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HCS	HB 1370	57

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HCS	HB 1385	138
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HCS	HB 1404	77
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HCS	HBs 1456,1197	115
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HCS	SB 658	409
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HCS	SB 690	338
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Missouri House of Representatives

Bob F. Griffin, Speaker

82nd General Assembly

Second Regular Session

1984

SUMMARIES OF  
HOUSE BILLS AND JOINT RESOLUTIONS  
ON THE  
HOUSE PERFECTION CALENDAR

Prepared by

House Research Staff

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HOUSE CALENDAR

HOUSE BILLS IN THE SENATE

HB 1427 - pg. 1  
HB 1515 - pg. 2  
HCS HBs 1214, 1319 - pgs. 3,4  
HB 1430 - pg. 5

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Week of February 13, 1984

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HCS HJR 80 - pg. 9

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HRB 1575 - pg. 10

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HCS HB 1160 - pgs. 38,39,40  
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(con't.)

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HCS HB 1045 - pgs. 43,44  
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HCS HBs 1533, 1559, 1560 - pgs. 65,66  
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Bob F. Griffin  
Speaker

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HOUSE CALENDAR

SB 548 - pgs. 68,69 (Note: This bill was amended, passed by the House and sent to the Senate 2-22-84.)

SENATE BILL FOR THIRD READING - INFORMAL

SB 434 - pg. 70

SENATE BILL FOR THIRD READING

SCS SB 601 - pgs. 71,72

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(Week of February 27, 1984)

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HCS HB 1404 - pgs. 77,78

HCS HB 1581 - pgs. 79,80

HCS HBs 1142, 894 - pg. 81

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HB 1351 - pg. 98

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Prepared by House Research Staff

Bob F. Griffin, Speaker

HOUSE CALENDAR

(Week of March 5, 1984)

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HRB 1611 - pg. 105 (perfected 3-6-84)

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HCS HJR 63 - pg. 111  
HJR 50 - pg. 112  
HJR 83 - pg. 113  
HJR 82 - pg. 114

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(con't.)

HCS HB 1385 - pg. 138  
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HB 1185 - pg. 151  
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HCS HB 1317 - pg. 164  
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(Addendum to follow)

Prepared by House Research Staff

Bob F. Griffin, Speaker

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A D D E N D U M

HOUSE CALENDAR

(Week of March 5, 1984)

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HOUSE JOINT RESOLUTION FOR PERFECTION

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HOUSE BILLS FOR PERFECTION

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HCS HBs 1247, 1316 - pgs. 199,200

HB 1327 - pgs. 201,202,203

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(con't.)

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HCS HB 1031 - pg. 232  
HB 974 - pg. 233  
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HB 1145 - pg. 284  
HB 1117 - pgs. 285,286

Prepared by House Research Staff

Bob F. Griffin, Speaker

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Dear Member:

The attached are corrected summaries of HCS HBs 1533, 1559, 1560; HCS HB 1581; and HB 1108. Please replace your incorrect summaries with these.

Darrell Jackson  
Director of Research

Dear Member:

Attached is a corrected summary of  
HB 1102. Please replace your previous  
summary with this copy.

Darrell Jackson, Director  
House Research

HOUSE CALENDAR

April 2, 1984

SENATE BILLS FOR THIRD READING

SB 516 - pg. 287  
SB 424 - pg. 288  
SB 613 - pg. 289  
SB 574 - pgs. 290,291  
SB 435 - pgs. 292,293  
SB 411 - pg. 294

SENATE BILLS FOR THIRD READING - CONSENT

SB 543 - pg. 295  
SB 479 - pg. 296  
SB 656 - pg. 297  
SRB 648 - pg. 298  
SB 622 - pg. 299  
SRB 670 - pg. 300  
SB 580 - pg. 301

Prepared by House Research Staff

Bob F. Griffin, Speaker

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HOUSE CALENDAR

April 4, 1984

SENATE JOINT RESOLUTION FOR THIRD READING

SCS SJR 17 - pg. 302

SENATE BILLS FOR THIRD READING

SB 464 - pgs. 303,304,305  
SB 619 - Pg. 306  
SB 478 - pg. 307  
SB 419 - pg. 308  
HCS SB 602 - pgs. 309,310,311

Prepared by House Research

Bob F. Griffin, Speaker

HOUSE CALENDAR

April 5, 1984

SENATE JOINT RESOLUTION FOR THIRD READING

HCS SJR 19 - pgs. 312,313

SENATE BILLS FOR THIRD READING

SB 741 - pg. 314  
SB 425 - pgs. 315,316  
SB 666 - pgs. 317,318  
SB 596 - pgs. 319,320  
SB 448 - pg. 321  
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SB 433 - pgs. 323,324  
SB 560 - pg. 325  
SB 618 - pg. 326  
SB 628 - pg. 327  
SB 481 - pg. 328  
SCS SB 505, 471 - pg. 329  
HCS SB 704 - pg. 330  
SB 691 - pgs. 331,332  
SCS SB 451 - pgs. 333,334,335  
SB 522 - pgs. 336,337

Prepared by House Research

Bob F. Griffin, Speaker

NOTE: SB 682 - pg. 72A (This bill has been truly agreed to and finally passed - the summary is for your records.)

HOUSE CALENDAR

(April 23, 1984)

SENATE BILLS FOR THIRD READING

HCS SB 581 - pg. 358  
SB 707 - pg. 359  
SB 438 - pg. 360  
SB 709 - pgs. 361,362  
HCS SCS SBs 563, 555 - pgs. 363,364  
SB 564 - pgs. 365,366  
SB 727 - pgs. 367,368  
HCS SB 570 - pgs. 369,370  
SB 679 - pgs. 371,372  
SB 626 - pg. 373

Prepared by House Research

Bob F. Griffin, Speaker

HOUSE CALENDAR

April 26, 1984

SENATE JOINT RESOLUTION FOR THIRD READING

SJR 23 - pgs. 374,375,376

SENATE BILLS FOR THIRD READING

SB 409 - pg. 377  
SB 528 - pgs. 378,379  
SB 686 - pgs. 380,381  
SB 694 - pg. 382  
HCS SCS SB 608,681 - pgs. 383,384,385  
SB 482 - pgs.386,387  
SB 688 - pgs. 388,389  
SB 443 - pgs. 390,391  
SB 436 - pgs. 392,393  
SB 423 - pgs. 394,395  
SB 631 - pg. 396  
SB 665 - pg. 397

SENATE BILL THIRD READING CONSENT

SB 701 - pg. 398

Prepared by House Research

Bob F. Griffin, Speaker

ADDITIONS TO THE HOUSE CALENDAR

April 25, 1984

SENATE BILLS FOR THIRD READING

SB 528  
SB 686

Prepared by

House Research

HOUSE CALENDAR

April 27, 1984

SENATE JOINT RESOLUTION FOR THIRD READING

HCS SJR 31 - pgs. 399,400

Prepared by House Research

Bob F. Griffin, Speaker

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Additions

to the

HOUSE CALENDAR

April 30, 1984

SENATE BILLS FOR THIRD READING

SB 441 - pg. 401  
SS SB 557 - pgs. 402,403  
SB 468 - pgs. 404,405  
SB 617 - pg. 406  
SCS SB 431 - pgs. 407,408  
HCS SB 658 - pgs. 409,410  
HCS SS SB 720 - pgs. 411,412,413  
SB 575 - pgs. 414,415  
HCS SB 634 - pgs. 416,417,418  
HCS SB 450 - pg. 419  
HCS SB 732 - pgs. 420,421,422  
SB 466 - pg. 423  
SB 607 - pg. 424  
SB 426 - pg. 425  
HCS SB 645 - pg. 426  
SB 525, pgs. 427,428  
SB 484 - pgs. 429,430

Prepared by House Research

Bob F. Griffin, Speaker

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PERFECTED 1-31-84

THIRD READ AND PASSED 2-2-84

HB 1427 -- CHILDREN'S SERVICES COMMISSION TRUST FUND

SPONSOR: Steinmetz

COMMITTEE ACTION: Voted "do pass" by the Committee on Children, Youth and Families by a vote of 8 to 0.

This bill establishes a fund in the state treasury for the deposit of monies received by the Children's Service Commission. Unexpended balances remaining in this fund at the end of each biennium shall not be transferred to the general revenue fund of the state but shall remain in this fund. The fund shall be known as the "Children's Services Commission Trust Fund".

This bill has an emergency clause.

FISCAL NOTE: No impact on state or local funds.

PROPOSERS: Supporters say this bill is necessary to establish a mechanism for the Commission to complete the work outlined in last year's legislation establishing the Commission. The funds the Commission is seeking are those offered by private foundations, groups, and individuals. Funds are needed for publishing the annual Status of Children Report, and other ongoing expenses.

Testifying for the bill were Representatives Steinmetz and Cairns, and Dr. Paul Ahr, Department of Mental Health and Vice Chairman of Children's Services Commission.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst



PERFECTED 2-1-84

— THIRD READ AND PASSED 2-2-84

HB 1515 -- MOTOR VEHICLE REGISTRATION

— SPONSOR: Garrett

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 11 to 0.

This bill requires that an owner of a vehicle subject to the federal heavy vehicle use tax must show proof of payment of such tax to the director of Revenue before the vehicle can be registered.

This bill contains an emergency clause.

— FISCAL NOTE: Would decrease Highway Funds by \$30,825 in FY 84-85, by \$30,403 in FY 85-86, \$ by \$31,874 in FY 86-87.

PROPOSERS: Supporters say the passage of the 1982 Surface Transportation Assistance Act necessitates the passage of this bill. If the state does not pass legislation to conform to the federal mandate by September 30, 1984, the federal government will withhold federal interstate highway funds. Missouri could lose twenty-five percent of the federal interstate highway funds.

— Testifying for the bill were Representative Garrett; Missouri Department of Revenue; and Missouri Department of Highways and Transportation.

OPPOSERS: There was no opposition voiced to the committee.

— Robert Triplett, Research Analyst

PERFECTED 2-1-84

THIRD READ AND PASSED 2-2-84

HCS HBs 1214 and 1319 -- ANNEXATION PROCEDURES

SPONSOR: Crump (84th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Affairs by a vote of 5 to 0, 1 present.

This substitute deals with the allocation of sales tax in St. Louis County in "Group A" and "Group B" cities, towns and villages after annexation occurs. For purposes of determining the location of consummation of sales for group A cities, towns and villages, the boundary of a city, town or village is to be the boundary of that city, town or village as it existed on August 13, 1984. If any city, town or village changes its boundaries by annexing any unincorporated territory included in group B after August 13, 1984, the area annexed is to remain a part of group B. The annexing city, town or village shall receive a percentage of the group B distributable revenue equal to the percentage ratio the population of the annexed area bears to the total population of group B and such annexed area is to be classified as an unincorporated area for one year after the effective date of the annexation for determination of the percentage allocable to the county. Beginning with the second year after the effective date of the annexation, the annexed area is not to be classified as an unincorporated area.

In addition the bill requires voter approval of annexation by constitutional charter cities in St. Charles, Jefferson, and Franklin Counties. The question must be submitted to voters in the city and voters in the unincorporated territory in separate elections to be held simultaneously.

This substitute contains an emergency clause.

PROPOSERS: Supporters say this bill provides more equity in the allocation of funds in the annexation process. It would be fairer to residents in receiving services.

Testifying for the bill were Representatives Crump (84th) and Goode and the St. Louis County Municipal League.

OPPOSERS: Those who oppose the bill say St. Louis County will lose money through annexation under this bill because it will still be required to provide services.

Testifying against the bill was St. Louis County.

Karla Frye Pleasant, Research Analyst

PERFECTED 2-1-84

THIRD READ AND PASSED 2-2-84

HB 1430, HCA 1 -- ASSIGNMENT OF CERTIFICATE OF OWNERSHIP

Co-Sponsors: Becker, Allen, Smith (116th), Gann and Pohrer

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 7 to 0.

This bill requires the Department of Revenue to issue titles that will have space for four assignments by a dealer. The department must provide a document for use in making a fourth assignment for titles issued prior to this bill. At present titles have space for only three assignments.

Dealers will also be required to provide a copy of any document used in making a fourth assignment on their monthly reports to the department.

This bill contains an emergency clause.

HCA 1 -- permits four assignments for any one, not just dealers.

PROPOSERS: Supporters say one more assignment will be a big help to dealers and the industry. Many bordering states, such as Arkansas, Illinois, Kentucky, and Tennessee, allow four assignments.

Testifying for the bill were Representative Becker; Missouri Auto Dealers Association; and Twin City Auto Auction of St. Louis, Missouri.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HCS HJR 77 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

SPONSOR: Barnes (50th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 10 to 0.

This proposed constitutional amendment would establish a cabinet level Department of Economic Development. The Department will administer programs relating to the promotion of the economy of the state, economic development, trade and business, and other activities and programs having an impact on the economy of the state. The Department will also administer the programs of the state relating to the protection and improvement of human rights. The Department will replace the present Department of Consumer Affairs, Regulation and Licensing.

PROPOSERS: Supporters say that 43 states have a Department of Economic Development. A cabinet level department could compete for industry in a more professional manner.

Testifying for the bill were Representatives Barnes (50th); Kansas City Chamber of Commerce; Regional Commerce and Growth Association, St. Louis; Lt. Governor's Office; and Missouri Chamber of Commerce.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HJR 42, HCA 1 -- TERMS OF OFFICE OF STATE SENATORS AND REPRESENTATIVES

CO-SPONSORS: Creason, Egan, Russell

COMMITTEE ACTION: Voted "do pass" by the Committee on Miscellaneous Resolutions by a vote of 5 to 3.

This proposed constitutional amendment would increase the terms of office of state senators and representatives. The amendment would be submitted to the voters during the general election in November, 1984 or at a special election. If adopted, representatives having four year terms will be elected in 1986; senators with six year terms will be elected in 1986 from odd-numbered districts and in 1988 from even-numbered districts. The proposal would also require elected representatives or senators running for office in the other house to resign their current position. Finally, vacancies occurring in either house will be filled after a primary election and a special election.

HCA 1 - changes the timing of the initial senatorial elections so that Senators from even-numbered districts would be elected in 1986 to six year terms, those from odd-numbered districts in 1988.

FISCAL NOTE: Publication cost to the Secretary of State of \$41,728 in FY 85.

PROPONENTS: Supporters say many voters in the state feel it is unnecessary to limit the term of a state Representative to two years. Such a requirement means that too much time is spent campaigning for re-election, resulting in less time being devoted to important state issues. A four year term of office for Representatives would solve this problem, while at the same time reducing the need to seek financial help from

special interest groups to help fund increasingly more expensive re-election campaigns. Voters would prefer their Representatives to spend time taking care of official business rather than running for election.

Testifying for the bill were Representatives Creason, Egan, Burch, McNeill, Skaggs, Driskill, Murphy, Dunning and Markland.

OPPONENTS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HCS HJR 80 -- SPECIAL BENEFIT DEVELOPMENT DISTRICTS

SPONSOR: Dawson (Barnes 50th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Affairs by a vote of 6 to 0.

This proposed constitutional amendment allows Kansas City to establish special benefit development districts. The Kansas City Council may levy and collect an assessment on property in the area which would benefit by municipal works or improvements in the area. The owners of property within a special benefit district could prevent any improvement proposed under the provisions of the amendment as provided by law.

