (2009), SB 651 (2010), SB 3 (2011), and SB 105 (2011).

CHRIS HOGERTY

01/04/2012 S First Read--SB 603-Green (S51)

EFFECTIVE: January 1, 2013

*** SB 604 ***

4465S.011

SENATE SPONSOR: Green

SB 604 - 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.

This act is identical to SB 272 (2011).
JIM ERTLE

01/04/2012 S First Read--SB 604-Green (S51)

EFFECTIVE: August 28, 2012

*** SB 605 ***

4197S.02I

SENATE SPONSOR: Green

SB 605 - Currently, campaign committees for state representative, state senator, county clerk, associate circuit court judge, circuit court judge, certain municipal office candidates; district, county, and city political party committees; and certain political action committees are required to file campaign finance disclosure reports with the Missouri Ethics Commission and with an appropriate local election authority. This act eliminates this duplicate reporting requirement by only requiring those committees to file with the Missouri Ethics Commission.

CHRIS HOGERTY

01/04/2012 S First Read--SB 605-Green (S51)

EFFECTIVE: August 28, 2012

*** SB 606 ***

4994S.01I

SENATE SPONSOR: Schmitt

SB 606 - 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 is identical to SB 477 (2012) and SB 199 (2011) and 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

01/05/2012 S First Read--SB 606-Schmitt (S59)

EFFECTIVE: August 28, 2012

*** SB 607 ***

4942S.011

SENATE SPONSOR: Stouffer

SB 607 - Under this act, on the date the Highways and Transportation 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 partial waivers and reset agreements 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.

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

This act is similar to SB 120 (2011), HB 2097 (2010) SB 704 (2010), and SCS/SB 57 (2009).
STEPHEN WITTE

01/05/2012 S First Read--SB 607-Stouffer (S59)

EFFECTIVE: August 28, 2012

*** SB 608 ***

4704S.031

SENATE SPONSOR: Wasson

SB 608 - This act establishes the Missouri Health Insurance Exchange, the "Direct Payment Stop Loss Fund", and creates administrative procedure to collect unpaid medical claims.

DEFINITIONS - The act sets forth the definitions that govern Sections 376.1600 to 376.1642 (Missouri Health Insurance Exchange)(Section 376.1600).

ESTABLISHMENT OF THE MISSOURI HEALTH INSURANCE EXCHANGE - This act creates and establishes the Missouri Health Insurance Exchange through which eligible individuals and employer-groups can purchase health insurance. The exchange is created as a body corporate for the purpose of facilitating the availability, choice and adoption of private health insurance plans to eligible individuals and groups. The exchange will serve as a point of entry to determine eligibility to receive health plan benefits for Missouri residents, employers located in Missouri and their employees, students attending institutions of higher learning, and all other eligible individuals seeking to obtain health insurance coverage (Section 376.1603).

MISSOURI HEALTH INSURANCE EXCHANGE BOARD - The exchange will be administered by an exchange board. The exchange board shall be comprised of 9 members (director of Department of

Insurance, commissioner of the Office of Administration, director of Department of Health and Senior Services, and 6 members appointed by the Governor. The members shall annually elect a chair and vice-chair (Section 376.1606).

EXCHANGE DIRECTOR - The board shall appoint an exchange director who shall serve at the pleasure of the board. The exchange director shall be responsible for administering all of the exchange's activities and contracts and supervising all of the exchange's staff. The exchange director will receive compensation as established by the board (Section 376.1606.5).

POWERS OF THE EXCHANGE BOARD - The exchange board is authorized and empowered to:

- (1) Administer all of the exchange's activities and contracts;
- (2) Establish procedures for operations of the exchange;
- (3) Prepare an annual budget for the exchange;
- (4) Enter into contracts with public or private entities to carry out the duties of the exchange, including contracts to administer applications, eligibility verification, enrollment, and premium payments for specific groups or populations. No organization that enters into a contract with the exchange shall be a carrier that offers plans through the exchange. The exchange shall not have the authority to enter into contracts with healthcare providers;
- (5) Take any legal action necessary or proper on behalf of the exchange;
- (6) Hire or contract with appropriate legal, actuarial, administrative personnel, and other advisors to provide technical assistance in the management and operation of the exchange;
- (7) Establish and execute a line of credit, and establish one or more cash and investment accounts to carry out the duties of the exchange;
- (8) Establish and collect administrative fees from carriers based on the number of persons covered by the plans or plans offered through the exchange by the carrier sufficient to fund the costs of administering the exchange;
- (9) Apply for grants from public and private entities;
- (10) Contract with sponsoring employers of participating employer-subsidized plans to act as the plan's administrator;
- (11) Establish procedures for the enrollment of eligible individuals, groups and other enrollees; and
- (12) Establish and manage a system for collecting premium payments made by, or on behalf of, individuals obtaining health insurance coverage through the exchange, including any premium payments made by enrollees, employers, or other organizations and any premium subsidies, and transmitting such payments to the chosen plans (Section 376.1609).

DUTIES OF EXCHANGE DIRECTOR - The act sets forth the various duties the exchange director must carry out. For instance, the exchange director shall provide information on the exchange to applicants, enroll eligible individuals, create application forms, establish a website in which individuals can examine health insurance options, and publicize the existence of the exchange (Section 376.1612).

SERVICE CENTER - The act requires the exchange director to establish and administer at least one service center to provide information to applicants (Section 376.1615).

OPERATING EXPENSES OF THE EXCHANGE - All operating expenses of the exchange shall be paid from funds collected by or on behalf of the exchange. The accounts of the exchange are special fund accounts and the money in the accounts are not part of the general revenue fund of Missouri. The state may not provide general fund appropriations to the exchange and the obligations of the pool are not a debt of the state or a pledge of its credit. The assets of the exchange shall be exempt from taxation by the state and local government (Section 376.1618).

PARTICIPATION OF PLANS IN THE EXCHANGE - The exchange will offer to participating individuals only plans that have been certified by the director of the Department of Insurance. To be able to offer a plan through the exchange, a carrier must be licensed to issue health insurance in Missouri and be in good standing with the department of insurance.

Prior to the exchange's initial open enrollment period, the board shall establish the types of health benefit plans that carriers must offer through the exchange. The development of the plan designs shall be based upon recommendations made by advisory committee composed of a carrier representative that issues individual policies, a carrier representative that issues plans to small employers, an actuary, and three experts who are experienced in designing health benefit plans. The advisory committee shall recommend the types of coverage options and the number of plan designs to be offered through the exchange. Each carrier

may offer any of the following types of plans through the exchange:

- (1) Consumer-driven health benefit plans (high deductible policies coupled with HSAs or a health reimbursement arrangement;
- (2) A limited mandate policy; and
- (3) An enriched plan similar to a plan offered to state employees or other similar quality.

All plans offered by a carrier shall be for a term of at least one year, and may be automatically renewed in the absence of a notice of termination by the plan or notice by the director that the plan is no longer certified as eligible to be offered through the exchange. Each plan certified by the director shall contain a detailed description of benefits offered, including maximums, limitations, exclusions, and other benefit limits. Carriers shall offer plans through the exchange at rates based upon age, geography, health lifestyle considerations and family composition that are actuarially sound. The act requires carriers to notify the director before discontinuing a plan.

The exchange shall begin offering health benefit plans beginning January 1, 2014 (Section 376.1621).

ELIGIBLE INDIVIDUALS - The act provides that "eligible individuals" may receive coverage through the exchange. Eligible individuals are:

- (1) Missouri residents;
- (2) Non-Missouri residents who work at least 20 hours in a Missouri business that does not offer its workers group health insurance;
- (3) Individuals enrolled in, or is eligible to enroll in, a participating employer-subsidized plan;
- (4) Self-employed individuals whose principal place of business is in Missouri;
- (5) Full-time students attending a Missouri institution of higher education; or
- (6) Qualified dependents (Section 376.1624).

ENROLLMENT AND COVERAGE SELECTION - Participating individuals will be able to obtain or change coverage under a participating plan during an annual open season or upon the occurrence of a qualifying event (e.g. marriage, divorce, death of a spouse, birth, adoption, change in employment, etc.). The act requires the exchange to administer an open enrollment season every year (Section 376.1627).

UNDERWRITING AND GUARANTEED ISSUE COVERAGE - The act provides for guaranteed issue of coverage at standard rates to all persons enrolled in the exchange as part of a participating employer-group and to individuals with 18 or more months prior creditable coverage. Under the act, issue of coverage through the exchange is guaranteed at standard rates to those joining it as part of an employer group and to individual enrollees with 18 months of creditable or more of creditable coverage.

GROUP - Individuals who enroll in the exchange as part of a participating employer subsidized plan will be able to obtain coverage at standard rates, regardless of previous coverage (Section 376.1630(8)).

NONGROUP - During the open regular open season, individuals who enroll in the exchange directly as individuals will be able to obtain coverage at the plan's standard rates if the individuals have at least 18 months of coverage. The plan cannot impose any waiting periods or coverage exclusions or deny coverage to such individuals (Section 376.1630(1) and (2)).

Individuals with less than 18 months of prior creditable coverage are also guaranteed issued coverage, but the health care plan may elect certain rating surcharges and/or pre-existing exclusions until such time the individuals have obtained 18+ months of creditable coverage through the exchange. Individual enrollees with 2 to 17 months of prior creditable coverage may be charged premiums of up to 125% of the standard rate. An individual with less than 2 months of prior creditable coverage may be charged premiums of up to 150% of the standard rate. As to preexisting conditions, the plan may impose one or more preexisting condition provisions, for a period not to exceed 12 months, reduced by the number of months of creditable coverage (Section 376.1630(3) and (4)).

The guaranteed issue provisions only apply during the specified election periods (annual open season and whenever an individual's change of status triggers an ERISA right to switch coverage).

Under the act, an individual shall be able to enroll at the standard rates without preexisting condition provisions if the individual becomes a participating individual due to:

- (1) Enrollment in a participating employer-subsidized plan;
- (2) Qualification as a federal health coverage tax credit eligible individual; or
- (3) Becoming a newly qualified dependent of another participating individual through birth, adoption, or court ordered custody or legal guardianship (Section 376.1630).

PORTABILITY AND CONTINUATION OF COVERAGE - Under the act, any participating individual may continue to participate in the exchange for as long as he or she remains an eligible individual, regardless of any change in employment, family status, health status, age, membership in any organization, or other circumstances that does not affect the individual's ability to participate in the exchange. Any non-resident participating individual who ceases to be eligible to participate in the exchange by reason of a qualifying event (e.g. employment termination, divorce, loss of dependent status, etc.) will be permitted to continue participation in the exchange for up to 36 months, on the same terms as other participating individuals, regardless of the loss of eligibility (Section 376.1633).

PARTICIPATING EMPLOYER PLANS (EMPLOYER GROUPS) - Any employer may enter into an agreement with the exchange to be the sponsor of a participating employer-subsidized plan. Under such an arrangement, the exchange director shall become the plan's administrator for the employer's group health plan.

The employer reserves the right to offer supplemental benefits (vision care, dental care, long-term care, etc.), but the exchange director shall not be the plan administrator for any such supplemental plans or benefits. Under the act, the employer retains the right to determine the criteria for eligibility, enrollment, and participation in the participating employer-subsidized plan and the terms and amounts of the employer's contributions to that plan. Under the terms of the arrangement, the employer must participate in a cafeteria plan under 26 U.S.C. §125 (Section 376.1636).

PRODUCER COMMISSIONS - The act allows insurance producers to apply to the exchange on behalf of an employer seeking to sponsor a participating employer plan through the exchange. If the exchange enrolls individuals eligible for benefits under the terms of that participating employer plan, then the participating plan chosen by the individual shall pay the insurance producer that applied to the exchange on behalf of that employer the commission provided for by the act. Under the act, the director must determine the amount of the standard commission paid to licensed insurance producers and other qualified entities for enrolling eligible individuals in the exchange. The amount of the commission shall be in an amount the director determines to be reasonable, based on commissions that are paid in the relevant market and other factors the director deems relevant (Section 376.1638).

DIRECT PAYMENT STOP LOSS FUND - The act establishes the "Direct Payment Stop Loss Fund", to be administered by the director or the department of insurance. The direct payment stop loss fund shall be a fund from which carriers offering participating plans through the Missouri health insurance exchange may receive reimbursement, to the extent of funds available therefore, for claims paid by such carriers for participating individuals covered under the exchange. Commencing January 1, 2014, carriers offering participating plans through the exchange shall be eligible to receive reimbursement from the direct payment stop loss fund for 70% of claims paid between \$50,000 and \$100,000 in a calendar year for any participating individual covered under a participating plan issued through the exchange.

Claims shall be reported and funds shall be distributed on a calendar year basis. Claims shall be eligible for reimbursement only for the calendar year in which the claims are paid. Once claims paid on behalf of a participating individual reach or exceed \$100,000 in a given calendar year, no further claims paid on behalf of such participating individual in such calendar year shall be eligible for reimbursement. Claims paid within a calendar year shall be determined by the date of payment rather than date of service or date the claim was incurred. No participating carrier shall delay or defer payment of a claim solely for the purpose of causing the date of payment to fall into a subsequent calendar year. Participating carriers shall not be entitled to any reimbursement on behalf of a participating individual if the claims paid on behalf of that member in a given calendar year do not, in the aggregate, reach the applicable claims threshold. Additionally, claims paid on behalf of a covered member that exceed the claims corridor in a given calendar year shall not be eligible for reimbursement from the fund.

In the event that the total amount requested for reimbursement by all carriers for a calendar year exceeds funds available for distribution for claims paid by all carriers during that same calendar year, the director shall provide for the pro-rata distribution of the available funds. Each carrier shall be eligible to receive only such proportionate amount of the available funds as the individual carrier's total eligible claims paid bears to the

total eligible claims paid by all carriers. In the event that funds available for distribution for claims paid by all carriers during a calendar year exceeds the total amount requested for reimbursement by all carriers during that same calendar year, any excess funds shall be carried forward and will not affect monies appropriated for the direct payment stop loss fund in the next calendar year.

The act allows the director to obtain the services of an organization to administer the direct payment stop loss fund. The director shall establish guidelines for the submission of proposals by organizations for the purposes of administering the fund. The director shall make a determination whether to approve, disapprove or recommend modification to the proposal of an applicant to administer the fund. An organization approved to administer the fund shall submit reports to the director in such form and at times as may be required by the director in order to facilitate evaluation and ensure orderly operation of the fund, including, but not limited to an annual report of the affairs and operations of the fund, such report to be delivered to the director, the house budget committee chair, and the senate appropriations committee chair.

If the director deems it appropriate for the proper administration of the direct payment stop loss fund, the administrator of the fund, on behalf of and with the prior approval of the director, shall be authorized to purchase stop loss insurance and/or reinsurance from an insurance company licensed to write such type of insurance in this state.

Under the act, the director must submit an annual report to the general assembly evaluating the effectiveness of the direct stop loss fund. The report shall include any recommendations that the director deems relevant. The report, however, shall contain recommendations whether the reinsurance threshold or attachment point delineated in this section shall be lowered and the reinsurance corridor be expanded to lower premium costs and assist carriers with combating adverse selection or whether the threshold should be increased in order to protect the solvency of the fund (Section 376.1642).

STATEMENT OF COVERAGE FORM - This act requires all Missouri employers to annually file with the director of Department of Insurance a form for each employee indicating the health insurance coverage status of the employee and his or her dependants. Similar requirements are made of self-employed individuals and the Department of Social Services with respect to individuals covered under governmental programs (Section 376.1850).

PERSONAL RESPONSIBILITY - The act also requires persons between the ages of 18 to 65 to offer proof of their ability to pay for medical care. They can either show proof of insurance as required in the statement of coverage provision or show proof of financial responsibility by presenting a bond in the amount of \$10,000 to the Department of Revenue or establishing an escrow account with the department in the same amount. If the director of the Department of Revenue received information that a person has failed to pay a hospital or other medical claim, the director shall establish an escrow account in the person's name and shall deposit in the account all moneys that be payable from the state (overpayment of taxes, etc.) to that person. Alternatively, the director can obtain an order of attachment on the person's wages. The director may disburse moneys from the escrow account to pay for medical claims when the individual is not in compliance with the act. The act further provides that any judgment payable by an individual to a health care provider for charges during a period that the individual failed to maintain financial responsibility shall include an order permitting the attachment of the person's wages to satisfy the judgment. The act allows health care providers to file a claim with the director through an administrative process to receive moneys from the escrow account or to seek a garnishment action (Section 376.1852).

This act is virtually identical to SB 556 (2007).

STEPHEN WITTE

01/05/2012 S First Read--SB 608-Wasson and Richard (S59)

EFFECTIVE: August 28, 2012

*** SB 609 ***

4980S.011

SENATE SPONSOR: Lembke

SB 609 - 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.

This act is identical to SB 211 (2011) and similar to HB 364 (2011).

MIKE HAMMANN

01/05/2012 S First Read--SB 609-Lembke (S65)

EFFECTIVE: August 28, 2012

*** SB 610 ***

4987S.011

SENATE SPONSOR: Lembke

SB 610 - This act prohibits political subdivisions from using automated photo red light enforcement systems to enforce red light violations.

This act is identical to SB 16 (2011), SB 637 (2010) and SB 211 (2009).

STEPHEN WITTE

01/05/2012 S First Read--SB 610-Lembke (S65)

EFFECTIVE: August 28, 2012

*** SB 611 ***

4983S.011

SENATE SPONSOR: Lembke

SB 611 - 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.

This act is identical to SB 212 (2011).

STEPHEN WITTE

01/05/2012 S First Read--SB 611-Lembke (S65)

EFFECTIVE: August 28, 2012

*** SB 612 ***

4979S.011

SENATE SPONSOR: Lembke

SB 612 - 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, 2013. 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.