PROPOSERS: Supporters say the proposed constitutional amendment will enable Kansas City to compete with neighboring Johnson County, Kansas for industrial and commercial developments. The city will be able to issue bonds supported by the special benefit district, thereby making improvements which would cause businesses to find it more attractive to locate in Kansas City.

Testifying for the bill were Representative Barnes (50th); Kansas City, Missouri; Kansas City Council; and Kansas City Chamber of Commerce.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst



HRB 1575 -- CANCELLATION, SUSPENSIONS AND REVOCATIONS  
OF OPERATOR'S AND CHAUFFEUR'S LICENSES

SPONSOR: Youngdahl

COMMITTEE ACTION: Voted "do pass" by the Committee on  
the Judiciary by a vote of 12 to 0.

This revision bill corrects an intersectional reference  
in the section which is concerned with driving on a  
cancelled, suspended or revoked operator's or  
chauffeur's license.

The bill has an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say when the D.W.I. bill was  
enacted last session a reference was made in the bill  
to "this chapter" in a particular section, i.e. making  
the provisions of that section apply to chapter 302.  
The administrative revocation provisions of the D.W.I.  
bill were enacted as sections 1, 2, 3, 4, 5, 6, 7, 8,  
and 9. These sections were not covered by the  
reference to "this chapter". The revisor feels that he  
cannot clear up the problem without legislative  
mandate. A problem lies in law enforcement areas when  
it is not clear that the administrative revocation  
provisions were not encompassed by the section. The  
law enforcement community needs a clear statement of  
legislative intent.

Testifying for the bill were Representative Youngdahl;  
and Frank Masters, Revisor of Statutes.

OPPOSERS: There was no opposition voiced to the  
committee.

Richard Waters, Research Analyst

HB 1255, HCA 1 -- CRIMES AGAINST CHILDREN

CO-SPONSORS: Steinmetz, O'Toole, Banton, Cairns, Jacob, Kasten, Lang, O'Connor, Reeves, Shear, and Weber

COMMITTEE ACTION: Voted "do pass" by the Committee on Children, Youth and Families by a vote of 9 to 0.

This bill is a comprehensive revision of the criminal code relating to crimes against children. The new crimes established include:

- (1) child abuse in the first degree, a class A felony;
- (2) child abuse in the second degree, a class B felony;
- (3) child abuse in the third degree, a class C felony;
- (4) use of a child in a sexual performance, a class B felony; and
- (5) promoting a sexual performance, a class C felony.

The bill also contains sentencing provisions including:

- (1) prohibiting suspended imposition of sentence, suspended execution of sentence, and probation; and
- (2) participation in a mandatory treatment program for first and subsequent offenses.

HCA 1 - provides that the first sexual offenses and first child abuse offenses are to be used as priors for purposes of enhancement of punishment for second offenses; and provides that the forfeited property or proceeds be paid to the Children's Trust Fund.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say there is great concern over crimes against children; physical and emotional abuse, as well as the sexual abuse. The laws are not stiff enough when it comes to these crimes. Also, treatment programs should be provided. This bill is the product of an interim committee study and offers a comprehensive revision of the criminal code sections relating to crimes against children.

Testifying for the bill were Representative Steinmetz; Department of Mental Health; Department of Public Safety; and Missouri Juvenile Justice Review Committee.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 888, HCAs 1, 2 -- ASSESSMENT FUNDING FOR OFFICE OF PUBLIC COUNSEL

CO-SPONSORS: Dougherty, Riley, Benson, Treadway, Sharpe, McKenna

COMMITTEE ACTION: Voted "do pass" by the Committee on Consumer Protection by a vote of 15 to 0.

For the fiscal year commencing on July 1, 1985, this bill requires the Public Service Commission to make assessments on behalf of the Office of Public Counsel against regulated utilities' gross intrastate operating revenues, with a maximum assessment of three one-hundredths of one percent of such revenues. Fees generated from these assessments will be paid into "The Public Counsel Fund", herein created, and will be devoted to the payment of actual expenses of the Office of Public Counsel attributable to its representation of the public's interest during the regulatory process. Any unused amount remaining in the fund at the end of the fiscal year will be used to reduce the necessary assessments for the following fiscal year.

HCA 1 - makes the bill effective for the fiscal year beginning July 1, 1984.

HCA 2 - adds an emergency clause to the bill.

FISCAL NOTE: Would result in net savings to General Revenue of \$433,000 in FY 85, and similar amounts in following years.

PROPOSERS: Supporters say the Office of Public Counsel is charged with the responsibility of representing ratepayers in proceedings before the Public Service Commission and in court appeals of those decisions. Changes in the area of utilities are making this task more important, but at the same time, state

funding for the Office has been reduced. This bill is intended to provide more stable and equitable funding. Stability would be increased with this assessment procedure since the Office would no longer have to compete with other state programs for General Revenue dollars. Fairness would be increased since only the ratepayers of investor owned utilities would have to pay for the Office, not the people served by rural cooperatives or municipal utilities, who help pay for the Office now, but who receive no benefit since co-ops and municipals are not regulated by the Public Service Commission. Supporters say the Office has saved ratepayers tens of millions of dollars in the last few years, and that this assessment will raise the utility bill of a typical household only 21 cents a year.

Testifying for the bill were Representative Dougherty; Office of Public Counsel; Citizens/Labor Energy Coalition; American Association of Retired Persons; Missouri State Labor Council; Consumers' Utility Control; Silver Haired Legislature; MoPIRG; Missouri Statewide Energy Coalition; Coalition for the Environment; and Common Cause.

OPPONENTS: Those who oppose the bill say the bill will not save money, since the General Revenue funds that would have gone to the Public Counsel will be spent on some other state program, while an additional charge will be added to ratepayer utility bills. They also say that the bill requires utilities to collect money to pay for their adversary in Public Service Commission proceedings, and finally, that while the Office of Public Counsel may save consumers money by convincing the Public Service Commission to grant a utility a smaller rate increase, when it comes to deciding how to apportion that increase among industrial, commercial and residential consumers, the Office of Public Counsel urges that industrial and commercial consumers pay a larger proportional share.

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Testifying against the bill were Southwestern Bell Telephone Company; and Laclede Gas Company.

— Mark Doerner, Research Analyst

HCS HBs 856, 1358 -- FUNDING OF LIBRARIES AND SCHOOL DISTRICTS

SPONSOR: Sharpe (Oakley)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 22 to 1.

This substitute removes the limit on the library levy in political subdivisions with a population of not less than two hundred thousand inhabitants nor more than six hundred thousand. The substitute also requires a school district to spend on teachers' salaries all money received from the cigarette tax "Fair Share Fund" and seventy-five percent of one-half the money received from Proposition C each year. Additionally, this substitute requires an increase in funding of the school foundation formula each year by a percentage at least equal to the estimated percentage of increase in total state general revenue used as the basis for appropriations for the forthcoming fiscal year. If the state's fiscal reserve falls below five percent of revenue, then the percentage increase shall be seventy-five percent of the growth and the state's fiscal reserves increased by an amount equal to the remaining percentage of growth.

PROPOSERS: Supporters of HB 856 say the bill is necessary to be sure school districts are passing on to teachers the benefits of Proposition C. Some districts have not given teachers raises and are holding the C revenue in the teachers' fund to build a large balance. Supporters of HB 1358 say the bill will insure that funding of education keeps pace with revenue growth and remains the first priority for appropriations after the state debt as the constitution directs.

Testifying for HB 856 were Representative Oakley; Missouri Federated Teachers; Missouri National Education Association; and Missouri State Teachers Association. Testifying for HB 1358 were Representative Kelley; Representative Sharpe; Missouri State Teachers Association; Missouri School Board Association; and Robert Gill, Superintendent of Schools, Lawson, Missouri.

OPPONENTS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst



HB 985 -- TEACHER EDUCATION

SPONSOR: Weber

COMMITTEE ACTION: Voted "do pass" by the Committee on Higher Education by a vote of 9 to 0.

This bill requires all students to take subject matter examinations before graduating from baccalaureate level secondary teacher education programs in Missouri state-supported colleges or universities.

The examination shall be nationally available and determined by the Coordinating Board for Higher Education to be best designed to evaluate the competencies of the students in the specific subject areas in which they are certified to teach.

Student examination scores shall be considered in requirements for certification to teach only on decision of the certifying authority. The examinations will be administered during the final semester preceding the student's graduation and will be graded by the test vendor and results furnished to both the institution and the Coordinating Board for Higher Education.

If fewer than eighty but more than seventy percent of the students at any institution fail to achieve the national norm in their subject area, then the Coordinating Board shall place that category of teacher education program on probation.

The category of teacher training which has been placed on probation must achieve the eighty percent level during the following school year in order to be taken off probation.

The Coordinating Board shall terminate a teacher education program when: (1) fewer than eighty percent of the students in that program achieve the national norm for two successive years; (2) fewer than eighty percent of the students achieve the national norm during three of any five successive school years; or (3) fewer than seventy percent of the students fail to achieve the national norm in any given school year.

The bill is effective for the 1986-87 school year.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say provisions in the bill will allow for the measurement of quality and not quantity of teacher education programs in the state's higher education system.

Testifying for the bill were Representative Weber and the Commissioner of Higher Education.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 1087, HCA 1 -- MANAGEMENT AND PROGRAM AUDITS

SPONSOR: Proffer

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 7 to 1.

This bill directs the Committee on Legislative Research to organize an oversight division to conduct management and program audits of state agencies. The management audits determine if an agency is managing and utilizing its resources economically and efficiently and if not, why this is so. A program audit determines whether a specific program is being administered in accordance with statutory intent, whether the program is achieving its objectives, what the cost/benefit relationship is with the program and whether the program overlaps, duplicates or conflicts with other state programs.

The bill also changes the membership of the Committee on Legislative Research. The chairmanship of the Committee will alternate between a member of the House and a member of the Senate every two years. The chairmen of the Senate Appropriations Committee, the Senate Committee on State Departments and Governmental Affairs, the House Budget Committee and the House Committee on Governmental Review will become the members of the Legislative Research Committee, along with eight other members of the House and eight other members of the Senate.

The Committee will be empowered to administer oaths, subpoena and examine witnesses, and require that testimony and records be recorded by an official court reporter.

The Committee will issue a written report for each audit containing findings and recommendations concerning practices, policies, statutes, and

regulations. A follow-up of every audit will be conducted one year after issuance of a final report to determine whether there has been substantial compliance with committee recommendations.

The bill also repeals statutes relating to the Committee on Fiscal Affairs and places the responsibility for doing fiscal notes under the Committee on Legislative Research.

The bill contains an effective date of July 1, 1984.

HCA 1 - provides that the state auditor will cooperate and provide assistance in the conduct of audits and the preparation of reports made in connection with them.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is crucial if the Legislature is to be a strong branch of state government. Most states now have this type of independent legislative oversight and audit system to help insure that state programs function in the manner the Legislature intended. Such a program can produce significant savings.

Testifying for the bill was Representative Proffer.

OPPOSERS: Those who oppose the bill say that the state auditor does this type of activity now and that this information is currently not used by the Legislature.

Testifying against the bill was State Auditor, James Antonio.

Mark Doerner, Research Analyst

HB 1226, HCA 1 -- D.W.I. VICTIM INCLUDED IN CRIME  
VICTIMS COMPENSATION

CO-SPONSORS: Scoville, David

COMMITTEE ACTION: Voted "do pass" by the Committee on  
the Judiciary by a vote of 16 to 1.

This bill adds the crime of driving while intoxicated  
to the crimes for which relief may be granted under the  
Crime Victims Compensation Act. Present law excludes  
acts involving motor vehicles unless the acts were done  
intentionally to cause injury.

HCA 1 - adds the crime of vehicular manslaughter to the  
crimes for which relief may be granted under the Crime  
Victims Compensation Act.

FISCAL NOTE: Would decrease the Crime Victims  
Compensation Fund by \$17,780.

PROponents: Supporters say many people are injured by  
drunk drivers and their ability to recover damages are  
limited. D.W.I. is a felony. The Crime Victims  
Compensation fund should not be harmed by including  
D.W.I. victims.

Testifying for the bill was Representative David.

OPponents: There was no opposition voiced to the  
committee.

Richard Waters, Research Analyst

HCS HB 1296 -- HEALTH CARE COST CONTAINMENT

SPONSOR: O'Connor

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 8 to 0.

Current law exempts from certificate of need regulations any new health care facility or service or an increase or reallocation of licensed bed capacity if the cost of such development does not exceed \$600,000 for capital expenditures and \$400,000 for medical equipment. This substitute removes this exemption. The substitute makes all health care facilities subject to regulations regarding certificates of need, regardless of the source of funding for the development or operation of such facilities.

The number of gubernatorial appointees on the Health Facilities Review Committee is increased from five to eleven, all of whom shall be laypersons. Any Health Facilities Review Committee decision which overturns a recommendation of the State Health Planning and Development Agency must be approved by a 2/3 majority. A certificate of need shall be invalidated if financing and a construction contract are not obtained within a year of issuance. In considering an application for a certificate of need, the State Health Planning and Development Agency may consider the facilities or equipment of any other facility it deems appropriate.

This substitute also enacts a "Pro-competition Health Care Act of 1984". Physicians and hospitals are required to use uniform billing forms after January 1, 1985, and all insurance companies are required to accept such billing forms. Organizations providing medical insurance are allowed to enter into agreement with health care providers which set prices for health care services and may issue policies which reimburse

subscribers for services which do not cost more than the contracted rate for such services. Such policies shall be subject to all applicable statutory regulations.

PROPOSERS: Supporters say this bill will help alleviate problems with current law regarding certificates of need for health care facilities and services. Tightening certificate of need restrictions will prevent the development of unnecessary health care facilities and services. The use of uniform billing forms by hospitals and physicians will allow consumers to more easily compare prices for health care services. Allowing organizations to enter into "preferred provider" agreements with cost-effective health care providers will encourage competition among health care providers, thus reducing health care costs.

Testifying for the bill were Representative O'Connor; St. Louis Business Health Coalition; St. Louis Regional Commerce and Growth Association; General American Life; Mid-American Coalition on Health Care; Associated Industries of Missouri; Seafarers International Union; St. Louis Maritime Port Council; Society for Respiratory Therapy; and Business Men's Assurance of America.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

— HB 1088, HCAs 1, 2, 3 -- DISPOSITION OF UNCLAIMED PROPERTY

SPONSOR: Proffer

— COMMITTEE ACTION: Voted "do pass" by the Committee on the Budget by a vote of 15 to 0.

— This bill extends the present abandoned funds procedures to direct that all abandoned funds or other property, tangible or intangible, be reported annually by financial institutions, insurance and utility companies, and others to the Director of Consumer Affairs, Regulation and Licensing. After a final determination that the funds or other property are indeed abandoned, the funds and proceeds will be delivered to the state treasurer to be deposited in the general revenue fund. A separate trust fund will be established for making appropriate refunds to qualifying individuals with interest to accrue through the first seven years.

This bill contains penalty provisions and provides for reciprocity with other states.

HCA 1 - transfers funds in the current abandoned fund account in the state treasury to the newly created Abandoned Funds Account.

HCA 2 - prohibits a finder's fee from being charged for recovery of property assistance for twenty-four months after the date that payment or delivery is made to the state by the holder.