This act is similar to SB 15 (2011).

EMILY KALMER

01/05/2012 S First Read--SB 612-Lembke (S65)

EFFECTIVE: August 28, 2012

*** SB 613 ***

4732S.011

SENATE SPONSOR: Kehoe

SB 613 - This act requires courts to award litigation costs and attorney's fees to a prevailing defendant unless the plaintiff voluntarily dismisses the suit before the defendant's time to file for dismissal has passed.

MIKE HAMMANN

01/05/2012 S First Read--SB 613-Kehoe, et al (S65)

EFFECTIVE: August 28, 2012

*** SB 614 ***

4628S.021

SENATE SPONSOR: Kehoe

SB 614 - This act requires courts to award litigation costs and attorney's fees to a party filing and prevailing on a motion to dismiss a suit for having no basis in law or fact. If the motion is denied, the party opposing the motion shall be awarded its litigation costs and attorney fees associated with defending against the motion.

MIKE HAMMANN

01/05/2012 S First Read--SB 614-Kehoe and Lamping (S65)

EFFECTIVE: August 28, 2012

*** SB 615 ***

4817S.011

SENATE SPONSOR: McKenna

SB 615 - Under current law, anyone who possesses a license to sell liquor in the original package may apply for an additional license to sell liquor on Sundays from 9 a.m. until midnight. In addition, various laws give certain specified establishments, such as airline clubs, places of amusement, and restaurant bars, the opportunity to apply for a license to sell liquor by the drink at retail on Sundays.

This act allows any liquor license holder to apply for a license to sell liquor at retail on Sundays from 9 a.m. until midnight except certain establishments in St. Louis and Kansas City that can apply for such licenses under different statutory authority. The cost of the Sunday license is \$200. In addition, this act repeals statutes that allowed Sunday liquor licenses for specific types of license holders because those licensees can apply for the Sunday license under this act.

A provision in one of the repealed statutes that allows restaurant bars in sports stadiums in Jackson County to open at 8 a.m. rather than 9 a.m. is reenacted in this act.

MEGHAN LUECKE

01/05/2012 S First Read--SB 615-McKenna (S65)

EFFECTIVE: August 28, 2012

*** SB 616 ***

5056S.011

SENATE SPONSOR: Wasson

SB 616 - On or after January 1, 2013, every insurer authorized to write homeowners' insurance within Missouri shall make available, for an appropriate additional premium, coverage for sinkhole losses on any structure, including contents of personal property contained therein, to the extent provided in the policy to which the sinkhole coverage attaches. Sinkhole insurance coverage may be offered as part of the underlying insurance policy or as an endorsement or rider.

If a homeowner's insurance policy excludes coverage for sinkhole losses, the insurer must inform policyholders in bold type of not less than 14 points as follows:

"YOUR POLICY DOES NOT PROVIDE COVERAGE FOR SINKHOLE LOSSES. YOU MAY PURCHASE ADDITIONAL COVERAGE FOR SINKHOLE LOSSES FOR AN ADDITIONAL PREMIUM."

STEPHEN WITTE

01/09/2012 S First Read--SB 616-Wasson (S69)

EFFECTIVE: August 28, 2012

*** SB 617 ***

5108S.011

SENATE SPONSOR: Schaaf

SB 617 - No later than sixty days after the effective date of this act, the Department of Social Services

shall promulgate rules to specify the process to qualify for MO HealthNet services through the MO HealthNet spenddown program. The rules shall clearly define all eligibility standards, methodologies, calculations and procedures used to define such eligibility.

This act has an emergency clause.

ADRIANE CROUSE

01/09/2012 S First Read--SB 617-Schaaf (S69)

EFFECTIVE: Emergency Clause

*** SB 618 ***

4854S.011

SENATE SPONSOR: Schaaf

SB 618 - This act requires auctioneers selling real estate to be licensed by the Real Estate Commission.

MIKE HAMMANN

01/09/2012 S First Read--SB 618-Schaaf (S69)

EFFECTIVE: August 28, 2012

*** SB 619 ***

5035S.011

SENATE SPONSOR: Richard

SB 619 - This act modifies Missouri's valued policy law statute. Under current law, Section 379.140 applies to loss or damage by fire. In the event of a total loss, the insurer must pay the total amount of the policy less the depreciation of the property between the time of the issuance of the policy and the loss. In a partial loss, the insurer must pay the comparable percentage of the total value as the damaged part bears to the whole property. This act modifies this statute so that applies to loss or damage by any peril covered under the terms of the policy, not just fire.

This act is identical to HB 1124 (2012).

STEPHEN WITTE

01/09/2012 S First Read--SB 619-Richard (S69)

EFFECTIVE: August 28, 2012

*** SB 620 ***

4661S.011

SENATE SPONSOR: Rupp

SB 620 - This act amends Section 376.010 to allow life insurers licensed in Missouri to write limited amounts of non-life business outside of the United States, subject to specified limitations. Primarily, a Missouri domestic life insurance company may only write or assume such business if it is written outside of the United States. Additionally, such exposure may only be written or assumed as a rider attached to a base life insurance policy. Finally, the domestic insurance company's exposure to such business is capped based upon the insurance company's annual premium, which shall be not more than 3% of the prior year's capital and surplus (Section 376.010).

The act also permits a Missouri-domiciled insurance company to write or assume involuntary unemployment insurance in connection with group life insurance business as well as credit insurance business, but only to the extent that such business is written or assumed outside of the United States (Section 376.015). The act also "cleans-up" an insurance investment statute by inserting a number of commas in Section 376.307 which were inadvertently omitted in a bill passed in 2007 (Section 376.307).

STEPHEN WITTE

01/09/2012 S First Read--SB 620-Rupp (S69)

EFFECTIVE: August 28, 2012

*** SB 621 ***

5052S.011

SENATE SPONSOR: Brown

SB 621 - This act requires the Department of Health and Senior Services to review and revise its

regulations governing hospital licensure and enforcement to promote efficiency and eliminate duplicate regulations and inspections by or on behalf of the state and federal agencies.

The department is also required to adopt regulations that require among other things: (1) Specific findings of deficiencies to refer to the specific written and publicly available standard that is the basis of the finding; (2) Consistency with the federal Centers for Medicare and Medicaid Services' (CMS) Conditions of Participation for hospitals; (3) A process and standards to determine if a complaint warrants an onsite investigation; (4) Limits to a complaint investigation performed by the department to the specific regulatory standard raised by the complaint, unless there is an immediate safety threat; and (5) A process to provide a hospital with a report of all complaints made against it.

The department shall also designate adequate and sufficient consultation and staffing resources to facilitate the required annual inspection of hospitals for licensure. The department shall also accept a hospital inspection report from the CMS-approved organizations in lieu of the department's or other governmental organization's annual inspection report and also shall accept such hospital inspection report for licensure purposes if the accreditation inspection was conducted within three years, rather than one year, of the most recent license renewal. This act also limits the scope of a good cause departmental inspection to the specific regulatory standard raised by the complaint.

A hospital and its staff shall have the opportunity to participate at least annually in training sessions provided to state licensure surveyors and in the training of surveyors assigned to the inspection of hospitals to the fullest extent possible.

This act also establishes specific timelines identical to those in CMS's State Operations Manual for state hospital officials to respond to a hospital regarding the status and outcome of pending investigations and possible regulatory action.

These provisions are identical to HB 1123 (2012) and substantially similar to HCS/HB 579 (2011).
ADRIANE CROUSE

01/09/2012 S First Read--SB 621-Brown (S69)

EFFECTIVE: August 28, 2012

*** SB 622 ***

4993S.011

SENATE SPONSOR: Cunningham

SB 622 - This act requires a health carrier that offers or issues plans which are issued or renewed on or after January 1, 2013, that provide coverage for prescription eye drops, to provide coverage for refilling the eye drop prescription prior to the last day of the insured's dosage period without regard to a restriction for an early refill as long as the prescribing health care provider authorizes the early refill. The coverage must not be subject to any greater deductible or co-payment than other similar health care services provided by the health plan. The act exempts certain supplemental insurance policies from its provisions.

This act is identical to HB 1081 (2012).
STEPHEN WITTE

01/09/2012 S First Read--SB 622-Cunningham (S69)

EFFECTIVE: August 28, 2012

*** SB 623 ***

4998S.011

SENATE SPONSOR: Cunningham

SB 623 - Under current law, Missouri banks and trust companies with trust powers under any law, and national banks with their principal place of business in Missouri with trust powers under the laws of the United States are allowed to transfer all of their fiduciary obligations to another such entity. This act allows all banks and trust companies authorized to exercise trust powers under Missouri law and all national banks authorized to exercise trust powers under any law to do the same.

Currently, Missouri banks and trust companies are authorized to transfer fiduciary obligations consisting only of irrevocable life insurance trusts to the Missouri trust office of an out of state bank with trust powers or to an out of state trust company. This act allows all banks and trust companies authorized to exercise trust

powers under Missouri law and all national banks authorized to exercise trust powers under any law to transfer those obligations to any such banks and trust companies.

CHRIS HOGERTY

01/09/2012 S First Read--SB 623-Cunningham (S70)

EFFECTIVE: August 28, 2012

*** SB 624 ***

5046S.011

SENATE SPONSOR: Lembke

SB 624 - Before January 1, 2014, the board of directors of the Missouri Employers Mutual Insurance Company (MEMIC) shall perform all acts necessary to establish a successor mutual insurance company. The successor company shall operate to the same extent as any mutual casualty insurer that is licensed and authorized to write insurance in this state, subject to the authority and regulation by the department of insurance, and with all the powers and subject to all the laws, rules, and requirements of a mutual insurance company that is organized under the laws of this state.

On or before January 1, 2013, the board of directors shall provide a report to the Governor, the President pro tem of the Senate, and the Speaker of the House of Representatives that outlines the steps it will take to become a private successor mutual insurance company. The report shall also calculate the value, if any, of state equity or other state financial interests in the Missouri Employers Mutual Insurance Company. A copy of the report shall be provided to the Secretary of State.

The board of directors shall perform all necessary acts to file articles of incorporation of the successor mutual insurer corporation and shall take all necessary actions to qualify for a certificate of authority as provided by law.

Beginning January 1, 2014, the successor mutual insurance company shall become the successor in interest to all the assets and liabilities of MEMIC without any conveyance or transfer and without any further act or deed and shall be vested by operation of law with title to all property of MEMIC. The successor company shall be responsible for the obligations of the MEMIC to the same extent as though incurred originally by the successor company.

The act further provides that the director of the Department of Insurance is authorized to supervise MEMIC's transition into a private successor mutual insurance company.

The act repeals MEMIC's enabling legislation. The repeal of these sections become effective January 1, 2014.

STEPHEN WITTE

01/09/2012 S First Read--SB 624-Lembke (S70)

EFFECTIVE: Varies

*** SB 625 ***

5110S.011

SENATE SPONSOR: Kehoe

SB 625 - Currently when employees transfer between the Missouri State Employees' Retirement System and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, the value of the employees accrued benefits are transferred as well. This act will change the computation of accrued benefits to exclude amounts for previously transferred service not subject to asset transfer. Any prior payments already made that should have been excluded must be returned.

MIKE HAMMANN

01/09/2012 S First Read--SB 625-Kehoe (S70)

EFFECTIVE: August 28, 2012

*** SB 626 ***

5135S.011

SENATE SPONSOR: Kehoe

SB 626 - This act modifies the laws regarding products liability claims. The act adopts a statute of repose which limits the time period during which a cause of action for a products liability claim can arise. A

presumption is created that the useful safe life of a product is twelve years after the time of delivery. If harm is caused more than twelve years after the time of delivery of the product, the presumption can be rebutted by a preponderance of the evidence that the useful safe life of the product is longer. The useful safe life of a product shall also end, if the product is materially altered. A manufacturer or seller of a product may be subject to liability after the useful safe life of the product if the product has a warranty for a longer period, or the manufacturer or seller intentionally misrepresents facts about the product and that conduct causes the individual's harm. A person bringing a products liability claim is required to bring a claim within five years from the time they discovered the harm and its cause. This act does not apply to actions arising out of a defective or unsafe condition of any improvement to real property.

This act is similar to SCS/SB 379 (2011).

MIKE HAMMANN

01/09/2012 S First Read--SB 626-Kehoe (S70)

EFFECTIVE: August 28, 2012

*** SB 627 ***

4887S.021

SENATE SPONSOR: Schaefer

SB 627 - The act allows the director of the Office of Administration's Division of Facilities Management, Design, and Construction to provide waste management services for any state agency except those for which such authority is designated in the Constitution. The director must appoint a member of his or her staff to serve as the coordinator of waste management services who will oversee any contract, agreement, or arrangements for the services. The director must provide a report on its activities under the act upon request by the Governor, President Pro Tem of the Senate, or Speaker of the House of Representatives.

ERIKA JAQUES

01/09/2012 S First Read--SB 627-Schaefer (S70)

EFFECTIVE: August 28, 2012

*** SB 628 ***

4557S.021

SENATE SPONSOR: Schaefer

SB 628 - This act modifies the uses of money from a current court surcharge in criminal cases. The "Inmate Security Fund" is renamed the "Inmate Prisoner Detainee Security Fund". The uses of moneys in the fund are modified to include the purchase of information sharing equipment to allow inmates, detainees or prisoners in a shorter term detention facility to be identified upon booking and tracked within certain law enforcement or criminal justice systems.

MIKE HAMMANN

01/09/2012 S First Read--SB 628-Schaefer (S70)

EFFECTIVE: August 28, 2012

*** SB 629 ***

4934S.011

SENATE SPONSOR: Schaefer

SB 629 - This act modifies the formula for determining how much money a tobacco product manufacturer who does not participate in the Master Settlement Agreement will receive back from the escrow fund in which the manufacturer is required to deposit money from the sale of cigarettes.

This act has an emergency clause.

This act is identical to SB 375 (2011) and HB 491 (2011).

EMILY KALMER

01/09/2012 S First Read--SB 629-Schaefer (S70)

EFFECTIVE: Emergency Clause

*** SB 630 ***

4997S.011

SENATE SPONSOR: Parson

SB 630 - This act extends the sunset on the rolling stock tax credit to August 28, 2021.

This act is similar to SB 377 (2011).

EMILY KALMER

01/09/2012 S First Read--SB 630-Parson (S70)

EFFECTIVE: August 28, 2012

*** SB 631 ***

5053S.011

SENATE SPONSOR: Parson

SB 631 - The act exempts any person who buys 50,000 bushels or less of grain a year from being considered a grain dealer under the Missouri Grain Dealer law.

ERIKA JAQUES

01/09/2012 S First Read--SB 631-Parson (S70)

EFFECTIVE: August 28, 2012

*** SB 632 ***

5159S.011

SENATE SPONSOR: Stouffer

SB 632 - This act designates a portion of Interstate 70 in Lafayette County as the "Sergeant Joe C. Specker Memorial Highway".

The act is identical to HB 900 (2011).

STEPHEN WITTE

01/09/2012 S First Read--SB 632-Stouffer (S70)

EFFECTIVE: August 28, 2012

*** SB 633 ***

5036S.011

SENATE SPONSOR: Engler

SB 633 - This act allows a scrap metal operator to acquire a vehicle or parts of a vehicle that is 10 years old or older without receiving the original certificate of title, salvage certificate of title, or junking certificate from the seller. The scrap metal operator is allowed to submit a copy of the seller's state identification along with the bill of sale to the Department of Revenue in lieu of the original certificate of title, salvage certificate, or junking certificate.

This act is identical to HB 1064 (2012).

STEPHEN WITTE

01/10/2012 S First Read--SB 633-Engler (S76)

EFFECTIVE: August 28, 2012

*** SB 634 ***

5055S.011

SENATE SPONSOR: Pearce

SB 634 - Under this act, each health carrier must provide coverage for the diagnosis and treatment of eating disorders beginning January 1, 2013. 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 229 (2011), SB 744 (2010), SB 463 (2009), and HB 519 (2009).

STEPHEN WITTE

01/10/2012 S First Read--SB 634-Pearce (S76)

EFFECTIVE: August 28, 2012

*** SB 635 ***

5139S.011

SENATE SPONSOR: Pearce

SB 635 - Repeals redundant provisions that allow federal home loan bank bonds and federal home loan bank letters of credit to be acceptable collateral for public deposits.

CHRIS HOGERTY

01/10/2012 S First Read--SB 635-Pearce (S76)

EFFECTIVE: August 28, 2012

*** SB 636 ***

4054S.011

SENATE SPONSOR: Keaveny

SB 636 - This act modifies the requirements for a type of trust known as a qualified spousal trust. Currently trusts that hold a certain kind of property owned by a husband and a wife will be considered a qualified spousal trust if the property is held in one trust or the property is held in two separate shares of one trust. This act allows a trust to be considered a qualified spousal trust if the trust consists of both property held in one trust for both spouses and property held in two shares of one trust for each spouse.

MIKE HAMMANN

01/10/2012 S First Read--SB 636-Keaveny (S76)

EFFECTIVE: August 28, 2012

*** SB 637 ***

5051S.011

SENATE SPONSOR: Brown

SB 637 - This act specifies that certain statutory changes that went into effect on August 28, 2011, regarding training requirements for concealed carry endorsements only apply to applications for new endorsements and not for renewal applications.

This act is identical to HB 1045 (2012).

MEGHAN LUECKE

01/10/2012 S First Read--SB 637-Brown (S76)

EFFECTIVE: August 28, 2012

*** SB 638 ***

4369S.021

SENATE SPONSOR: Lamping

SB 638 - This act increases Missouri's excise tax on cigarettes from seventeen cents per pack to forty-three cents per pack beginning August 28, 2012. The revenue derived from the twenty-six cent increase will be deposited in the general revenue fund.