— HCA 3 - repeals sections of the law which deal with unclaimed property held by a trustee.

— FISCAL NOTE: Would increase General Revenue by \$2,084,446 in FY 85, \$548,865 in FY 86, & \$542,310 in FY 87.



PROPONENTS: Supporters say that Missouri is losing more than a million dollars in abandoned funds and property annually to other states because Missouri does not have this legislation.

Testifying for the bill were Representatives Proffer and Allen; Office of State Treasurer; Division of Finance; and Division of Savings and Loan Supervision.

OPPONENTS: Those who oppose the bill say that the banks prefer to stay under the current statutes rather than be brought under this new legislation.

Testifying against the bill was Missouri Bankers Association.

Natalie Tackett, Research Analyst

HB 959, HCA 1 -- OLDER VOLUNTEER RESPITE CARE

SPONSOR: Brady

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 8 to 0.

This bill allows the Division of Aging to establish a program for persons 60 or older to volunteer to provide respite services to other elderly people. The volunteers receive credit which may be used when they or their families need such services. Up to ten hours of volunteer credit per week may be accumulated. Need will be based on the social and medical condition of the person. If no volunteer is available for the person who is eligible for care because he has served as a volunteer, the division or an approved agency may obtain paid assistance at a rate no higher than the prevailing reimbursable rate of the state. The cost will be paid by the state if the person is not eligible for Medicaid funds.

On January 1, 1987, the Division of Aging will report to the General Assembly the number of volunteers recruited and hours credited.

HCA 1 - the establishment of the program becomes contingent upon federal funding; makes a technical correction.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this program will benefit the state by allowing ailing elderly persons to avoid the expense of state-funded institutional care or in-home respite care. Elderly volunteers will also benefit through their active participation in the community. An application for a federal grant to pay the clerical costs of this program has been received

enthusiastically by grant administrators. (HCA 1 requires that this grant be received before the program can be implemented.) The cost of providing respite care to the elderly is currently paid by existing federal and state programs. No additional money would be expended by the state to provide respite care for those with accumulated credit under this program for whom no volunteer is available.

Testifying for the bill were Representative Brady; and Department of Social Services, Division of Aging.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 932, HCA 1 -- RADIATION PROTECTION ACT

CO-SPONSORS: Benson, Goode

COMMITTEE ACTION: Voted "do pass" by the Committee on Energy and Atomic Energy by a vote of 7 to 0.

This bill establishes responsibilities for both the Division of Health and the Department of Natural Resources relating to the control of radiation sources. Under this bill, existing radiation law is updated and expanded to give the Division of Health the prime role in responding to radiation emergencies. It further gives the Division some authority to regulate transportation of low level radiation sources within the state, to license users of radioactive materials and to maintain quality laboratory facilities. The Department of Natural Resources is given authority for: emergency response as directed by an interagency agreement with the Division of Health; monitoring radiation levels in the environment; and licensing a low level radioactive waste disposal site in the event that Missouri has to establish a site.

This bill also provides the mechanism by which Missouri would become an "agreement state" where some regulatory authority could be transferred from the Nuclear Regulatory Commission (the federal government) to the state.

Penalty provisions are included.

HCA 1 - excludes sound and radio waves, visible, infrared and ultraviolet light from the definition of "non-ionizing radiation; removes provisions relating to the regulation of transportation of radioactive materials; exempts microwave communications and users in fossil fueled generation, transmission, or distribution of electricity from licensing and

registration requirements; relieves from liability for punitive damages persons who provide prompt and good faith notification and cleanup efforts in relation to radiation emergencies; excludes from liability persons involved in radiation emergencies that result from an act of God, an act of war, an act of the State or United States, or solely the act of a third party.

FISCAL NOTE: Would increase General Revenue by \$4,284 in FY 85, would decrease General Revenue by \$5,377 in FY 86, and would increase General Revenue by \$73,339 in FY 87.

PROPOSERS: Supporters say the bill would allow the Department of Natural Resources and the Division of Health to develop capabilities necessary to respond to radiation emergencies.

Testifying for the bill were Representatives Benson and Goode; Department of Natural Resources; Division of Health; St. Charles Countians Against Hazardous Waste; Coalition for the Environment; and Union Electric.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HCS HBs 905, 1380, 1026, 1056, 886 -- MINORITY BUSINESS  
PROCUREMENT

SPONSOR: Williams

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Governmental Organization by a vote of 6 to 0.

This substitute requires that each department of the  
state, except the Department of Highways and  
Transportation, set aside for awarding to minority  
businesses a minimum of ten percent of all its  
procurement contracts. Transportation is to award at  
least ten percent of the contracts in excess of one  
hundred thousand dollars on the prime or subcontract  
level to minority enterprises. The departments are to  
designate and set aside ten percent of the value of  
their anticipated total procurement of goods and  
services, including construction, each year.

If a department finds that a contract cannot be awarded  
to a minority business, the award will be placed  
pursuant to normal procedures. The Commissioner of  
Administration will then designate and set aside  
additional procurements of approximate equal value to  
the contract unable to be awarded. The Commissioner of  
Administration will determine eligibility and carry out  
the duties set forth in the bill.

If possible ten percent of the contracts set aside are  
to be awarded to businesses owned and operated by  
socially or economically disadvantaged persons.

The substitute has provisions addressing recruiting and  
publication of the program and required reporting to  
the Governor and General Assembly by the Commissioner  
of Administration and the director of the Division of  
Commerce and Industrial Development.

The bill also provides penalties for fraud or willfully falsifying statements. Violation of the provisions is a class D felony. Falsely stating that any entity is or is not a minority enterprise is a class A misdemeanor.

PROPOSERS: Supporters say this bill would put some equity into the present procedures for awarding contracts.

Testifying for the bill were Representatives Williams, Clay, Peterson, and Shelton.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

HCS HB 992 -- AUTOMOBILE WARRANTIES (LEMON LAW)

SPONSOR: Dawson

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 7 to 0.

This bill requires repair of defects by a manufacturer or its agent of motor vehicles sold in Missouri if the defect is covered by an express warranty and is reported within the warranty period, even if repair is done after the period has expired. If after a reasonable number of attempts, repair cannot correct a problem that substantially impairs the value of the motor vehicle, it must be replaced or the purchase price and collateral charges will be refunded less a reasonable allowance for the use of the vehicle.

This bill does not limit the rights or remedies available to the consumer under any other law. If a manufacturer has established an informal dispute procedure that meets federal regulations the consumer must comply with that procedure before refund or replacement is required.

PROPOSERS: Supporters say this bill will make the automobile industry stand behind its products.

Testifying for the bill were Representative Dawson; and Missouri Auto Dealers Association.

OPPOSERS: Those who oppose the bill say their respective corporations are working with dealers and customers to correct any defective automobile and will continue to do so.

Testifying against the bill were General Motors Corporation; and Chrysler Corporation.

Robert Triplett, Research Analyst



HCS HB 1131 -- DIVISION OF AGING

SPONSOR: Hamlett (Villa)

COMMITTEE ACTION: Voted "do pass" by the Committee on License and Related Matters by a vote of 9 to 0.

This bill makes statutory the existence of the Missouri Division of Aging and area agencies on aging. The bill states the responsibilities and duties of the division and the area agencies.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the existence of the Division of Aging and area agencies on aging should be made statutory with areas of responsibility defined.

Testifying for the bill were Representatives Villa, Driskill and Walker; Governor's Advisory Council on Aging; Legislative Committee of the Mid-America Regional Council on Aging; Missouri Council for Homemaker Services; Division of Aging; and a board member of an area agency on aging. The Silver Haired Legislature endorsed similar legislation.

OPponents: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 863, HCA 1 -- MISSOURI TREATED TIMBER LAW

SPONSOR: Oakley

COMMITTEE ACTION: Voted "do pass" by the Committee on Agri-Business by a vote of 17 to 0.

The bill is a major revision of the statutes governing treated timber. The bill establishes new license requirements and fees for dealers and producers of treated timber products. The bill contains an effective date of January 1, 1985.

HCA 1 - requires fees collected to be set aside in General Revenue to defray the costs of inspection, sampling, analysis and other necessary expenses.

FISCAL NOTE: Would increase General Revenue by \$2666 in FY 85, \$6628 in FY 86, & \$5834 in FY 87.

PROPOSERS: Supporters say this bill is needed to regulate treated timbers in Missouri to protect users of these products.

Testifying for the bill were Representative Oakley; Missouri Department of Agriculture; Missouri Forest Products; Barry's Wood Paneling, Inc.; and Smith Flooring Company.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HCS HB 1188 -- RECLAMATION OF CERTAIN ABANDONED  
RAILROAD RIGHTS OF WAY

SPONSOR: Creason

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Agriculture by a vote of 21 to 3.

This substitute requires a railroad which receives  
permission from the Interstate Commerce Commission to  
abandon a right of way to return that right of way as  
near as possible to the condition that the land was in  
prior to the construction of the right of way. The  
substitute has provisions concerning filing a  
reclamation plan, bonding and penalty provisions.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to  
control the noxious weeds that grow along rights of way  
and to shift the burden of cost back to the railroad  
for reclamation.

Testifying for the bill were Representative Creason;  
and Legislative Committee of the Railroad Brotherhood,  
State of Missouri.

OPPOSERS: Those who oppose the bill say it is unfair  
to the railroads and expensive.

Testifying against the bill was Missouri Railroad  
Committee.

Andy Arnold, Research Analyst

HB 947 -- PROCESS, RETURN OR PROOF OF SERVICE

SPONSOR: O'Toole

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 13 to 0.

This bill provides that within three years of return of service any process, return or proof of service may be amended. Return of service is to be considered prima facie evidence of the facts recited therein; however, a party served, or the sheriff or his deputies and sureties and bondsmen or other person making service are permitted to show the true facts of service and impeach the return when the return does not comport with the facts as found by the court.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that this rule change would alleviate the need for a collateral proceeding to attack faulty service of process. Fairness requires that service be subject to impeachment, and judicial economy requires that it take place in the same proceeding for which process was served. Only seven states still retain the rule that the sheriff's return is conclusive, and the federal rules never followed it.

Testifying for the bill were Representative O'Toole; Bob Belsher, St. Louis attorney and Judge William Barton, for themselves.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HCS HB 1160 -- CAMPAIGN FINANCE DISCLOSURE LAW

SPONSOR: Randall

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 13 to 1.

This substitute is a comprehensive revision of the Campaign Finance Disclosure Law.

The substitute's provisions include:

(1) Candidate and committee contribution and expenditure limits are raised from more than \$500 to more than \$1000 in the aggregate and from more than \$50 to more than \$250 for a single contribution or expense; provided, however, that once the \$1000 limit is exceeded, each \$100 in contributions or expenses must be reported.

(2) The threshold amounts that can be expended from petty cash are raised to \$50.

(3) Committees formed to pay previously incurred campaign debts or obligations of a candidate or another committee, and committees formed to contribute to other committees are brought under the law.

(4) Various elected officials in less populated areas (less than 10,000) are excluded from coverage by the law.

(5) Seven and forty day reports are eliminated in favor of a twenty day report.

(6) The treasurer of a committee is required to be a resident of this state.

(7) Procedures for management and investment of campaign funds are established.

(8) The candidate as well as the treasurer is required to sign the disclosure reports.

(9) Procedures are established for disclosure reports for qualifying ballot measures by initiative or referendum.

(10) The limit for quarterly supplemental disclosure reports for unpaid debts is raised from \$500 to \$15,000.

(11) Reporting requirements from out-of-state committees are clarified.

(12) Annual reporting requirements of an incumbent committee are clarified.

(13) A 10 day period for nonfilers to report after notice from the Secretary of State is established.

(14) Campaign Finance Review Board appointment, terms, and absence procedures are established.

(15) Confidentiality provisions are changed to allow a person being investigated to disclose information.

(16) Purposeful violation of the law is made a class A misdemeanor. Failure to file is an infraction.

The bill has an effective date of January 1, 1985.

PROPOSERS: Supporters say that the experience of the last five years shows that several revisions are needed. The requirements of chapter 130 generate an inordinate amount of paper which should be eliminated by exempting more offices from the law. Raising of the exemption limits is also needed in light of

inflation. This will also exempt more candidates in less populated areas that may be discouraged from running for office for fear of the requirements of this law. The bill is a good balance between the public's right to know and proper and efficient administration of the law.

Testifying for the bill were Representative Randall; the Secretary of State; the League of Women Voters; Common Cause; and Billie Roberts, for herself.

OPPONENTS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HCS HB 1315 -- COMPARABLE COMPENSATION FOR EMPLOYEES OF  
THE STATE OF MISSOURI

SPONSOR: Shear

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Human Rights and Resources by a vote of 6 to 2, 1  
present.

This bill requires every state department, agency and  
institution to pay comparable compensation to all  
employees regardless of gender for positions with  
similar effort, responsibilities, skills, working  
conditions and job characteristics. The director of  
the Division of Personnel is required to conduct a job  
evaluation study in three phases: (1) To be completed  
by July 1, 1985, Phase One covers all departments,  
agencies and institutions under the merit system. (2)  
To be completed by July 1, 1986, Phase Two covers all  
other departments, agencies and institutions except  
those in higher education. (3) To be completed July 1,  
1987, Phase Three covers all institutions of higher  
education.

Beginning with budget recommendations for the fiscal  
year July 1, 1986, a budget schedule and guidelines  
shall be submitted implementing the findings by July 1,  
1990. The Division of Personnel is also required to  
maintain and develop on a continual basis a job  
evaluation system.

PROPOSERS: Supporters say that this bill is an  
attempt to rectify an ongoing problem in our state,  
women being paid less than men in similar jobs. It is  
not a question of equal pay for equal work. There is  
an established system of classing job categories as  
male and female. The female classes consistently have  
lower salaries than the male classes even though the  
jobs are of equal value to an employer and are equal in



effort, conditions, and other aspects. It is known that as the percentage of women in a class increases, the salaries decrease. The state needs to act now to remedy this sex based wage discrimination. The problem will not go away because it is more than likely that the state would be subject to a lawsuit for much more money than implementing this system would cost.

Testifying for the original bill were Representatives Lumpe and Benson; American Federation of State, County and Municipal Employees; Missouri Nurses' Association; Missouri Women's Network; League of Women Voters; Service Employees International Union; Missouri Association for Social Welfare; NOW-Missouri; Common Cause; Impact; Missouri Women's Political Caucus; Probation and Parole Officer's Local; and Frances Zimmerman, for herself.

OPPONENTS: Those who oppose the bill say that this system would not only be disruptive to the economy of Missouri but to the economy of the country as well. There are many reasons why women make less than men that have nothing to do with sex discrimination. It has more to do with the roles of men and women in the job market. More women still tend to leave work sooner than men because women still choose to stay home and have children. The comparable worth concept would violate the foundation upon which we have built our economy, the free market.

Testifying against the original bill were Eagle Forum; Alex Barlows and June Kreft, for themselves.

Kathryn Ruckman, Research Analyst

HCS HB 1045 -- CERTAIN FEES ON THE REGISTRATION AND  
OPERATION OF MOTOR VEHICLES

SPONSOR: Garrett

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Transportation by a vote of 11 to 0.