The act modifies the tax rates for state income tax, to exempt the first two thousand dollars of Missouri adjusted gross income from state income tax and adjust the tax on other levels of income.

EMILY KALMER

01/10/2012 S First Read--SB 638-Lamping (S76)

EFFECTIVE: August 28, 2012

*** SB 639 ***

5171S.011

SENATE SPONSOR: Schaaf

SB 639 - This act provides that the act of a mother breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be shall not:

- (1) Constitute sexual conduct or sexual contact as defined under criminal law; or
- (2) Be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching, or obscenity or any other similar term for purposes of state or municipal law.

A municipality shall not enact an ordinance prohibiting or restricting a mother from breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be.

This act adds a nursing mother to the list of persons entitled to be excused from jury service. Any nursing mother, upon her request, and with a completed written statement from her physician to the court certifying that she is a nursing mother shall be excused from service as a petit or grand juror.

ADRIANE CROUSE

01/11/2012 S First Read--SB 639-Schaaf (S80)

EFFECTIVE: August 28, 2012

*** SB 640 ***

4404S.021

SENATE SPONSOR: Schaaf

SB 640 - This act amends the certificate of need (CON) law as follows:

- (1) limits the radius area for "affected persons" to a 5 mile radius of proposed new development as well as when consideration shall be given to the facilities located within the 5 mile radius when determining if a CON shall be issued;
- (2) raises the expenditure minimum for falling under CON review for capital expenditures to one million dollars and for major medical equipment to 2 million dollars;
- (3) requires all testimony and other evidence taken during the hearings to be under oath and subject to penalty of perjury;
- (4) changes the procedures and evidentiary standard at the certificate of need hearing;
- (5) prohibits all ex parte communications between members of the committee and any interested party or witness regarding the subject matter of the hearing at any time prior to, during, or after the hearing and
- (6) modifies the membership and requirements for Missouri Health Facilities Review Committee for the Certificate of Need Program (Sections 197.300 to 197.367).

These provisions are substantially similar to HB 2355 (2008).

ADRIANE CROUSE

01/11/2012 S First Read--SB 640-Schaaf (S80)

EFFECTIVE: August 28, 2012

*** SB 641 ***

5227S.011

SENATE SPONSOR: Pearce

SB 641 - This act removes the June 30, 2012, sunset date to the Children's Vision Examination program. Under the program, every child enrolling in kindergarten or first grade in a public school is required to receive one comprehensive vision examination.

This act contains an emergency clause.

This act is substantially similar to HB 677 (2011).

ADRIANE CROUSE

01/11/2012 S First Read--SB 641-Pearce (S80)

EFFECTIVE: Contingent

*** SB 642 ***

4361S.011

SENATE SPONSOR: Wasson

SB 642 - 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 contained in the truly agreed to version of HB 430 (2011), SCS/SB 260 (2011), HCS/SCS/SB 887 (2010), HCS/HB 1541 (2010), and HB 1693 (2010).
STEPHEN WITTE

01/11/2012 S First Read--SB 642-Wasson (S80)

EFFECTIVE: August 28, 2012

*** SB 643 ***

4630S.011

SENATE SPONSOR: Keaveny

SB 643 – 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 or Kansas City School District must do as at age five. This change will begin in the 2013-2014 school year. This change will not apply to any parent or guardian who intends to enroll his or her child in a home school.

This act is similar to SB 124 (2011) and HB 835 (2011).

MICHAEL RUFF

01/11/2012 S First Read--SB 643-Keaveny (S80)

EFFECTIVE: August 28, 2012

*** SB 644 ***

5234S.011

SENATE SPONSOR: Schaefer

SB 644 - 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.

The act is identical to SB 148 (2011).

STEPHEN WITTE

01/11/2012 S First Read--SB 644-Schaefer (S81)

EFFECTIVE: August 28, 2012

*** SB 645 ***

5134S.011

SENATE SPONSOR: Schaefer

SB 645 - Under current law, the Administrative Hearing Commission (AHC) must make a recommended decision within 60 days of the filing date of an appeal of a decision made by an environmental commission. The act removes the 60-day timeframe and changes the requirement that the AHC must hold hearings and must make a recommended decision to allow the AHC discretion as whether it holds hearings or issues a recommended decision.

Under current law, an environmental commission must issue its final decision with regard to an appeal that went to the AHC within 90 days of the date the appeal was filed. The act removes this timeframe.

Currently, if state law requires the Department of Natural Resources to issue an environmental permit within a certain timeframe and the Department fails to do so, it must issue the permit on the first day following the expiration of the timeframe. The act modifies this provision so that the requirement to automatically issue the permit only applies at the request of the permit applicant.

The act removes the requirement that any actions filed in a court of law seeking judicial review of final decisions made by the Air Conservation Commission or Clean Water Commission must be made in the court of appeals rather than in the circuit court.

ERIKA JAQUES

01/11/2012 S First Read--SB 645-Schaefer (S81)

EFFECTIVE: August 28, 2012

*** SB 646 ***

4941S.011

SENATE SPONSOR: Engler

SB 646 - 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.

This act is identical to SB 227 (2011).
MEGHAN LUECKE

01/11/2012 S First Read--SB 646-Engler (S81)

EFFECTIVE: August 28, 2012

*** SB 647 ***

4958S.011

SENATE SPONSOR: Richard

SB 647 - This act modifies the amount of historic preservation tax credits that the Department of Economic Development is permitted to authorize each fiscal year, beginning with fiscal year 2014, and requires that funds be transferred from general revenue to a new fund, the Capitol Complex Revitalization Fund, based on the estimated amount of additional state tax revenues collected due to the changes to the historic preservation tax credit program, until the fund has received a total of fifty million dollars.

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 2014, and each fiscal year thereafter until the Capitol Complex Revitalization Fund has received a total of fifty million dollars, this act would prohibit the Department of Economic Development from approving more than fifty million dollars in historic preservation tax credits increased by the amount of any rescissions of approved applications for tax such credits.

Applicants for projects that, as August 28, 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.

Funds in the Capitol Complex Revitalization Fund are required to be used by the Division of Facilities Management, Design, and Construction to renovate and restore the facilities and grounds of the state capitol, the governor's mansion, the supreme court building, and to convert a building occupied by the Missouri Department of Transportation to an annex to the state capitol.

EMILY KALMER

01/11/2012 S First Read--SB 647-Richard (S81)

EFFECTIVE: August 28, 2012

*** SB 648 ***

4676S.021

SENATE SPONSOR: Dempsey

SB 648 - This act expands the list of qualified persons who may accompany a temporary instruction permit holder who is under 16 years of age. Under current law, a temporary instruction permit holder may only drive a motor vehicle when accompanied by a grandparent, parent, legal guardian, or a qualified driving instructor. This act expands the list of qualified drivers to include persons who are at least 25 years age who have been licensed for a minimum of three years.

STEPHEN WITTE

01/11/2012 S First Read--SB 648-Dempsey (S81)

EFFECTIVE: August 28, 2012

*** SB 649 ***

4996S.011

SENATE SPONSOR: Ridgeway

SB 649 - This act extends the sunsets on the Children's Vision Examination Program and Children's Vision Commission from June 30, 2012, to June 30, 2016.

The act modifies the current Children's Vision Examination Program by requiring as of July 1, 2013, every

child who is referred for a comprehensive vision examination to receive one comprehensive vision examination performed by a state licensed optometrist or physician. The program is further amended by requiring as of July 1, 2013, all public school districts to conduct an eye screening for each student once before the completion of kindergarten, once before the completion of first grade, and again before the completion of third grade.

The act also requires the school district to inform the parent or guardian, after a student fails the eye screening, that the student shall receive a mandatory comprehensive vision examination from an optometrist or physician. Current law requires the school district to propose to the parent that the student receive a comprehensive vision examination.

This act repeals the provisions pertaining to a pilot project conducted by the Children's Vision Commission to track the results of eye screenings versus eye examinations.

ADRIANE CROUSE

01/11/2012 S First Read--SB 649-Ridgeway (S81)

EFFECTIVE: August 28, 2012

*** SB 650 ***

5084S.011

SENATE SPONSOR: Ridgeway

SB 650 - This act mandates that appointments by the Governor to the following boards, commissions, or committees must be made with the advice and consent of the Senate: Missouri Minority Business Advocacy Commission, Governor's Council on Disability, Missouri Military Preparedness and Enhancement Commission, St. Louis Convention and Visitors Commission, Mid-America Port Commission, Missouri Local Government Employees' Retirement System, Missouri State Employees Retirement System Board, State Interagency Coordinating Council, Interstate Commission on Education Opportunity for Military Children, Missouri Commission for the Deaf and Hard of Hearing, Educational Commission of the States, Missouri Assistive Technology Advisory Council, Missouri Cotton Growers' Organization Board of Directors, Administrative Law Judge Review Committee, Missouri State Unemployment Council, Missouri Pet Spay/Neuter Fund Board, Missouri Technology Corporation, Missouri Health Insurance Pool, Residential Mortgage Board, Missouri Small Business Regulatory Fairness Board, Sentencing Advisory Commission, State Council for Interstate Adult Offender Supervision, Missouri Film Commission, Small Business Compliance Advisory Committee, Missouri Sheriff Methamphetamine Relief Taskforce, Missouri Medal of Valor Review Board, and Midwest Interstate Passenger Rail Compact.

This act requires the directors of certain departments to be members of the Criminal Nonsupport Courts Coordinating Commission instead of their designees.

MIKE HAMMANN

01/11/2012 S First Read--SB 650-Ridgeway (S81)

EFFECTIVE: August 28, 2012

*** SB 651 ***

5320S.011

SENATE SPONSOR: Schaefer

SB 651 - This act requires individuals performing home inspections to be licensed. Licenses are to only be issued to individuals and not business entities. A license would not be required for certain government employees, licensed home inspector assistants, persons acting on behalf of insurance companies, and individuals performing limited inspections of certain components of houses. Licenses will not be required of architects, engineers, or real estate brokers, salespersons, or appraisers acting within the scope of their licenses.

The act creates the Missouri Homes Inspectors' Board which is to set qualifications and establish an application process for home inspector licenses. The board is to establish guidelines relating to educational courses for home inspectors. The act creates the Missouri Home Inspectors' Fund to collect fees authorized under the act and to be used by the board.

This act set criteria for complaints to be filed with the administrative hearing commission. The Missouri Home Inspectors' Board may refuse to renew a license and the administrative hearing commission may take disciplinary action for a violation of any of these criteria.

This act requires licensed home inspectors to maintain records for three years and a day after the creation of a home inspection report.

A statute of limitations of one year after the date of the inspection report is created for actions against home inspectors and relating to home inspections. A person knowingly violating a provision of this act will be guilty of a Class B misdemeanor. Business entities that participate in a violation or that are an accessory to a violation of this act will be guilty of a Class B misdemeanor. The Missouri Home Inspectors' Board may file a complaint for a violation of this act with a court of competent jurisdiction.

MIKE HAMMANN

01/12/2012 S First Read--SB 651-Schaefer (S85)

EFFECTIVE: January 1, 2014

*** SB 652 ***

5255S.011

SENATE SPONSOR: Lager

SB 652 - This act prohibits a political subdivision from restricting a paid member of a fire department or fire district from supporting or opposing any political party, candidate or petition while off duty and not in uniform.

This act is identical to the perfected version of SS/SB 231 (2011).

MEGHAN LUECKE

01/12/2012 S First Read--SB 652-Lager (S85-86)

EFFECTIVE: August 28, 2012

*** SB 653 ***

5254S.011

SENATE SPONSOR: Lager

SB 653 - This act designates a portion of Missouri Route 116 located in Clinton County as the "Sgt. Issac B. Jackson Memorial Highway". The Department of Transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid for by private donation.

STEPHEN WITTE

01/12/2012 S First Read--SB 653-Lager (S86)

EFFECTIVE: August 28, 2012

*** SB 654 ***

5251S.011

SENATE SPONSOR: Lager

SB 654 – This act requires the school board of each school district and charter school to establish and maintain an evaluation system for teachers. 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, 2013. The development of the guidelines must include teachers chosen by 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.

This act is similar to SB 391 (2011) and HB 543 (2011).

MICHAEL RUFF

01/12/2012 S First Read--SB 654-Lager (S86)

EFFECTIVE: August 28, 2012

*** SB 655 ***

4680S.011

SENATE SPONSOR: Green

SB 655 – This act creates the "Higher Education Capital Fund." The General Assembly may appropriate moneys to the fund to provide matching funds to public colleges or universities for capital projects. To receive matching funds, a public college or university must raise fifty percent of the cost of the capital project from private donations or grants. The General Assembly may appropriate the remaining fifty percent of the cost of project as matching funds to the institution. Public colleges and universities are prohibited from using operating budget funds, tuition, fees, or bond revenues to produce their portion of the capital project's cost.

The Commissioner of Higher Education will administer the Higher Education Capital Fund and may promulgate rules to implement this act.

MICHAEL RUFF

01/12/2012 S First Read--SB 655-Green, et al (S86)

EFFECTIVE: August 28, 2012

*** SB 656 ***

5249S.011

SENATE SPONSOR: Lager

SB 656 - 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.

This act is identical to SB 277 (2012).

STEPHEN WITTE

01/12/2012 S First Read--SB 656-Lager and Dixon (S86)

EFFECTIVE: August 28, 2012

*** SB 657 ***

5256S.011

SENATE SPONSOR: Rupp

SB 657 - This act provides medical freedom of conscience protection for medical professionals and health care institutions with respect to the provision and participation of certain medical services. "Medical service" is defined as any phase of patient medical care, treatment, or procedure that includes, but is not limited to, abortion, contraception, sterilization, artificial insemination, assisted reproduction, human cloning, human embryonic stem cell research, human somatic cell nuclear transfer, fetal tissue research, fetal experimentation and the withdrawal of nutrition or hydration. The definition for health care institution is in the act as well as a full list of medical professionals covered under these protections including any individual who may be asked to participate in any way in a medical service.

No medical professional or health care institution shall be civilly, criminally, or administratively liable for declining to participate in or provide a medical service that violates the professional's or institution's conscience. However, a health care institution shall provide a consent form to be signed by a patient before admission to the institution stating that it reserves the right to decline to provide such medical service.

"Conscience" is defined as religious, moral or ethical principles. For purposes of this act, a health care institution's conscience shall be determined by reference to its existing or proposed religious, moral, or ethical guidelines, mission statement, constitution, bylaws, articles of incorporation, regulations, or other relevant documents.

It shall be unlawful for a medical professional or health care institution to be discriminated against in any manner based on the professional or institution declining to participate in a medical service that violates the professional's or institution's conscience. The act prescribes the list of prohibited discrimination against a medical professional or institution including denying, depriving or disqualifying with respect to licensure, benefits, or staff privileges as well as denying any form of aid, assistance, grants or benefits, privilege or authorization to the professional or institution.

A cause of action for damages or injunctive relief, or both, may be brought for the violation of any provision of this act. It shall not be a defense to any claim arising out of the violation of this act that such violation was necessary to prevent additional burden or expense on any other medical professional, health care institution, individual or patient. Upon a finding of a violation of this act, the aggrieved party shall be entitled to treble damages, including pain and suffering, the costs of the action and reasonable attorney's fees. In no case shall recovery be less than five thousand dollars for each violation in addition to the costs of the action and reasonable attorney's fees.

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 contains a severability clause.

ADRIANE CROUSE

01/12/2012 S First Read--SB 657-Rupp

EFFECTIVE: August 28, 2012

*** SB 658 ***

5178S.011

SENATE SPONSOR: Rupp

SB 658 - This act provides that the drug RU-486 (mifepristone) or any other drug administered for the purpose of inducing an abortion, including during a subsequent visit to complete the abortion, shall only be administered in a hospital or in an abortion facility in the physical presence of a physician and not via the Internet or webcam or any other video device.

The abortion facility shall also be licensed as an ambulatory surgical center if any second or third trimester abortions or five or more first trimester abortions per month are induced at the facility.

ADRIANE CROUSE

01/12/2012 S First Read--SB 658-Rupp (S86)

EFFECTIVE: August 28, 2012

*** SB 659 ***

4988S.021

SENATE SPONSOR: Dempsey

SB 659 - Current law requires that collectors in certain counties mail resident taxpayers a statement of the property taxes the taxpayer owes at least thirty days before the taxpayer's taxes would be delinquent. This act extends this requirement to collectors in all counties, except for counties under township organization, which are subject to a different requirement.

This act also allows prohibits taxpayers in these counties, who pay their property taxes by fifteen days after the delinquent date, from being charged penalties or interest when the county commission certifies that the statement was not mailed by the deadline.

EMILY KALMER

01/12/2012 S First Read--SB 659-Dempsey and Rupp (S86)

EFFECTIVE: August 28, 2012

*** SJR 23 ***

4470S.011

SENATE SPONSOR: Crowell

SJR 23 - 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.

This amendment is identical to SJR 7 (2011).

JIM ERTLE

12/01/2011 Prefiled

01/04/2012 S First Read--SJR 23-Crowell (S48)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections
Committee (S64)

EFFECTIVE: Upon voter approval

*** SJR 24 ***

4293S.011

SENATE SPONSOR: Crowell

SJR 24 – Upon voter approval, the proposed constitutional amendment would require the joint election of the Governor and Lieutenant Governor beginning in the year 2016.

This act is similar to SJR 23 (2002).

JIM ERTLE

12/01/2011 Prefiled

01/04/2012 S First Read--SJR 24-Crowell (S48)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections
Committee (S64)

EFFECTIVE: Upon voter approval

*** SJR 25 ***

4471S.011

SENATE SPONSOR: Crowell

SJR 25 - This proposed constitutional amendment, if approved by voters, would reduce the House of Representatives from 163 members to 101 members beginning with the 102nd General Assembly in the year 2023.