This substitute will increase the fee structure based on horsepower for passenger vehicles from the current range of \$5.50 to \$38.00 to a new range of \$18.00 to \$51.00. The motorcycle registration fee will be increased from \$6.50 to \$8.00 and the motortricycle registration fee from \$8.00 to \$10.00. A new registration fee structure is also established for property-carrying commercial motor vehicles weighing 6,000 to 24,000 pounds. The annual registration for land improvement contractors' commercial motor vehicles is increased from \$350.00 to \$437.50 and recreational and vanpool vehicles from \$25.00 to \$32.00. A new fee of \$5.00 is established for requests to process a title in an expeditious manner. The substitute allows dealers to negotiate one reassignment of a salvage certificate title on the back of the certificate.

This bill also increases the following fees: delinquent registration fee from \$2.00 to \$5.00; driveaway license from \$35.00 to \$44.50; single trip from \$3.00 to \$4.00; original certificate of title from \$5.00 to \$7.50; delinquency penalty for original certificate of title from \$5.00 to \$10.00; salvage certificate of title from \$5.00 to \$7.50; special number from \$1.00 to \$7.50; instruction permit from 25 cents to \$3.00; operator's license from \$3.00 to \$7.50; chauffeur's license from \$10.00 to \$15.00; non-driver's identification card from \$1.00 to \$7.50; lost or destroyed certificate of ownership, number plate, tab or set of tabs from \$5.00 to \$7.50; duplicate operator's and chauffeur's license from \$3.00 to \$7.50;

labor lien from \$5.00 to \$10.00; and all delinquent registration fees from \$2.00 to \$5.00.

PROPOSERS: Supporters say the Department of Highways and Transportation is in great need of additional revenue to match federal funds and maintain roads and bridges.

Testifying for the bill were Representative Garrett; Missouri Department of Highways and Transportation; Missouri Highway Commission; Missouri Transportation Development Council; and Missouri Oil Jobbers.

OPPOSERS: Those who oppose the bill say this bill should address fee increases in all categories of motor vehicles, including heavy trucks.

Testifying against the bill was the Automobile Club of Missouri (AAA).

Robert Triplett, Research Analyst

HCS HB 1244 -- JUDICIAL PAY RAISES

SPONSOR: Sego (Barnes 50th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Fees and Salaries by a vote of 7 to 2.

This substitute provides salary increases for judges and repeals the January 1, 1987 expiration date for the authorization of cost of living increases for judicial personnel through the appropriations process.

Salary increases are: Supreme Court Judge: from \$51,840 to \$72,500; Appeals Judge: from \$49,290 to \$67,500; Circuit Judge: from \$46,740 to \$62,500; Associate Circuit Judge: from various sums based on county class to \$55,000 to be provided in steps over a two year period.

The substitute also prohibits a supreme court judge who resigns or retires from practicing before the supreme court for a two year period.

PROPONENTS: Supporters say salary increases are necessary to attract and retain qualified judges.

Testifying for the bill were Representatives Ribaldo, Barnes (50th) and Binger; Missouri Bar Association; Missouri Association of Trial Attorneys; Bar Association of Metropolitan St. Louis; Kansas City Bar Association; Pettis County Bar Association; a member of the Kansas City city council and a former circuit judge.

OPPONENTS: Those who oppose the bill say it is unfair to provide huge raises for judges while other state workers receive crumbs.

Testifying against the bill was the American Federation  
of State, County and Municipal Employees.

Bob Wedow, Research Analyst

HB 1106 -- RETIREMENT BENEFITS FOR WORKERS'  
COMPENSATION EMPLOYEES

SPONSOR: Barry

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Workers' Compensation by a vote of 7 to 0.

This bill provides for a retirement system for  
administrative law judges of the Division of Workers'  
Compensation.

FISCAL NOTE: No fiscal impact can be determined at  
this time.

PROPONENTS: Supporters say the bill is needed to help  
recruit and keep qualified administrative judges.

Testifying for the bill were Representative Barry;  
Judge Sihnhold, Administrative Law Judge; Division of  
Workers' Compensation; John Boyd, practicing attorney  
and ex-administrative law judge; Associated Industries;  
Missouri State Labor Council; Sea Farers Union; and St.  
Louis Port Council.

OPPONENTS: There was no opposition voiced to the  
committee.

Robert Triplett, Research Analyst

HB 1035 -- CODE OF MILITARY JUSTICE

SPONSOR: Graham

COMMITTEE ACTION: Voted "do pass" by the Committee on Federal-State Relations and Veterans' Affairs by a vote of 8 to 1.

This bill establishes a code of military justice for members of the Missouri National Guard. The bill also contains penalty provisions for persons convicted of violations under the code.

PROPONENTS: Supporters say this bill is needed to provide a disciplinary code for the National Guard. Currently there are no means of discipline other than discharge.

Testifying for the bill were Representative Graham; and Office of the Adjutant General.

OPPONENTS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HCS HBs 908, 1039, 1280 -- SALES OF LIQUOR

SPONSOR: Fazzino (McKenna)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 14 to 3.

The substitute allows any hotel-motel establishment that maintains a restaurant and has at least forty rooms for overnight accomodation to place in its rooms controlled access liquor cabinets or systems which can only be opened by adult registered guests for consumption on the premises. The bill establishes food sales requirements for the restaurant and definitions of new terms.

The substitute increases the permit fee for the sale of malt liquor at a bazaar, fair, or similar gathering in celebration of July 4th from \$10 to \$25. The substitute limits regulatory powers of the Supervisor of Liquor Control in respect to such permits by allowing an applicant to forego sending a personal photograph and posting a bond to receive such a permit.

The substitute further allows the sale of package liquor for consumption off the premises on Sunday between the hours of 12:00 noon and midnight. Any person licensed to sell packaged liquor for off-premises consumption can apply to receive such permit. A fee of \$200, in addition to existing fees, will be charged.

PROPOSERS: Supporters say this bill would reduce paperwork and bring some additional revenue into the state treasury. It will also help the convention trade business.

Testifying for the bill were Representatives Miller, McKenna and Fazzino; Anheuser-Busch; Vista



International Hotels; Lodge of the Four Seasons; and  
Tan-Tar-A.

OPPONENTS: Those who oppose the bill say prior  
registration for the 4th of July permit is necessary to  
weed out the fraudulent organizations.

Testifying against the bill was the Division of Liquor  
Control.

Andy Arnold, Research Analyst

HB 1112, HCA 1 -- DONATION OF CERTAIN PAINTINGS AND ART WORK

SPONSOR: Smith (116th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism, Recreation and Cultural Affairs by a vote of 13 to 0.

This bill increases the amount of the Missouri itemized deduction for purposes of the state income tax computation by increasing the allowable federal itemized deduction by the fair market value of any painting or art work contributed to any not-for-profit art gallery or museum supported by public funds less the amount deducted from the federal adjusted gross income attributable to the contribution. The donation must be given by the taxpayer whose efforts created the painting or art work. The fair market value will be determined by a person qualified to make such an appraisal other than the taxpayer, the donee or any "related person" within the meaning of that term as defined by the Internal Revenue Code.

HCA 1 - changes the word "charitable" to "tax exempt".

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say it is fair for artists to get a tax break on their donations.

Testifying for the bill was Representative Smith (116th) and the Missouri Library Association.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

HB 1162 -- MINING FEES

SPONSOR: Ellis

COMMITTEE ACTION: Voted "do pass" by the Committee on Mines and Mining by a vote of 11 to 0.

This bill increases the basic permit, acreage and renewal fees on strip and surface mining and land reclamation operations. An annual fee on single and multiple processing mills is established for each barite and tar sands operator and on mills at mining and reclamation operations. An annual fee is levied for each surface mining or reclamation site listed on an operator's permit application that is to be mined during the permit year.

FISCAL NOTE: Total revenues generated would be \$59,930 to be deposited in the Mined Land Reclamation Fund.

PROPOSERS: Supporters say the Land Reclamation Commission has received no fee increases for these commodities since enactment of the regulatory statutes in 1972. Fee increases are designed to bring revenues into line with expenditures. Industry representatives support efforts of the Commission to maintain funds at adequate levels to properly administer the state's reclamation laws.

Testifying for the bill were Missouri Limestone Producers Association; Land Reclamation Commission; and the Mining Industry Council.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HB 1237, HCA 1 -- WATER WELL DRILLERS ACT

SPONSOR: McBride

COMMITTEE ACTION: Voted "do pass" by the Committee on State Parks, Recreation and Natural Resources by a vote of 14 to 1.

This bill requires water well drillers and pump installation contractors to obtain a permit to conduct business from the Department of Natural Resources. Applicants for permits must be at least eighteen years of age, have two years experience, and successfully pass an examination. Prior permission from the Department is required for drilling involving public water supplies. The bill also authorizes the Department to inspect wells and to prevent the use of any wells where a health hazard is found to exist. Notification of the Department within sixty days is required for the construction, repair, or abandonment of any water well, the first installation of any pump, or for test holes or failures.

A seven-member Water Well Drillers' and Pump Installation Contractors' Board is established in the Department of Natural Resources to administer the provisions of this act. All fees collected by the department will be deposited in a Water Well Drillers' and Pump Installation Contractors' Fund.

Violation of the provisions of this act is a class A misdemeanor.

HCA 1 - makes several technical changes.

FISCAL NOTE: Would decrease General Revenue by \$40,883 in FY 85, \$44,421 in FY 86, & \$47,974 in FY 87.

PROPOSERS: Supporters say the bill is needed to protect the public from health dangers associated with wells that are contaminated as a result of improper construction. Proponents note that the cost of good well construction has remained relatively constant and this legislation should not increase well drilling costs. The bill will benefit homeowners with wells by providing some assurance that the water supply is safe and will protect community and municipal wells from contamination.

Testifying for the bill were Representative McBride; Department of Natural Resources' Division of Geology and Land Survey and Division of Environmental Quality; Division of Health; Missouri Water Well Drillers Association; and Missouri Board of Realtors.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HB 1170, HCA 1 -- INTEREST RATES

SPONSOR: Crump (84th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Banks and Financial Institutions by a vote of 20 to 0.

This bill permits lending institutions to charge a variable rate of interest on time price differential contracts. The monthly or quarterly interest ceiling rate will be adjusted in accordance with the rate on the latest issue of twenty-six week treasury bills. The variable rate ceiling will be calculated by multiplying the latest twenty-six week treasury bill rate by two. The annual interest rate ceiling cannot exceed twenty-four percent (APR).

Provisions for a lending institution to notify the borrower of conditions of the contract and the right of the borrower to terminate the contract are included in the bill.

HCA 1 - prohibits refusal of credit to a person solely because of his refusal to accept the variable rate method.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that states that have enacted variable interest rate legislation have enjoyed increases in retail sales and a substantial increase in the state's general economy. The bill offers certain creditors an alternative method of financing certain loans and will, therefore, increase the availability of capital.

Testifying for the bill were Representative Crump (84th), Missouri Bankers Association, Missouri Independent Bankers Association, Jack Shipman (a

Kentucky banker), Missouri Bank Holding Companies Association and Mercantile Trust (St. Louis).

OPPONENTS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HCS HB 1370 -- STATE RETIREMENT SYSTEMS

SPONSOR: Marriott

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 8 to 1.

This is a comprehensive substitute relating to the Highway and Transportation Employee's and Highway Patrol Retirement System and the State Employee's Retirement System.

Among major provisions included are: an increase from 1 1/4% to 1 1/3% of final average compensation in calculating benefits; an increase in the amount of unused sick leave which may count as service credit; improved options for survivors' benefits with the removal of benefit loss upon the remarriage of a surviving spouse; improved disability benefits; benefits for uniformed members of the water patrol; benefits for members of the General Assembly; and provisions for General Assembly members who have either prior or subsequent state service to receive credit in appropriate systems.

Most provisions of this act become effective on October 1, 1984.

An emergency clause is provided for a section relating to benefits for surviving spouses of statewide officials with twelve or more years of service.

PROponents: Supporters say this is a fair bill which provides improved benefits for state employees.

Testifying for the bill were Representatives Marriott and Graham; Conservation Department; Association of State Retirees; State Highway and Transportation Employees Association; and the Water Patrol. The State



Highway Commission endorsed certain provisions of the bill.

OPPONENTS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HCS HB 1500 -- LAND REUTILIZATION IN ST. LOUIS

SPONSOR: Ribaud

COMMITTEE ACTION: Voted "do pass" by the Committee on Municipal Corporations by a vote of 12 to 0.

This bill revises the statutes relating to the St. Louis Land Reutilization Authority. The bill requires sheriff's tax sales to be conducted only on advertised dates and payment to be made on the date of the sale. Consumations of transactions with non-public bodies on improved property are to include applications for occupancy permits. A reversionary interest in property sold may be retained by the Authority for up to two years. The bill requires the Authority to regularly review property classified as unusable.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the bill is needed to prevent speculators from dominating sales through dubious practices.

Testifying for the bill was Representative Clay.

OPponents: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 1132, HCAs 1, 2 -- PERSONNEL TRAINING WITHIN THE  
DIVISION OF ADULT INSTITUTIONS

SPONSOR: Fowler (80th)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Correctional Institutions by a vote of 8 to 0.

This bill requires the director of the Department of  
Corrections and Human Resources to establish and  
implement a training program for employees of the  
department. All newly employed correctional officers  
must successfully complete not less than 160 hours of  
pre-service training prior to assignment to a  
correctional facility. Reasonable physical strength  
and conditioning will be included in the training  
program. On-the-job training cannot be considered as  
part of the pre-service training. Employees will be  
required to receive annually not less than forty hours  
of in-service training in their area of employment.  
The bill contains provisions to declare a "training  
emergency". The training will be provided at the  
department training academy. If adequate space is not  
available at the department academy then the Highway  
Patrol Academy will be used.

HCA 1 - requires training within the Department of  
Correction and Human Resources not just within the  
division of adult institutions. Also provides for  
training of staff.

HCA 2 - standard rules language.

FISCAL NOTE: Would decrease General Revenue by \$364,981  
in FY 85, \$510,972 in FY 86, and \$536,521 in FY 87.

PROponents: Supporters say correctional employees  
should have proper training to protect themselves,  
inmates, and the department. Supporters feel employees

are not being adequately trained and believe this bill is the vehicle to correct the situation.

Testifying for the bill were Representative Fowler; and the Department of Corrections and Human Resources.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1512, HCAs 1, 2, 3, 4, -- TITLE INSURANCE

SPONSOR: Crump (150th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance by a vote of 10 to 3, 1 present.

This bill is a comprehensive revision of Missouri's title insurance law. It redefines what a "premium" is so as to include all charges associated with the issuance of a title insurance policy; the effect of the redefinition will be to increase the amount of premium tax collected by the state. The bill also increases the amount of required capitalization and required surplus associated with title insurance companies from \$50,000 and \$50,000, respectively, to \$400,000 and \$400,000. It puts restrictions on the amount of "controlled business" a title company can do and requires a disclosure of the business relationship between the title company and the producer of the title business involved in a "controlled business" in a transaction.

The bill also allows the Division of Insurance to inspect books and records, specifies what times a title insurer may hold and invest in, requires immediate reports to the insurer by agents of loss claims, provides for reasonable premium rates and the filing of rate schedules, and contains penalty provisions.

HCA 1 - makes technical changes and states title insurers need not file rate schedules relating to re-insurance.

HCA 2 - removes the requirement that title agents pay for costs of examination and adds a section requiring agents to remit policies to their firms within 30 days.