This amendment is similar to SJR 10 (2011).

JIM ERTLE

12/01/2011 Prefiled

01/04/2012 S First Read--SJR 25-Crowell (S48)

01/05/2012 Second Read and Referred S Governmental Accountability Committee (S64)

01/11/2012 Hearing Conducted S Governmental Accountability Committee

EFFECTIVE: Upon voter approval

*** SJR 26 ***

4512S.011

SENATE SPONSOR: Lager

SJR 26 - 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.

This amendment is identical to SJR 7 (2011).

JIM ERTLE

12/01/2011 Prefiled

01/04/2012 S First Read--SJR 26-Lager (S48)

01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections Committee (S64)

EFFECTIVE: Upon voter approval

*** SJR 27 ***

4147S.021

SENATE SPONSOR: Munzlinger

SJR 27 - Currently, four members comprise the Conservation Commission. Upon voter approval, the resolution increases the membership to eight and requires members to be appointed from each of the eight conservation regions as such regions have been designated as of December 1, 2011. The resolution also limits the time a member may serve on the commission to the earlier of either two terms or twelve years.

ERIKA JAQUES

12/01/2011 Prefiled

01/04/2012 S First Read--SJR 27-Munzlinger (S48)

01/05/2012 Second Read and Referred S Agriculture, Food Production and Outdoor Resources Committee (S64)

01/11/2012 Hearing Conducted S Agriculture, Food Production and Outdoor Resources Committee

EFFECTIVE: Upon voter approval

*** SJR 28 ***

4040S.011

SENATE SPONSOR: Munzlinger

SJR 28 - 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. The net proceeds received from the sale of such tickets, after payment of prizes and administrative expenses, will be deposited in the Veterans' Commission Capital Improvements Trust Fund.

This Senate joint resolution is identical SCS/SJR 18 (2011).

EMILY KALMER

12/01/2011 Prefiled

01/04/2012 S First Read--SJR 28-Munzlinger (S49)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S64)

EFFECTIVE: Upon voter approval

*** SJR 29 ***

4436S.021

SENATE SPONSOR: Lamping

SJR 29 – Upon voter approval, the proposed constitutional amendment would require the legislative session to end in late March rather than the middle of May. The veto session is moved from September to June. These changes to the legislative process would begin with the 98th General Assembly, which starts in 2015.

This resolution is similar to SJR 38 (2010).

JIM ERTLE

12/01/2011 Prefiled

01/04/2012 S First Read--SJR 29-Lamping (S49)

01/05/2012 Second Read and Referred S General Laws Committee (S64)

01/17/2012 Hearing Scheduled S General Laws Committee

EFFECTIVE: Upon voter approval

*** SJR 30 ***

4437S.011

SENATE SPONSOR: Lamping

SJR 30 – Upon voter approval, the proposed constitutional amendment would require the joint election of the Governor and Lieutenant Governor beginning in the year 2016.

This act is similar to SJR 23 (2002).

JIM ERTLE

12/01/2011 Prefiled
 01/04/2012 S First Read--SJR 30-Lamping (S49)
 01/05/2012 Second Read and Referred S Financial and Governmental Organizations and Elections
 Committee (S64)

EFFECTIVE: Upon voter approval

*** SJR 31 ***

4108S.011

SENATE SPONSOR: Chappelle-Nadal

SJR 31 - 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.

This act is identical to SJR 19 (2011).

MEGHAN LUECKE

12/09/2011 Prefiled
 01/04/2012 S First Read--SJR 31-Chappelle-Nadal (S49)
 01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee
 (S64)

EFFECTIVE: Upon voter approval

*** SJR 32 ***

4106S.011

SENATE SPONSOR: Chappelle-Nadal

SJR 32 - This proposed constitutional amendment, if approved by the voters, requires the St. Louis Board of Freeholders to hold monthly meetings from January 2014 through December 2017. 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 SJR 6 (2011) and HJR 54 (2010).

MEGHAN LUECKE

12/09/2011 Prefiled
 01/04/2012 S First Read--SJR 32-Chappelle-Nadal (S49)
 01/05/2012 Second Read and Referred S Jobs, Economic Development and Local Government Committee
 (S64)

EFFECTIVE: Upon voter approval

*** SJR 33 ***

4107S.011

SENATE SPONSOR: Chappelle-Nadal

SJR 33 - Under this proposed Senate Joint Resolution, the Highways and Transportation Commission is replaced by a Director of Transportation. The director is 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 similar to SJR 5 (2011) and HJR 55 (2010).

STEPHEN WITTE

12/09/2011 Prefiled
 01/04/2012 S First Read--SJR 33-Chappelle-Nadal (S49)
 01/05/2012 Second Read and Referred S Transportation Committee (S64)

EFFECTIVE: Upon voter approval

*** SJR 34 ***

4372S.011

SENATE SPONSOR: Purgason

SJR 34 - Upon voter approval, this proposed constitutional amendment repeals the corporate income, corporate franchise, and bank franchise, effective January 1, 2013, and repeals the state sales and use taxes effective June 30, 2013. For each tax year beginning January 1, 2013, the tax rates for the state individual income tax will be reduced by twenty percent from the previous year's rate until all such rates are zero. Effective January 1, 2018, state taxes upon income will be prohibited. Beginning July 1, 2013, a new state tax on taxable purchases and services will be imposed at a rate not to exceed seven percent. The General Assembly must provide for annual rate adjustments to ensure revenue neutrality during the phase out of the individual income tax.

Component parts or ingredients of a new tangible personal property to be sold at retail, intangible property, previously taxed property, motor fuel, insurance premiums and fees paid on insurance products, donations to and purchases by charitable organizations, federal government purchases, tuition paid for educational services, 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. The General Assembly must provide a method to calculate and provide sales tax rebates or prebates to exempt a portion of taxable purchases made by Missouri residents.

This act is similar to SS#2/SCS/SJR 29 (2010).

EMILY KALMER

12/12/2011 Prefiled

01/04/2012 S First Read--SJR 34-Purgason (S49)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S64)

EFFECTIVE: upon voter approval

*** SJR 35 ***

4387S.011

SENATE SPONSOR: Ridgeway

SJR 35 - This constitutional amendment, upon the approval of the voters, eventually repeals the individual income tax and certain state and local sales and use taxes and authorizes the imposition of different sales and use taxes that are capped at certain tax rates.

INCOME AND EARNINGS TAXES

This amendment caps the individual income tax rate at three percent for each tax year between January 1, 2014 and January 1, 2016. After January 1, 2016, the individual income tax is repealed.

Currently, senior citizens and the disabled receive an income tax credit that provides relief from property taxes. Because the income tax will no longer exist after January 1, 2016, the General Assembly is required to pass a law that provides senior citizens and the disabled with a continuation of relief from property taxes.

The General Assembly is prohibited from authorizing any political subdivision to tax individual earnings, except for a city that has a tax on individual earnings before January 1, 2013.

SALES AND USE TAXES

Effective January 1, 2014, state sales and use tax laws and exemptions are repealed, except for taxes on alcohol, aviation fuel, insurance products, tobacco, the conservation sales tax, the soil and parks sales tax, and the motor vehicle fuel tax. Between January 1, 2014 and January 1, 2016, a new state tax on sales and services will be imposed at a rate not to exceed five percent, except the rate of tax on food is prohibited from exceeding four percent. Beginning January 1, 2016, the tax rate on sales and services combined with the conservation sales tax rate, and the soil and parks sales tax rate cannot exceed seven percent and the tax rate on the sale of food combined with the conservation sales tax rate and the soil and parks sales tax rate cannot exceed five and one-half percent. All revenues from the new tax on sales and services are required to go to the state general revenue fund, except that the School District Fund is required to receive at least the average amount of revenue it received in fiscal years 2008 to 2012.

Previously taxed property, sales for resale, certain professional services, real estate sales and commissions, utility sales, certain pharmaceutical sales and medical services, child care services, assisted living services, tuition paid for educational services, employee services, component parts of a product or

service, construction, warehousing, computer system, software design, employment, call center, and payroll processing services, sales of financial instruments, sales of insurance, sales of railroad rolling stock, sales of barges, property purchased by carriers engaged in air transportation, gaming sales, government purchases, purchases by charitable organizations, food stamp purchases, and purchases made under the supplemental feeding for women, infants, and children program will be exempt from the new tax and from the conservation sales tax and the soil and parks sales tax. The enactment of any new exemption will require a two-thirds vote by each house of the General Assembly and approval by the Governor.

The conservation sales tax and the soil and parks sales tax, will be recalculated to produce substantially the same amount of revenue for fiscal year 2015 as was received on average annually in fiscal years 2008 to 2012. These rates may be readjusted one time after January 1, 2014 and before January 1, 2016 to produce substantially the same amount of revenue as was received on average annually in fiscal years 2008 to 2012.