HCA 3 - makes technical changes, and removes the definition of a "controlled business" and removes the requirement a company engaged in this type of business to phase-out of it over a period of years.

HCA 4 - clarifies that the capital requirement is \$400,000.

FISCAL NOTE: Would increase premium tax collections by \$53,500 in FY 85, \$71,300 in FY 86, and \$71,300 in FY 87.

PROPOSERS: Supporters say that this bill is based on model legislation relating to title insurance, and would bring the state's title insurance industry under more comprehensive regulation by the Division of Insurance.

Testifying for the bill were Representative Crump (150th) and the Division of Insurance.

OPPOSERS: Those who oppose the bill would like more time to study the bill to resolve differences within the industry and with the Division of Insurance. They also voice concern that the increased premium tax may lead to retaliatory taxation by other states.

Testifying against the bill were the Missouri Title Company, the Missouri Land Title Association, Hogan Land Title Company, Chicago Title Insurance Company, and First American Title Insurance Company of North America.

Mark Doerner, Research Analyst

CORRECTED SUMMARY

HCS HBs 1533, 1559, 1560 -- PROCEDURES UNDER THE SALES AND USE TAX STATUTES

SPONSOR: Benson

COMMITTEE ACTION: Voted "do pass" by the Committee on Revenue and Economics by a vote of 21 to 0.

This substitute provides that transfers of business assets and personal property to or between corporations and shareholders and to or between partnerships and partners are not subject to the use tax.

The substitute lowers the discount that a vendor can retain for early payment of the use tax from three percent to two percent. Further, the substitute requires that before the Supervisor of Liquor Control issues or renews a liquor license or restores or reinstates a liquor license, he must receive a tax clearance statement from the Department of Revenue stating that the applicant for license has paid his sales and use tax, including any penalty and interest.

PROPOSERS: Supporters of HB 1533 say that for early filing under the Vendors use tax statutes an out of state vendor receives a 3% discount. A Missouri vendor only receives a 2% discount for filing his sales tax early. This bill would align the two discounts at 2% and thus eliminate the inconsistency and the unfairness to Missouri vendors. Supporters of HB 1559 say that when a business liquidates to its shareholders or reorganizes the transfer of its personal property under the statutes, there is no transaction for sales tax purposes. However, the highway use tax statutes are not so clear on transfers of motor vehicles by the business, i.e. the statutes could be construed to require the payment of sales tax on the transfer of motor vehicles when a business liquidates or reorganizes. This bill would make clear that no sales

and use tax is owed in such situations. Supporters of HB 1560 say that to assure a business is current on its sales and use tax obligation to the state it must obtain a tax clearance from the Department of Revenue before a liquor license is issued, renewed, restored or reinstated. All a licensee has to do to become current is to pay its sales and use tax. This is a way to make sure the tax owing the state is paid.

Testifying for HB 1533 were Representative Jacob and Department of Revenue; testifying for HB 1559 were Representative Youngdahl and the Department of Revenue; and testifying for HB 1560 were Representative Youndahl and the Department of Revenue.

OPPONENTS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst



HB 1273 -- GENERAL ASSEMBLY PER DIEM

SPONSOR: DePasco

COMMITTEE ACTION: Voted "do pass" by the Committee on Accounts by a vote of 9 to 0.

This bill removes the \$35 expense per diem for members of the General Assembly, and replaces it with the amount set for federal employees (currently \$50).

FISCAL NOTE: Would decrease General Revenue by \$985,000 in FY 85, \$827,400 in FY 86, and \$1,086,455 in FY 87.

PROponents: Supporters say the current per diem is inadequate and it would be beneficial to have a disinterested federal agency's standards apply to state legislators.

Testifying for the bill was Representative DePasco.

OPponents: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

NOTE: This bill has been 3rd read and passed  
with HA 1 - February 22, 1984

SB 548 -- UTILICARE FUNDS TO RECONNECT UTILITY SERVICE

SPONSOR: Banks

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Consumer Protection by a vote of 13 to 0.

This bill allows the Department of Social Services to use Utilicare funds to pay the cost of reconnecting or reservicing households that have had their primary or secondary heating sources disconnected or service discontinued because of failure to pay their bills. People eligible must meet income guidelines and be elderly, disabled, unemployed and drawing unemployment benefits, or have exhausted unemployment benefits.

The department will pay suppliers directly. Suppliers subject to the supervision of the Public Service Commission shall, at any time during the period specified in the Public Service Commission's cold weather rule, reconnect each household eligible for assistance which has paid the greater of \$75.00 or 25% of the total outstanding unpaid bills. The remaining unpaid portion of the outstanding bills and bills for service after the reconnection shall be paid in accordance with rules promulgated by the Public Service Commission relating to such outstanding balances.

The bill has an emergency clause.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say in the past, utilities were not required to reconnect in situations covered in this bill, even if there was some attempt to pay. Supporters also say that money is currently available to cover the costs of this bill. Finally, they point out that there are criminal sanctions already in the statutes regarding tampering with utility service.

Testifying for the bill were Senator Banks and the Department of Social Services.

OPPONENTS: Those who oppose the bill say that by putting language like this into statutory form, we make some aspects of what in the past has been covered by Public Service Commission rules and regulations harder to change, while still leaving others under Public Service Commission oversight. Opponents also argue this bill may have the effect of giving Utilicare funds to people who have been disconnected because they tampered with their service system.

Testifying against the bill was Laclede Gas.

Mark Doerner, Research Analyst

SB 434 -- PROPERTY TAX EXEMPTION FOR CERTAIN INDUSTRIAL DEVELOPMENT PROJECTS

Sponsor: Snowden (Barnes 50th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 12 to 0.

This bill amends the statute which subjects property acquired, constructed, or financed by Industrial Development Corporations to property taxes. It permits exceptions to this when so provided by statute, the constitution, or local enactment.

This bill carries an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that the bill allows projects financed by Industrial Development Authorities to be compatible with tax benefits granted under other provisions of law. The bill also allows not-for-profit entities to take advantage of low interest bond financing without jeopardizing their real property tax exemption.

Testifying for the bill were Senator Snowden; Industrial Development Authority of Kansas City; and a representative of the Kansas City hospitals.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SCS SB 601, HCA 1 -- COMPENSATION OF COUNTY PROSECUTORS

SPONSOR: Caskey

COMMITTEE ACTION: Voted "do pass" by the Committee on Fees and Salaries by a vote of 6 to 1.

This bill provides additional compensation for prosecuting attorneys on the following basis: in first class non-charter counties, \$12,500 per year; in second class counties (except Cole), \$10,000; in Cole County, \$15,000; and in third and fourth class counties, \$7,500. In addition, the prosecutor's or circuit attorney's office in first class charter counties and the City of St. Louis would receive \$40,000 and in first class non-charter counties \$7,500 for fulfilling training requirements which provide the reason for all the additional compensation. Funds for the compensation would be provided by an additional court cost of \$3.50 on most criminal cases. The training is to be provided by the Office of Prosecution Services, which would receive an additional staff member under the provisions of the bill.

The bill also increases the amount of compensation which may be paid to the circuit attorney in the City of St. Louis for optional duties by \$5,000.

The bill contains an emergency clause. An expiration date of January 1, 1987 is included for the sections relating to the additional compensation for training.

HCA 1 - would also terminate the training sections should compensation for prosecutors be otherwise provided.

FISCAL NOTE: The bill would raise for the Missouri Prosecuting Attorney's Fund approximately \$145,000 in excess of expenses over the life of the program.

PROPOSERS: Supporters say additional compensation is needed to attract and retain qualified prosecutors and that the bill provides its own funding mechanism.

Testifying for the bill were Senator Caskey; Missouri Association of Prosecuting Attorneys; and several county prosecutors.

OPPOSERS: While no one testified against the bill, some committee members expressed concern over the use of court costs to finance the additional compensation.

Bob Wedow, Research Analyst

NOTE: THIS BILL HAS BEEN TRULY AGREED TO  
AND FINALLY PASSED. THIS SUMMARY IS  
FOR YOUR INFORMATION PURPOSES. PLEASE  
PLACE IN PROPER PAGE NUMBER SEQUENCE.

SB 682, HCA 1 -- ELECTION PROCEDURES

SPONSOR: Wilson (19th) (Pauley)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Elections by a vote of 9 to 0.

The election authority shall have absentee ballots  
prepared by the sixth Tuesday prior to the election or  
within fourteen days after the names have been  
certified by that authority.

The bill has an emergency clause.

HCA 1 - changes the filing period for declarations of  
candidacy from the present 90 day period to a 30 day  
period.

PROPOSERS: Supporters say that in order to comply  
with requests from the Defense Department and with a  
court decision against the State of New York, the  
period for obtaining absentee ballots should be  
lengthened.

Testifying for the bill were Senator Wilson and  
Secretary of State James Kirkpatrick.

OPPOSERS: There was no opposition voiced to the  
committee.

Kathryn Ruckman, Research Analyst

HJR 70 -- APPROPRIATION RESTRICTIONS ON THE \$600  
MILLION BOND ISSUE

SPONSOR: Youngdahl

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Budget by a vote of 12 to 4.

The \$600 million bond issue approved by Missouri voters  
in June, 1982, to be used for capital improvements,  
repair, and maintenance of state buildings and property  
included specific percentages with respect to where and  
for what these monies could be appropriated. This  
proposed constitutional amendment would remove  
restrictions on legislative appropriation of these  
funds as specified in the original amendment.

FISCAL NOTE: Publication cost to the Secretary of State  
would be \$38,368 in FY 85.

PROPOSERS: Supporters say that this House Joint  
Resolution would give the General Assembly the  
flexibility to prioritize the bond money allocation  
percentages with respect to changing needs and  
emergency situations.

Testifying for the bill was Representative Youngdahl.

OPPOSERS: There was no opposition voiced to the  
committee.

Natalie Tackett, Research Analyst



HCS HBs 1251, 1549 -- EMPLOYMENT SECURITY

SPONSOR: Becker

COMMITTEE ACTION: Voted "do pass" by the Committee on Employment Security and Fair Practice by a vote of 10 to 1.

This bill changes the eligibility requirements to receive unemployment benefits for initial claims filed after December 1984, changing the qualifying wage from thirty times the claimant's maximum weekly benefit amount and earnings in two quarters to a requirement that the claimant have total base prior earnings of at least one and one-half times his high quarter earnings with the current minimum high quarter amount of \$300 increasing to \$500 in 1987 and \$750 in 1989.

This bill further: (1) Limits noncoverage of employees of insurance and real estate firms to licensed agents or brokers. (2) Defines what tip income will be reported for unemployment insurance purposes. (3) Raises the taxable wage base to \$8000 in 1985; \$8500 in 1986; and \$9000 in 1987. If on any succeeding December 31, the fund balance is less than \$100 million, the base would rise \$500; however, should the fund equal or exceed \$300 million, the base will be reduced by \$500 (but not less than the federally required base). (4) Raises the maximum weekly benefit amount (MWBA) to \$120 in 1985; \$125 in 1986; \$130 in 1987; \$140 in 1988; and if the fund balance is not in deficit on January 1, 1989, the MWBA would rise to \$150. (5) Excludes benefit payments between school terms to non-instructional employees in institutions of higher education. (6) Increases the minimum penalty for misconduct to four weeks. (7) Redefines the start of the disqualification period to conform with federal law. (8) Removes most noncharging privileges from reimbursable employers. (9) Changes the way benefit

charges are assigned to contributing employers from inverse chronological order to prorating based on the amount of wages paid to the claimant by each base period employer. (10) Raises the amount of wages an employer can pay a probationary employee without being liable for unemployment insurance benefit charges from \$120 to \$400. (11) Increases the tax rate for deficit employers from 3.6% to 6%. (12) Retains current rates for credit employers. (13) Replaces all tables in sections 115-120 with a single table; this will replace the present .05% and .03% surcharges with percentages of employer's contributions. (In effect this experience-rates the surcharges.) Credit employers will also have negative surcharges when the fund balance reaches \$350 million. (14) Eliminates the provisions allowing special rates for temporary employees. (15) Changes the time allowed for filing an appeal from 10 to 15 days, and allows Saturdays to count the same as Sundays or holidays. (16) Provides that the division may cancel wage credits of claimants for willful misrepresentation to obtain or increase benefits. (17) Excludes National Guard pay as a deduction from unemployment benefits.

FISCAL NOTE: Annual savings of \$17.8 million is estimated to be generated by this legislation. It is estimated by the Division of Employment Security that a cost to local governments of \$100,000 will result from the loss of noncharging privileges.

PROPOSERS: Supporters say House Bill 1251 would (1) bring Missouri Statutes into federal compliance by January 1, 1985, which is necessary to avoid loss of \$180 to \$540 million in offset credits to Missouri employers; (2) provide for solvency of the Unemployment Trust Fund that would prevent future losses due to high interest rates; and (3) provide for additional unemployment benefits.

Testifying for House Bill 1251 were Representative Proffer, Missouri Chamber of Commerce, Associated Industries of Missouri, Mining Industries Council, Missouri Retailers Association, and General Contractors of Missouri.

OPPONENTS: Those who oppose House Bill 1251 say they oppose the exemption of real estate and insurance companies from unemployment compensation and prefer an alternate plan for revising the program.

Testifying against House Bill 1251 were Keep to Profit, and Missouri Merchants and Manufacturers.

PROPOSERS: Supporters say House Bill 1549 would make the Unemployment Trust Fund actuarially sound by treating unemployment insurance like any other insurance policy and bring our statutes into federal conformity necessary to avoid expensive federal penalties to Missouri employers.

Testifying for House Bill 1549 were Representative Birch and the Missouri State Labor Council; the Division of Employment Security appeared to supply background information and answer questions.

OPPONENTS: Those who oppose House Bill 1549 say that this legislation would create too great a burden for the deficit employer; that it goes "too far too fast".

Testifying against House Bill 1549 were Associated General Contractors, Missouri Chamber of Commerce, Associated Industries of Missouri, Mining Industries Council, Missouri Retailers Association, and Merchants and Manufacturers Association.

Natalie Tackett, Research Analyst

HCS HB 1404 -- DEVELOPMENT OF REASSESSMENT AND EQUALIZATION PLANS

SPONSOR: Fretwell (Rauch)

COMMITTEE ACTION: Voted "do pass by the Committee on Property Equalization and Classification by a vote of 7 to 1.

This substitute provides that the county assessor will reassess and equalize all real property within the county once every four years in accordance with an assessment plan that has been reviewed by the State Tax Commission.

The State Tax Commission will oversee and supervise the implementation of all reassessment and equalization plans. After completing each reassessment and equalization maintenance plan the county assessor will make available in his office the assessed valuation of each parcel of property within the county.

The state will reimburse the county assessment fund an amount not to exceed two dollars per parcel for maintaining property assessments.

The substitute establishes a certificate of value reporting format to be used for recording the transfer of properties. The certificate of value will not be a public record and will be used for statistical and ratio development purposes only. Penalties for failure to file a certificate of value or for the disclosure of information contained in such certificates are included in the substitute.

The substitute also establishes a permanent joint legislative committee to be known as the "Joint Committee on Property Assessment". The committee will consist of four members of the House of Representatives

appointed by the Speaker of the House, four members of the Senate appointed by the President Pro Tempore. The committee will meet at least once every six months and will submit an annual report to the General Assembly.

The substitute has provisions for the reporting of previous hidden properties.

The State Tax Commission will establish guidelines for the development of reassessment and equalization maintenance plans.

The substitute carries an emergency clause and effective dates.

PROPOSERS: Supporters say that legislation must be enacted to assure that statewide reassessment is maintained.

Testifying for the bill were Representative Rauch; President of the Missouri Association of Counties; and Missouri Assessors Association.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

CORRECTED SUMMARY

HCS HB 1581 -- PUBLIC EMPLOYEE COLLECTIVE BARGAINING

SPONSOR: Schlef

COMMITTEE ACTION: Voted "do pass" by the Committee on Labor by a vote of 11 to 3, 1 present.

This substitute permits all public employees in Missouri, except Missouri State Highway Patrolmen and members of the Missouri National Guard, to have contracts negotiated through an exclusive bargaining representative with the governing body of the political subdivision involved.

This bill, further, establishes a five member board made up of representatives of labor, public employees, and the general public which will be empowered to administer this act.

The bill has an effective date of June 1, 1985.

PROPOSERS: Supporters say this bill will strengthen the idea of management/labor committees and encourage employee input such as school boards permitting teachers to have input in managing schools. Further, unions are an effective management tool in that agreed-upon guidelines are established for both labor and management to follow.

Testifying for the bill were Representative Schlef; Missouri State Labor Council; MNEA; and AFSCME.

OPPOSERS: Those who oppose the bill say school districts will be hurt if it is necessary to increase teacher salaries; there is no monetary profit in education. Also, teachers cannot afford to pay union dues.

Testifying against the bill were Carthage Teachers Association; MSTA - Southwest District; the Missouri Chamber of Commerce, Missouri Municipal League and the Cooperating School Districts of the Suburban Kansas City Area.

Natalie Tackett, Research Analyst

HCS HBs 1142 and 894 -- MUNICIPAL COURT IN SPRINGFIELD  
MISSOURI

SPONSOR: Youngdahl (Harpool)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
the Judiciary by a vote of 17 to 0.

This substitute permits the municipal court of  
Springfield, Missouri, by municipal ordinance, to hear  
jury cases. Cases are to be heard with a record being  
made and jury selection is to be in accordance with  
procedures applicable to circuit courts. Appeals from  
this municipal court will be to the appropriate state  
court. The substitute has provisions dealing with  
payment of costs by the municipality; Supreme Court  
Rules on reimbursement of costs; effect of jury waiver  
and disqualification of a municipal judge.

PROPOSERS: Supporters say when a defendant asks for a  
trial in municipal court, the case is transferred to  
the associate circuit court. This is a delay technique  
since these cases, even though transferred, rarely go  
to trial. Associate circuit court trials of municipal  
ordinances cost the state, since all fees go to the  
city, but the costs are assumed by the state. In  
addition, this bill would allow for speedier decisions  
and help take part of the case load off the associate  
circuit court.

Testifying for the bill were Representative Harpool;  
Howard Wright, Springfield City Attorney; and Judge  
George Donegan, Associate Circuit Judge, 31st Judicial  
Circuit (Greene County).

OPPOSERS: There was no opposition voiced to the  
committee.

Richard Waters, Research Analyst



HB 962, HCA 1 -- CREDIT UNIONS

CO-SPONSORS: RILEY, DOUGHERTY, GOLDMAN

COMMITTEE ACTION: Voted "do pass" by the Committee on Consumer Protection by a vote of 15 to 0.

This bill makes numerous changes in the law relating to the internal organization and operation of credit unions, concerning such things as "membership shares," a credit manager, the supervisory and credit committees, audits and reserve funds.

HCA 1 - provides that the par value of membership shares shall not be less than twenty-five nor more than one hundred dollars; that an independent audit shall be conducted where a credit union has over one million dollars in assets; and that reserves equal to at least 5% of membership shares be maintained. Other technical changes are also made.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill makes three major changes in the law. First, it provides that a credit union's credit committee and supervisory committee can be either elected or appointed by the credit union's members. Secondly, it provides for the optional purchase of membership shares as a method of raising capital. Finally, it provides for the maintenance of reserves for those credit unions having membership shares in amounts related to the credit union's losses over the last five years, in addition to current requirements which relate only to the assets, gross income and outstanding loans of the credit union. Such changes will improve the efficiency and financial soundness of credit unions in an era when federal deregulation has brought them into the same markets as banks. Also, they will be able to borrow more easily

from other institutions since the membership shares will provide greater net worth.

Testifying for the bill were Representatives Riley and Goldman, the Missouri Credit Union League and the Division of Credit Unions.

OPPONENTS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HB 1071 -- SUMMER INSTITUTE FOR THE GIFTED

CO-SPONSORS: Morrison, Sharpe, Morgan, Lumpe,  
Steinmetz, Graham, Wilkerson, Grisham, Schaeperkoetter

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Elementary and Secondary Education by a vote of 26 to  
0.

This bill establishes a state funded "Summer Institute  
for Academic Excellence" for elementary and secondary  
public and private school students. The three to six  
week institute will be held on a Missouri college  
campus, administered by an advisory committee appointed  
by the State Board of Education, staffed by educators  
selected on the basis of professional quality and  
ability and attended by not less than three hundred nor  
more than six hundred select academically able students  
from all parts of the state. The bill addresses  
curriculum and learning objectives. The State Board of  
Education will adopt rules and regulations necessary to  
carry out the provisions of this bill and will prepare  
an annual report.

FISCAL NOTE: Would decrease General Revenue by  
\$449,878 in FY 85, \$472,372 in FY 86, & \$495,981 in FY  
87.

PROPOSERS: Supporters say it is very important to  
retain the best and brightest students in public  
education. Currently many gifted students are going to  
private and parochial schools that offer gifted  
programs. Education meets the demands of the  
handicapped at one end of the scale but offers little  
at the other end.

Testifying for the bill were Representative Morrison;  
Gifted Association of Missouri; Department of  
Elementary and Secondary Education; Shannon Marriott

and David Brydon, students at Jefferson City High School.

OPPONENTS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1387 -- ST. LOUIS POLICE RETIREMENT

SPONSOR: Ribaldo

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 6 to 3.

This bill changes average final compensation which is used to compute the retirement benefits of St. Louis City police officers from that of the last three years of service to the final year. The bill also increases the amount of cost of living increases which may be received from 25% of the original benefit to 50%.

The provisions of the bill will terminate should the state be required to provide funding for the increased benefits.

FISCAL NOTE: Would decrease General Revenue for the City of St. Louis \$2,285,736 annually.

PROPOSERS: Supporters say the bill would improve benefits for policemen.

Testifying for the bill were Representative Ribaldo; Secretary of the St. Louis Police Retirement Board; and St. Louis Police Officers Association.

OPPOSERS: Those who oppose the bill say bills like this threaten the financial security of St. Louis.

Testifying against the bill was the Mayor of St. Louis.

Bob Wedow, Research Analyst

HB 1229 -- RELATING TO FILING INCOMPLETE OR MISLEADING  
INCOME TAX RETURNS

CO-SPONSORS: Driskill, Graham

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Revenue and Economics by a vote of 18 to 3.

In addition to any other penalty provided by law, this bill imposes a \$500 fine on an individual who purports to file a tax return, but files a return which does not contain information on which the substantial correctness of the self assessment may be judged or contains information which on its face indicates the self assessment is incorrect; and the conduct is frivolous or desires to delay or impede the administration of Missouri tax laws and the individual has not filed a proper tax return within 90 days after the date on which notice that the original return violating the provisions of the bill was mailed by the Director of Revenue, 180 days in the case of a taxpayer who is out of the country.

The Department of Revenue is required to notify a taxpayer by certified mail of the assessment of the penalty proposed by this act. The imposition of the penalty would be final 30 days from the date the notice is mailed unless the taxpayer seeks a review of the penalty with the administrative hearing commission. In any review of the penalty assessment under this act the burden of proof is on the Director of Revenue.

FISCAL NOTE: The Department of Revenue states that in 1982 approximately 1,000 such tax returns were filed, thus the \$500 penalty would produce about \$500,000 annually. Average tax liability per return is \$378, thus some portion of this sum might also be recovered, above the amount actually paid with the return.

PROPOSERS: Supporters say this bill is aimed at the professional tax protestor who flaunts the tax laws. The bill would plug a loophole since the existing penalties are not adequate to induce a person who files a return with the word "filed by Mickey Mouse" or "I refuse to pay taxes because the United States is no longer on the gold standard" written on his return, to file a proper tax return.

Testifying for the bill was Representative Driskill.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HB 1275 -- LOCATION OF AND DETERMINATION OF FINANCIAL  
RESOURCES OF ABSENT PARENTS

CO-SPONSORS: Danner, Mathews

COMMITTEE ACTION: Voted "do pass" by the Committee on  
the Judiciary by a vote of 17 to 1.

This bill authorizes the Division of Family Services to locate and determine the financial resources of absent parents. The bill includes provisions which will allow the Division of Family Services to receive information from the federal Parent Locator Service, records of other states, records of all state agencies, and from businesses and financial entities. "Information" includes name, address, social security number, birth date, mailing address, salary, dependents declared on taxes, medical and life insurance policy names and retirement benefits, but is not limited to these items.

The bill includes protections for confidential information protected by other laws. It allows the Division of Family Services to request the Attorney General to bring action resulting in civil penalties against business or financial entities that do not respond to division requests for information. Immunities from civil or criminal liability for those participating in good faith with this act are included. The bill makes certain violations class A misdemeanors.

FISCAL NOTE: There are no costs associated with this legislation. An increase in child support collections could result from this program.

PROPOSERS: Supporters say this bill attempts to speed up the process of locating absent parents and to get the supported parent off AFDC. The key to any successful support enforcement bill is quick action so that money owed to the state or to the other parent for child support can be recovered before the parent moves.



Testifying for the bill were Representatives Danner and Mathews; and the Division of Family Services.

OPPONENTS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HCS HB 1240 -- COMMISSION ON HUMAN RIGHTS

SPONSOR: Shear

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 9 to 0.

This substitute is a comprehensive revision of the law relating to discrimination and the Commission on Human Rights. The bill sets out with specificity the powers and duties of the Commission. For example, where present law directs the commission to cooperate in discouraging discrimination, the bill directs the commission to seek to eliminate and prevent it by setting policies, utilizing services of all government agencies, and establishing standard procedures. The bill also includes provisions for:

- (1) authorizing local governments to establish commissions to deal with discrimination;
- (2) prohibiting discrimination on the basis of a person's creed, color or religion;
- (3) prohibiting aiding and abetting discriminatory acts;
- (4) awarding attorney's fees and court costs; and
- (5) requiring the production of documents and records.

PROPOSERS: Supporters say that this substitute will aid in fighting discrimination, alleviate burdens placed on state resources, and enhance the Commission's efficiency. It will also bring Missouri into compliance with federal requirements. This will result in Missouri receiving federal funds which it doesn't now receive.

Testifying for the bill were Representatives Bland and Shear; the Missouri Commission on Human Rights; Sedalia Human Rights Commission; Associated Industries; Missouri Advocacy Services; and the Department of Mental Health.

OPPONENTS: There was no opposition voiced to the committee.

Kathy Ruckman, Research Analyst

HB 1199 -- DETENTION OF JUVENILES

SPONSOR: Barklage

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 13 to 0, 1 present.

This bill repeals the provision which permits the detention of a child pending disposition of a case in a jail or other facility for the detention of adults.

The bill has an effective date of January 1, 1986.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say that the best interests of young persons who are juvenile offenders are not served by putting them in jail before disposition. There have been many situations where juveniles have been injured and killed being held in adult jails. There are several economic reasons for enacting this law: (1) federal money of nearly \$1 million per year may be withheld; and (2) the potential lawsuits against law enforcement if a juvenile is injured or killed.

Testifying for the bill were Representatives Barklage; Steinmetz; and Shear; and the Department of Public Safety.

OPponents: There was no opposition voiced to the committee.

Kathy Ruckman, Research Analyst

HCS HB 1477 -- PUBLIC SERVICE COMMISSION

SPONSOR: Nilges

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 9 to 0.

This substitute changes the provisions of nine sections of the Revised Statutes relating to the Public Service Commission. The substitute does the following:

- 1) It removes the requirement that PSC's general counsel be a Missouri resident prior to appointment.
- 2) It removes the requirement that Commissioners live within Jefferson City, allowing them to live within 40 miles of Jefferson City.
- 3) It allows the PSC to close its office on Saturdays.
- 4) It allows fees collected by the PSC for copies of its documents to be placed in the normal PSC fund, rather than being forwarded to the director of Revenue.
- 5) It changes the date of the annual issuance of motor carrier licenses from December to October.
- 6) It updates a section dealing with telecommunications by referring to the Federal Communications Commission, which now has jurisdiction in this area, rather than the Interstate Commerce Commission, which used to have this jurisdiction. The substitute also deletes language requiring the PSC to give telephone companies 6 months notice where new bookkeeping requirements are implemented.
- 7) It removes the requirement that sewer companies obtain prior PSC approval in eminent domain actions.

8) It removes the statutory mandate that the PSC appoint inspectors to inspect, approve and seal all gas, water, and electrical meters. It gives the PSC the authority to so inspect if it wants to, or if requested by the party furnishing, setting up or putting into use such a meter. Gas and water meter inspections would be governed by PSC regulations.

9) It changes two statutes of the law relating to mobile homes to bring them into line with federal laws on the same subject.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is a product of the House Interim Committee to Investigate the Public Service Commission, Utility Regulation and Services. It contains the suggestions of the PSC to the Interim Committee for statutory changes of a housekeeping nature designed to allow the Commission to function more effectively. The changes either remove unnecessary and burdensome requirements now placed upon the PSC or bring Missouri law into compliance with federal law or the practices of other states.

Testifying for the bill were Representative Nilges and the Public Service Commission.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HCS HB 1598 -- PROHIBITS HEALTH SERVICES CORPORATIONS FROM DISCRIMINATING AGAINST LICENSED HEALTH CARE PROVIDERS

SPONSOR: Crump (84th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance by a vote of 13 to 0.

This substitute prohibits a health services corporation from discriminating against certain types of health care providers in terms of coverage or reimbursement amounts. It requires a health services corporation to cover and reimburse services whenever they are provided to a member or beneficiary by any person duly licensed to render that service, so long as the particular service in question is one for which the health services corporation provides reimbursement or coverage.

The substitute also provides that whenever the health services corporation's contract provides coverage or reimbursement for any service provided by physicians, surgeons or physical therapists, the beneficiary is also entitled to coverage on an equal basis for such service when the service is performed by any chiropractor. Federally qualified health maintenance organizations and certain labor plans are exempt from this provision.

The substitute would apply to contracts issued or renewed after October 1, 1984.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will allow a health services corporation's members and beneficiaries greater choice in what type of health care provider they seek out for a particular illness. It may also

reduce medical expenses, since some types of practitioners may be able to provide services at lower costs than others. Supporters also say most insurance companies have been providing this kind of nondiscriminatory coverage for years and have not needed to increase rates because of it. Finally, similar legislation was enacted last year but is now the subject of a court injunction due to a technicality relating to the method of enactment, not the subject matter itself. The intent of the legislature is thus being delayed.