Effective January 1, 2014 all local sales taxes and exemptions, except those expressly approved by local voters and in effect on January 1, 2013 will be void. The Department of Revenue is required to calculate a new rate for the counties and other taxing to produce substantially the same amount of revenue as was produced on average in the five years before January 1, 2014.

Beginning January 1, 2016 all combined state and local sales taxes cannot exceed ten percent, unless the rate established by the Department of Revenue to produce the same amount of revenue to the local taxing jurisdiction results in a rate above ten percent, or the voters in the taxing district approve a new tax by fourth-sevenths of the voters at certain elections and two-thirds of the voters at all other elections.

PROPERTY TAX

If a person who owns real estate has an increase in their property tax liability by more than a certain percentage, and the person is sixty-five or older, with an income of less than 75,000 dollars, and a home that is appraised at 400,000 dollars or less, the person is entitled to receive a property tax credit. The state is required to reimburse local governments for seventy-five percent of the amount of this credit.

EMILY KALMER

12/13/2011 Prefiled

01/04/2012 S First Read--SJR 35-Ridgeway (S49)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S65)

EFFECTIVE: Upon voter approval

*** SJR 36 ***

4525S.011

SENATE SPONSOR: Ridgeway

SJR 36 - Upon approval of the voters, this constitutional amendment would freeze the property tax levied on residential real estate owned by a person who is sixty-two years old or older beginning with all tax years on or after January 1, 2013.

This amendment would also cap the tax levied on real property at one half of one percent of the market value of the property.

EMILY KALMER

12/13/2011 Prefiled

01/04/2012 S First Read--SJR 36-Ridgeway (S49)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S65)

EFFECTIVE: Upon voter approval

*** SJR 37 ***

4678S.011

SENATE SPONSOR: Crowell

SJR 37 - This proposed constitutional amendment, if approved by the voters, provides that all meetings of any Senate or House apportionment commission, including any appellate apportionment commission, shall be public, and that such commissions shall be subject to general laws concerning open records and open meetings.

JIM ERTLE

12/14/2011 Prefiled

01/04/2012 S First Read--SJR 37-Crowell (S49-50)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S65)

EFFECTIVE: Upon voter approval

*** SJR 38 ***

4096S.011

SENATE SPONSOR: Kraus

SJR 38 - 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 seven and one-half percent or more. In any such fiscal year, twenty-five percent of the excess total state revenues will be refunded to income taxpayers on a pro rata basis.

This Senate Joint Resolution is similar to SJR 8 (2011).

EMILY KALMER

12/15/2011 Prefiled

01/04/2012 S First Read--SJR 38-Kraus (S50)

01/05/2012 Second Read and Referred S Ways and Means and Fiscal Oversight Committee (S65)

EFFECTIVE: Upon voter approval

*** SJR 39 ***

4838S.011

SENATE SPONSOR: Cunningham

SJR 39 - Upon voter approval, this constitutional amendment provides that no law shall compel a patient, employer, or health care provider to participate in any government or privately run health care system, nor prohibit a patient or employer from paying directly for legal health care services.

This amendment does not affect laws or regulations in effect as of January 1, 2012, affect which health care services a health care provider is required to perform, affect which health care services are provided by law, or prohibit care provided under worker's compensation.

This amendment is substantially similar to SCS/SJR 25 (2010).

ADRIANE CROUSE

12/21/2011 Prefiled

01/04/2012 S First Read--SJR 39-Cunningham (S50)

01/05/2012 Second Read and Referred S General Laws Committee (S65)

EFFECTIVE: Upon voter approval

*** SJR 40 ***

4812S.021

SENATE SPONSOR: Kraus

SJR 40 - Upon voter approval, this constitutional amendment would allow, in prosecutions for crimes of a sexual nature involving a victim under eighteen years of age, relevant evidence of prior criminal acts, whether charged or uncharged, to be admissible for the purpose of corroborating the victim's testimony or demonstrating the defendant's propensity to commit the crime with which he or she is presently charged. Also, courts would be able to exclude evidence if its probative value is substantially outweighed by the danger of unfair prejudice.

This act would also repeal the constitutional ban on the enactment of retrospective laws.

This act contains a provision that is similar to SJR 33 (2010).

MEGHAN LUECKE

12/23/2011 Prefiled

01/04/2012 S First Read--SJR 40-Kraus (S50)

01/05/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S65)

EFFECTIVE: Upon voter approval

*** SJR 41 ***

4777S.021

SENATE SPONSOR: Lembke

SJR 41 - Currently, Missouri Supreme Court judges, appellate judges, and certain circuit court judges are selected from a list of candidates nominated by a judicial commission. This constitutional amendment, if approved by the voters, would mandate that each congressional district as drawn on January 1, 2012 shall elect a judge to the supreme court. Elections of supreme court judges will be nonpartisan. One at-large judge will be appointed by the governor with the advice and consent of the senate. Selections and elections of supreme court judges under this plan are to occur as part of the general election in 2014. Court of appeals judges, circuit judges, and associate circuit judges will be elected from their respective district, circuit, or county. Elections under this plan shall begin upon the ending of a term of the then serving judge.

MIKE HAMMANN

01/03/2012 Prefiled

01/04/2012 S First Read--SJR 41-Lembke (S50)

01/12/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S87)

EFFECTIVE: August 28, 2012

*** SJR 42 ***

4778S.011

SENATE SPONSOR: Lembke

SJR 42 - This constitutional amendment, if approved by the voters, would modify the way in which Missouri Supreme Court judges, appellate judges, and circuit court and associate circuit court judges in certain counties are selected. These judges would be appointed by the Governor, but have no authority to act until confirmed by the Senate. If the Senate is in session when the Governor appoints the prospective judge and it is more than sixty days before the end of session, the Senate is required to vote on the appointment within sixty days. If the appointment is made in the last sixty days of the regular session, or prior to the veto session, the Senate shall vote on the appointment at the veto session in September. If the appointment is made after the September session, the Senate shall vote on the appointment at the next regular session.

MIKE HAMMANN

01/03/2012 Prefiled

01/04/2012 S First Read--SJR 42-Lembke (S50)

01/12/2012 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S87)

EFFECTIVE: August 28, 2012

*** SJR 43 ***

4466S.021

SENATE SPONSOR: Green

SJR 43 - This proposed constitutional amendment, if approved by voters, would increase term limits from eight years to sixteen years total in any one house of the General Assembly. A person is still limited to sixteen years total in the General Assembly, but such person may split service between the House of Representatives and the Senate in any proportion as long as the individual serves no more than sixteen total years.

This amendment is identical to the perfected version SJR 12 (2011) and HJR 70 (2010), and similar to SJR 15 (2007) and SJR 46 (2008).

JIM ERTLE

01/04/2012 S First Read--SJR 43-Green (S51)

EFFECTIVE: Contingent

*** SJR 44 ***

4757S.011

SENATE SPONSOR: Green

SJR 44 - This proposed constitutional amendment, if approved by the voters, requires the first legislative session of each General Assembly to be used exclusively for the enactment of appropriations laws except for emergency legislation where health, welfare, and safety requires legislative action. The second legislative session shall be used exclusively for the enactment of general laws except for the enactment of supplemental appropriations laws if necessary.

This proposed constitutional amendment is identical to SJR 14 (2007), SJR 25 (2006) and SJR 9 (2005).

JIM ERTLE

01/04/2012 S First Read--SJR 44-Green (S51)

EFFECTIVE: Contingent

***** SJR 45 *****

4759S.021

SENATE SPONSOR: Nieves

SJR 45 - 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 wall of 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 SS/SJR 15 (2011).
MIKE HAMMANN

01/09/2012 S First Read--SJR 45-Nieves (S70)

EFFECTIVE: Upon voter approval

*** HCR 1 ***

4028L.011

HOUSE HANDLER: Jones

01/04/2012 Offered (H) (H11)
 01/04/2012 Adopted (H) (H11)
 01/04/2012 Reported to the Senate (S52)
 01/09/2012 S adopted (S71 / H66)
 01/11/2012 S Escort Committee Appointed: Mayer, Dempsey, Stouffer, Pearce, Parson, Callahan, Justus,
 Green, Chappelle-Nadal, McKenna (S81 / H66)
 01/12/2012 H Escort Committee Appointed: Fraker, Redmon, Cookson, Loehner, Denison, Swinger, Harris,
 Lampe, Schupp and McCann Beatty (H67)

*** HCR 2 ***

4029L.011

HOUSE HANDLER: Jones

01/04/2012 Offered (H) (H11-12)
 01/04/2012 Adopted (H) (H12)
 01/04/2012 Reported to the Senate (S52)
 01/09/2012 S adopted (S71 / H67)
 01/11/2012 S Escort Committee Appointed: Mayer, Goodman, Schmitt, Ridgeway, Schaefer, Justus,
 Keaveny, Wright-Jones, Curls, McKenna (S81 / H67)
 01/12/2012 H Escort Committee Appointed: Jones (117), Franz, Day, Lant, Barnes, Sifton, Webber, Carlson,
 Colona, Rizzo (H67)

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