Testifying for the bill were Representative Crump; Missouri Optometric Association; Missouri Nurses Association; and the Academy of Missouri Chiropractors.

OPPONENTS: Those who oppose the bill oppose any legal requirements which mandate certain types of coverage. They say the marketplace should be allowed to indicate what services should be provided. They also say some studies indicate changes like those required by this bill will have the effect of increasing rates charged to members.

Testifying against the bill were Blue Cross Hospital Services, Inc.; and Kansas City Blue Cross-Blue Shield.

Mark Doerner, Research Analyst



HB 1351 -- MEDICAL LICENSE RENEWAL

SPONSOR: Hamlett

COMMITTEE ACTION: Voted "do pass" by the Committee on License and Related Matters by a vote of 9 to 0.

This bill allows licensing boards to refuse to renew professional licenses, permits or certificates of registration issued to physicians and surgeons, physical therapists, and athletic trainers.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill would protect the public by speeding up disciplinary activity in appropriate cases.

Testifying for the bill were Representative Hamlett; the State Board of Healing Arts; the Missouri Medical Association and the Missouri Osteopathic Association.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 1060, HCAs 1, 2, - BOILER AND PRESSURE VESSEL REGULATIONS

SPONSOR: Hickey

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 6 to 0.

This bill establishes within the Department of Public Safety a "Board of Boiler and Pressure Vessel Rules" for the purpose of formulating rules and regulations for safe construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels in this state.

Major provisions of the bill cover: (1) qualifications and duties of board members; (2) requirements for construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels; (3) exemptions; (4) qualifications and duties of inspectors; (5) inspection records requirements; (6) fee schedule for inspections; and (7) bonding requirements for inspectors.

HCA 1 - exempts propane and compressed gas containers from provisions of this bill.

HCA 2 - exempts boilers under federal safety regulatory control from provisions of this bill.

FISCAL NOTE: Inspection fees are estimated to exceed inspection expenses by \$25,000. Costs for meetings of the board are estimated to be \$2000.

PROPOSERS: Supporters say that an unsafe boiler or pressure vessel can explode with tremendous force. Missouri is becoming a dumping ground for dangerous boilers because of the lack of state regulation. Many hazardous boilers are located in schools and other

public buildings. The state needs to ensure that such boilers do not endanger Missourians.

Testifying for the bill were Representatives Hickey and Depasco, Missouri LP Gas Association, and Boilermakers Local #27.

OPPONENTS: Those who oppose the bill say that pressure vessels used by the mining industry are already regulated by federal law and that unnecessary duplication of such regulation would only harm Missouri's mining industry. (This objection is taken care of by HCA 2.)

Testifying against the bill were Missouri Limestone Producers Association.

Daniel Landon, Research Analyst

HB 1410, HCAs 1, 2 -- REGULATION OF COMMERCIAL MOTOR VEHICLES

CO-SPONSORS: Osbourn and Backer

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 8 to 0.

This bill moves the authority to regulate the safety equipment of commercial motor vehicles from the Public Service Commission to the Department of Public Safety. The director is authorized to promulgate rules and regulations relating to the safety of such vehicles.

HCA 1 - permits Missouri Highway Patrol officers to enter the cargo area of a truck or trailer if they believe a vehicle is transporting hazardous materials.

HCA 2 - adds standard rules language.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the Missouri Highway Patrol will be able to enforce safety regulations uniformly. The Public Service Commission inspectors do not have the power of arrest.

Testifying for the bill were Representative Osbourn; and Missouri Bus and Truck Association.

OPponents: Those who oppose the bill say the Public Service Commission already provides uniformity in enforcement. They should be able to write safety violations when they uncover them in the course of routine rate regulation activity.

Testifying against the bill was Missouri Public Service Commission.

Robert Triplett, Research Analyst

HB 928, HCA 1 -- LOCAL FIREARMS REGULATION

CO-SPONSORS: Binger, Fazzino, Braungardt

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 17 to 0.

This bill prohibits the regulation of firearms by local governments.

HCA 1 - deletes a provision permitting local governments to require the possession of firearms by residents and permits local governments to enact firearms ordinances which conform to state law and to regulate the discharge of firearms within their jurisdiction.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will allow uniformity throughout the State of Missouri in regard to firearms.

Testifying for the bill were Representatives Binger and Braungardt; Missouri Sports Shooting Association, Conservation Federation, National Rifle Association, and John Sharp for himself.

OPPOSERS: Those who oppose the bill say this bill restricts a local government's ability to restrict the use of firearms. What is considered acceptable in rural areas may not be acceptable in urban areas.

Testifying against the bill was the Missouri Council to Control Handguns.

Andy Arnold, Research Analyst

Corrected Summary

HB 1108 -- ABOLISHES THE "DEAD-MAN" STATUTE

SPONSOR: Harpool

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 17 to 0.

This bill removes the prohibition against one party to a cause of action testifying at trial if the opposing party to the cause of action is dead or shown to the court to be mentally incapacitated, i.e. abolishes what is commonly called the "dead-man" statute.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say Missouri's "Dead-Man Statute" is a disqualification added to a qualifying statute; it has been in force for approximately 100 years. It has caused throughout that time a multitude of problems, confusions and inconsistencies as shown by the hundreds of decisions attempting to construe and apply it. This disqualification assumes, at least in part, that the majority of claimants are dishonest when concerned in their own affairs, and that the courts and juries are incapable of properly evaluating the evidence which might otherwise be admitted.

Testifying for the bill were Representative Harpool; Professor Ed Hunvold, University of Missouri-Columbia School of Law; and Missouri Association of Trial Attorneys.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

NOTE: This bill was perfected 3-6-84

HRB 1521 -- REPEAL OF OUTDATED AND UNNECESSARY STATUTES

SPONSOR: Marriott

COMMITTEE ACTION: Voted "do pass" by the Committee on Miscellaneous Resolutions by a vote of 6 to 0.

This revision bill repeals outdated and unnecessary statutes. The statutes relate to the following topics: The Postwar Reserve Fund, the Administrative Services Section, Prosecuting Attorney's fees, Judge-ordered elections, city sales tax, the old election law, organization of the Department of Elementary and Secondary Education, the Division of Registration and Examination, School Board purchases of insurance, checks from school districts, the Commission on Higher Education, the State Library Commission, sales of property at auction, grist mills, lost and wrecked boats, log rafts, licenses for currency dealers, the Uniform Arbitration Act and the Liability Review Board.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this is a typical revision bill put together by Legislative Research. The reason each statute is being repealed can be found in the bill accompanying each section or each group of related sections.

Testifying for the bill was Representative Marriott.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

Note: This bill was perfected 3-6-84

HRB 1611 -- CHANGES CERTAIN STATUTES TO CORRECT  
TECHNICAL ERRORS

SPONSOR: Marriott

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Miscellaneous Resolutions by a vote of 6 to 0.

This bill makes revisions to statutes relating to  
Kansas City Mass Transit Tax, elections, the cigarette  
tax, parole of drug offenders, driver's licenses and  
condominiums. Inconsistencies are resolved, incorrect  
intersectional references are corrected and  
inapplicable language is removed.

This bill has an emergency clause.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this revision bill is  
designed to clean up and clarify certain state  
statutes. Explanations accompany the sections in  
question.

Testifying for the bill was Representative Marriott.

OPponents: There was no opposition voiced to the  
committee.

Mark Doerner, Research Analyst



HJR 81 -- TAX RELIEF FROM CERTAIN TAX ABATEMENT PROGRAMS

SPONSOR: Scoville

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 15 to 1.

This joint resolution if adopted by the voters will permit the General Assembly, by general law, to provide to the local taxing authorities partial relief from the exemption of property taxes allowed certain businesses that operate under tax abatement programs.

FISCAL NOTE: Would decrease General Revenue by \$10,528 in FY 85.

PROponents: Supporters say this constitutional amendment would increase economic development by creating jobs and stimulating business and industry.

Testifying for the bill were Representative Scoville, and Jackson County.

OPponents: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HJR 60, HCA 1 -- RIGHT TO BAIL IN CRIMINAL CASES

SPONSOR: Humphreys

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 3, 2 present.

This proposed constitutional amendment would provide that conditions could be imposed for the bail of persons accused of crimes to assure appearances in court, to protect the public and to prevent intimidation of witnesses. Bail would be denied all convicted felons unless the court finds with a reasonable likelihood that the convicted person will not cause or threaten the members of the public with serious bodily harm, will not flee Missouri or will not commit another felony.

HCA 1 - modifies the language of the resolution concerning denial of bail to convicted felons. This amendment denies convicted felons bail, pending appeal, unless the court finds with a reasonable likelihood that the person will not cause or threaten the public with serious bodily harm, will not flee Missouri, will not commit another crime or that the person is in such a physical condition that bail will endanger his life.

FISCAL NOTE: Would decrease General Revenue by \$6,208 in FY 85.

PROPOSERS: Supporters say that the Missouri Constitution provision relating to bail needs reform. Bail is too readily available and results in the accused being free to commit other crimes. The traditional basis for denial of bail has been to guarantee the defendant's appearance at trial. The criminal justice system has come to a point that it must consider the defendant's danger to society. The United States Constitution does not guarantee bail. It

only prohibits excessive bail. Therefore, state law may set out limits on the right to bail; but it may not establish blanket denials for particular crimes. This proposed resolution gives the court another important factor to consider when granting or denying bail.

Testifying for the bill were Representative Humphreys and Kelly Mescher for the Attorney General's Office and the Governor's Commission on Crime.

OPPONENTS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HCS HJR 54 -- INVESTMENT BY THE STATE TREASURER

SPONSOR: Proffer

COMMITTEE ACTION: Voted "do pass" by the Committee on the Budget by a vote of 14 to 0.

This proposed constitutional amendment authorizes the State Treasurer to invest funds in obligations of U.S. Government agencies and enter into repurchase agreements. It repeals the one year maximum on allowable maturity on U.S. obligations in which the Treasurer may invest and requires, instead, a limit of three years or less maturity. Further, repurchase agreements are limited to ninety days.

This joint resolution also expands the Treasurer's duties to permit investment of non-state funds held by the state.

Language relating to non-state funds is clarified.

FISCAL NOTE: This legislation allows for expanded investment options which could yield an estimated additional earnings of \$1.5 million per year. Publication cost to the Secretary of State for this amendment is \$14,528 from General Revenue for FY 85.

PROPOSERS: Supporters say that by broadening the market for investment of funds, the state's yield would probably increase by about \$1.5 million.

Testifying for the bill were Representative Marvin Proffer; Office of the State Treasurer; and Missouri Department of Revenue.

OPPOSERS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

HJR 58 -- HEALTH AND INSURANCE BENEFITS FOR PUBLIC EMPLOYEES

SPONSOR: Barry

COMMITTEE ACTION: Voted "do pass" by the Committee on Workers' Compensation by a vote of 4 to 3.

This proposed constitutional amendment would allow the General Assembly to authorize the state, counties, cities and other political subdivisions to provide health insurance benefits, including hospital, chiropractic, surgical, medical, optical, and dental benefits for officers and employees and their dependents.

FISCAL NOTE: Publication cost to Secretary of State would be \$8,128 in FY 85.

PROPOSERS: Supporters say the amendment allows state and local governments to pay insurance benefits for employees and their families which at the present time they cannot legally do.

Testifying for the bill were Representative Barry; Missouri Municipal League; Missouri State Labor Council; Sea Farer's Union; St. Louis Port Council; and the Consolidated Fire Protection Districts.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HCS HJR 63 -- TAXATION OF LAND AND STRUCTURES  
SEPARATELY

SPONSOR: Mueller

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Property Equalization and Classification by a vote of 9  
to 0.

This proposed constitutional amendment would allow, upon a majority vote of the local jurisdiction, the assessment and taxation of structures and buildings separately from the land on which they are located. The amendment would also limit the amount of a tax rate increase to a rate that would yield the same amount of revenue generated by the tax in the immediately prior year plus a percentage of that revenue equal to the annual rate of inflation, as established by the Consumer Price Index, for the prior year.

FISCAL NOTE: Publication cost of \$22,240 from General Revenue in FY 1985.

PROPOSERS: Supporters say that the local jurisdictions should have the option of implementing a "site value tax". This proposed constitutional amendment, if passed by the voters, would allow this option.

Testifying for the bill were Representative Mueller, Professors Walter Johnson and Edward Mezin of the University of Missouri, and numerous individuals who rose to voice their support of the amendment.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HJR 50, HCA 1 -- SCHOOL BOND ISSUES IN ST. LOUIS

SPONSOR: Williams

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 23 to 7, 3 present.

This constitutional amendment allows the St. Louis City school district to obligate itself in an amount not to exceed ten percent of the value of taxable tangible property by a majority vote of qualified voters voting on the issue. Currently a two-thirds vote is required for this level of indebtedness.

HCA 1 - requires that if the indebtedness incurred is for a purpose which requires the state to provide matching funds a vote of two-thirds of the qualified electors voting thereon will be required.

PROPOSERS: Supporters say this constitutional amendment will allow St. Louis City the option of reducing the 2/3 vote requirement to a majority vote. Many of the city's schools need repairs badly.

Testifying for the bill were Representative Williams; Senator Bass; and St. Louis City School District.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HJR 83 -- BONDED INDEBTEDNESS INCREASED BY MAJORITY  
VOTE

SPONSOR: Morgan

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Elementary and Secondary Education by a vote of 23 to  
9, 1 present.

This proposed constitutional amendment, if approved by  
the voters, will change the vote needed to increase the  
bonded indebtedness of school districts from two-thirds  
to a majority of the qualified electors voting.

PROPOSERS: Supporters say Missouri is one of a few if  
not the only state still requiring 2/3 vote approval  
for bonding on capital improvements. Reducing the vote  
requirement to a majority vote is a recommendation of  
the House Interim Education Committee.

Testifying for the bill were Representative Morgan;  
Kansas City School District; Missouri State Teachers  
Association; and Missouri Federated Teachers.

OPPONENTS: There was no opposition voiced to the  
committee.

Anne Walker, Research Analyst



HJR 82 -- SCHOOL DISTRICT'S PROPERTY TAX LIMITATIONS

SPONSOR: Morgan

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 25 to 1.

This proposed constitutional amendment, if approved by the voters, will raise the limit on a local tax rate (operating levy) that may be imposed upon property by a school district from sixty-five cents in some districts and from one dollar twenty-five cents in other districts to one dollar seventy-five cents on the hundred dollars assessed valuation in all school districts. Other provisions of the constitution provide for exceeding this limit by voter approval.

PROPOSERS: Supporters say the present ceiling on operating levies that can be passed by a majority vote are too low. The education interim committee has recommended raising the ceiling on operating levies that can be approved by a majority vote. This will also raise the level at which a 2/3 vote is necessary.

Testifying for the bill were Representative Morgan; Kansas City School District; Missouri State Teachers Association; and Missouri National Education Association.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HCS HBs 1456, 1197 -- SCHOOL DISTRICTS

SPONSOR: Holden

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 12 to 6, 1 present.

This substitute requires a minimum of 174 days and 1044 hours in a school term with certain provisions that allow a minimum school day of three hours and a maximum school day of seven hours. Further provisions require that lost days due to inclement weather be made up in one-half day or full day additions to the school term.

The substitute also requires that permanent teachers be retained on the basis of seniority as well as performance-based evaluations when a school district is placing teachers on leave of absence.

Additionally, this substitute requires each school district to adopt policies to provide for any payroll deductions when requested to do so by ten or more employees.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters of HB 1456 say this bill will return the length of the school year to a mandatory 174 day while still allowing flexibility for districts. Incentives for longer school years reflect concerns expressed in many national reports. Reduction in number of school days was a step in the wrong direction.

Testifying for the bill were Representative Sharpe; Department of Elementary and Secondary Education; Jane Nelson, Governor's office; Missouri State Teachers Association.

PROPOSERS: Supporters of HB 1197 say this bill will allow teachers to have payroll deductions for causes agreed to by 10 or more teachers. This will result in equal treatment from school boards.

Testifying for the bill were Representative Lumpe; Missouri National Education Association; Missouri Federated Teachers.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1256, HCA 1 -- CHILD CARE LICENSING LAW

CO-SPONSORS: Steinmetz, O'Toole, Banton, Cairns, Jacob, Kasten, Lang, O'Connor, Reeves, Shear, Weber

COMMITTEE ACTION: Voted "do pass" by the Committee on Children, Youth and Families by a vote of 9 to 0.

This bill is a comprehensive revision of the law relating to day care licensing. Major provisions include:

- (1) certification and licensing procedures for child care centers and homes are established;
- (2) the total exemption for church operated facilities is repealed in favor of a procedure in which the Division of Family Services inspects such a facility to determine compliance with minimum health and safety standards;
- (3) two year certificates or licenses are to be issued;
- (4) provisional certificates or licenses are available to facilities not meeting all requirements;
- (5) a fee schedule is authorized based on licensed capacity to fund enforcement of the law;
- (6) the Division of Family Services is authorized to seek injunctive relief against facilities in violation of this law;
- (7) revocation, suspension and appeal procedures are established; and
- (8) the currently existing "State Child Care Advisory Council" is established by statute.

HCA 1 - clarifies the exemptions from licensure to include day schools and home schools for children in grades kindergarten through twelve. It also prohibits investigation of curriculums of certified centers and provides for the review of rulemaking by the Joint Committee on Administrative Rules.

FISCAL NOTE: Would decrease General Revenue by \$7,714 in FY 85, \$26,340 in FY 86, & \$33,030 in FY 87.

PROPONENTS: Supporters say all child care businesses need to be inspected for health, safety, and sanitation standards at a minimum. The number of adults supervising children is also critical to child safety. Too long the state has ignored unsafe conditions in church-operated and some privately operated facilities without being willing to demand safety for children.

Testifying for the bill were Division of Family Services; Child Day Care Association; State Child Care Advisory Council; First Baptist Church, Riverside; Southwest Child Advocacy Council; Association for Education of Young Children; St. Agatha Child Care Center; and Missouri State Fire Marshal.

OPPONENTS: Those who oppose the bill say there is considerable concern over the state's regulation of church programs. Child care is part of the ministry of a church. The separation of church and state must continue.

Testifying against the bill were Fundamental Baptist Church; Tri City Baptist Church; Uncompromised Word Center; Missouri Baptist Convention; Larry Townsend and Reverend Tom Hyatt for themselves.

Anne Walker, Research Analyst

HB 1586 -- HIGHWAY PATROL CRIME LABS REVOLVING FUND

SPONSOR: Proffer

COMMITTEE ACTION: Voted "do pass" by the Committee on Budget by a vote of 12 to 4.

This bill creates the Highway Patrol Crime Labs Revolving Fund. The fee charge imposed by the crime lab would be administered by the Superintendent with the State Treasurer as the custodian.

This bill contains an emergency clause.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say that the increased use of the patrol crime labs due to greater sophistication in law enforcement procedures has created a financial burden that should be shared by the various political subdivisions which use the labs.

Testifying for the bill were Representative Proffer; and the Department of Public Safety.

OPponents: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

HB 957, HCA 1 -- UNIFORM FOREIGN COUNTRY MONEY  
JUDGMENTS RECOGNITION ACT

SPONSOR: Beard

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Judiciary by a vote of 13 to 1.

With certain exceptions provided for in the bill, a  
judgment rendered by any governmental unit other than  
the United States, or any state, district,  
commonwealth, territory or insular possession thereof,  
is conclusive between the parties to the extent that it  
grants or denies recovery of a sum of money. The  
foreign country judgment is final, conclusive and  
enforceable even though an appeal is pending. The  
foreign country judgment is treated in the same manner  
as the judgment of a sister state which is entitled to  
full faith and credit.

HCA 1 - corrects the bill's title to reflect that this  
is the Uniform Foreign Country Money Judgments  
Recognition Act.

FISCAL NOTE: No impact on state funds.

PROPONENTS: Supporters say the act would enable  
Missouri judgment creditors to establish that Missouri  
courts will recognize foreign country money-judgments  
and thus satisfy the reciprocity requirement of many  
foreign countries with which Missouri corporations,  
banks and citizens have important international  
commercial relations. The act should be adopted this  
year because numerous Missouri corporations, banks and  
citizens are parties to contracts, loan agreements,  
etc. which provide for the application of Missouri law  
and the settlement of disputes in Missouri courts.  
These agreements will be ineffective if Missouri  
judgment creditors are unable to enforce their

judgments in foreign countries. The act has no negative impact on Missouri corporations, banks or private citizens because it is simply a codification of existing common law principles which would be applied by Missouri courts in the absence of the act.

OPPONENTS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst



HB 956, HCA 1 -- INSTALLMENT LAND CONTRACTS

CO-SPONSORS: Beard, Harpool

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 13 to 0.

All contracts for deed, installment land contracts, bonds for deed agreements, long term land contracts or similar transactions for the purchase and sale of real estate where title is retained by the seller to secure all or part of the purchase price and where at least two payments of principal or interest are to be made within two years and where the purchaser is entitled to the use and enjoyment of the real estate are to be deemed mortgages. The seller is to be the mortgagee and the purchaser is to be the mortgagor insofar as remedies of the vendor and rights of the purchaser are concerned.

HCA 1 - corrects effective date to September 1, 1984.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to deal with the problems presented by contracts for deed in Missouri. The main concerns are (1) the forfeiture clause when the buyer defaults and (2) the uncertainty of the title. The bill would establish certainty in that it would still allow such contracts for those who can't get conventional financing, but it would be clear as to the result of a default. With the bill it would be clear that the parties would have the same rights and duties had the transaction been a mortgage.

Testifying for the bill were Representative Harpool; Property Law Committee-Missouri Bar Association; and Willard Eckhardt, University of Missouri-Columbia School of Law.

OPPONENTS: There was no opposition voiced to the committee.

Kathyrn Ruckman, Research Analyst

HCS HBs 948, 1195, 1307 -- COMPENSATION OF CERTAIN  
JUDICIAL EMPLOYEES

SPONSOR: Sego

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Fees and Salaries by a vote of 7 to 2.

This substitute provides for increased compensation for  
the following judicial employees:

Circuit Court Juvenile Officers salaries will be  
increased from \$18,690 to \$24,690. The increases will  
be provided in two steps. (Effective dates are  
provided).

Court Reporters salaries will be increased from \$23,790  
to \$28,790. The increases will be provided in two  
steps. (Effective dates are provided). The bill also  
increases the fees which may be charged by court  
reporters for documents.

Circuit Clerks are to receive compensation for  
additional duties of \$2,500 from January 1 to December  
31 of 1985 and \$5,000 per year thereafter.

PROPOSERS: Supporters say these officials have  
fallen behind other employees because of a combination  
of circumstances and they need to be compensated  
justly.

Testifying for the bill were Representatives Fretwell,  
Harpool and Sharpe; State Juvenile Officers  
Association; Missouri Juvenile Justice Association;  
Association of Circuit Clerks of Missouri; several  
circuit clerks and the Missouri Shorthand Reporters  
Association.

OPPONENTS: While no one testified against any of the bills included in the substitute, some members of the committee objected to increasing court costs.

Bob Wedow, Research Analyst

HCS HB 1089 -- THE DEPARTMENT OF NATURAL RESOURCES

SPONSOR: McBride (Proffer)

COMMITTEE ACTION: Voted "do pass" by the Committee on State Parks, Recreation, and Natural Resources by a vote of 13 to 4.

This bill revises several statutes administered by the Department of Natural Resources as follows:

(1) increases user's fees charged by the county recorder of deeds. A portion of this fee is to be retained by the recorder's office and the remainder deposited in general revenue to finance activities of the Land Survey Authority;

(2) establishes a permit application fee schedule for registration and safety permits. These funds are to be placed in a general revenue account and utilized for dam and reservoir safety;

(3) establishes a fee of \$100 for each permit required by the state geologist prior to commencement of operations for drilling of oil and gas wells or deepening of such wells to a different geological formation. Funds raised by permit fees will be placed in a general revenue account to finance permitting and related inspections and for the development of oil and gas resources in the state;

(4) directs the department to promote resource recovery in coordination with other state agencies by identifying potential markets, providing technical assistance and public information, initiating state programs for resource recovery and recycling, encourage cooperation between the public and private sector and support federal programs for solid waste management.

(5) imposes an annual litter reduction and materials recycling assessment on the gross proceeds from sales and services on most business establishments in the state. Funds generated from this assessment will be deposited in general revenue and utilized for solid waste disposal activities; and

(6) increases permit and renewal fees and establishes new fees on surface and strip mining operations.

PROPOSERS: Supporters say statutory authority of the agency is not being expanded but new or increased fees for a range of department activities are required to alleviate budget constraints and bring programs up to full operation.

Testifying for the bill were Representative Proffer; Division of Policy Research; and Missouri Division of Geology and Land Survey of the Department of Natural Resources.

OPPOSERS: Those who oppose the bill say permit fees on drilling of oil and gas wells will discourage production. The concept that proposed fees represent a direct benefit to the users was challenged as inappropriate.

Testifying against the bill were Missouri Softdrink Association; John Sperry, President, Carmel Energy; John Davis, Oil and Gas Producers; Missouri Oil Council; Jerry Jones, Oil and Gas Industry consultant; Lester Town, Town Oil; St. Joe Minerals; Mining Industry Council; and Missouri Limestone Producers Association.

Nick Di Pasquale, Research Analyst

HB 1470 -- KANSAS CITY PUBLIC SCHOOL RETIREMENT

CO-SPONSORS: Bland and Marriott

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 6 to 0.

This bill permits members of the Kansas City Public School Retirement System to receive full benefits at age 55 after thirty years of service. The bill also permits members under age 55 who have received disability payments and returned to work to receive proper credit towards regular retirement.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill merely provides benefits for Kansas City teachers similar to those received by members of the State Public School Retirement System currently.

Testifying for the bill were Representative Bland and the Kansas City Federation of Teachers.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 958, HCA 1 -- DIVISION OF VETERANS AFFAIRS

CO-SPONSORS: Binger, Page, et al.

COMMITTEE ACTION: Voted "do pass" by the Committee on Federal-State Relations and Veterans Affairs by a vote of 9 to 0.

This bill makes statutory the transfer of the Division of Veterans' Affairs from the Department of Social Services to the Department of Public Safety. This transfer was made by executive order on February 4, 1981.

The bill also reorganizes the Division of Veterans' Affairs, outlines the duties of the division director, and makes the Division of Veterans' Affairs an adjunct to the office of the Adjutant General.

HCA 1 - gives control for purchasing and maintaining military cemeteries that the state could be responsible for to the Director of Veterans Affairs.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill will permanently place the Division of Veterans Affairs under the control of the Adjutant General in the Department of Public Safety. The bill will also provide for the Veterans Homes by recognizing all homes, not just one home.

Testifying for the bill were Representative Binger and the Missouri Division of Veterans Affairs.

OPponents: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst



HB 1311 -- MISSOURI STUDENT EMPLOYMENT AND TRAINING PROGRAM

SPONSOR: Hill

COMMITTEE ACTION: Voted "do pass" by the Committee on Higher Education by a vote of 7 to 0.

This bill creates an "Employment and Training Program" for students enrolled in a public or private postsecondary school. The course of instruction at the school must be at least six months in length and lead to the awarding of a certificate or degree. The school must be accredited by the appropriate accrediting agency.

The Coordinating Board for Higher Education will administer the program. The board will distribute available funds to approved schools according to a ratio based on each institution's enrollment. Funds will be allocated to finance reimbursement of compensation paid to students participating in the program. Certain restrictions as to the course of study that qualifies for the program are contained in the bill. Pay scales for students in the program are also included in the bill.

The Coordinating Board for Higher Education will promulgate rules and regulations necessary for the implementation of the program.

FISCAL NOTE: Would decrease General Revenue by \$450,920 in FY 85, \$450,920 in FY 86, & \$450,920 in FY 87.

PROPOSERS: Supporters say that 13 states have similar programs. In those states the program is well received by both the schools and employers.

Testifying for the bill were Representative Hill;  
University of Missouri; and Associated Students of the  
University of Missouri.

OPPONENTS: There was no opposition voiced to the  
committee.

Jack Pierce, Research Analyst

HCS HB 1416 -- HAZARDOUS WASTE MANAGEMENT ACT

SPONSOR: Feigenbaum

COMMITTEE ACTION: Voted "do pass" by the Committee on Energy and Atomic Energy by a vote of 9 to 0.

This bill changes the Hazardous Waste Management Act as follows:

(1) Expands the definition of "disposal" to include injection, dumping, spilling, leaking, or placing of any waste into or on any land or water although it does not authorize injection as an acceptable means of disposal in the state.

(2) Makes several technical changes in the statute to bring state law into compliance with federal requirements for final authorization under the Resource Conservation and Recovery Act.

(3) Eliminates the provision that generators of less than one ton of hazardous waste per year inform sanitary landfill operators by manifest as to the characteristics of the waste and that acceptance of that waste be at the discretion of the operator.

(4) Increases from twenty-five to fifty dollars the tonnage fee on generators of hazardous waste that is landfilled.

(5) Adjusts the "head tax" on all registered hazardous waste generators to include only those workers employed on the last day of the calendar quarter.

(6) Extends the length of time covered by a hazardous waste disposal facility permit from "five years" to a period "of up to ten years."

(7) Exempts "not for profit health care teaching institutions" from the head tax.

(8) Excludes from the term "generation of hazardous waste" the creation or retrieval of hazardous waste which must be disposed of as provided by a closure plan for a permitted hazardous waste facility.

(9) Provides for the unexpended balance in the hazardous waste remedial fund to be retained and invested to generate additional income for the fund and further allows the General Assembly to transfer money from the fund to replace money previously committed from general revenue.

(10) Broadens the powers of the Environmental Improvement and Energy Resources Authority to include financing arrangements for water and sewage facilities.

PROPOSERS: Supporters say the bill is necessary in order to meet requirements for final authorization by the federal Environmental Protection Agency under the Resource Conservation and Recovery Act. An increase in the tonnage fee on generators who landfill their wastes is necessary to discourage this practice in favor of treatment, incineration, recycling, or other means of disposal and to partially offset the revenue shortfall of the Hazardous Waste Remedial Fund. Some reservations to this increase in fees as an appropriate and sufficient funding mechanism were expressed by supporters of the bill.

Testifying for the bill were Representative Feigenbaum; Department of Natural Resources; Coalition for the Environment; League of Women Voters; Waste Management, Inc.; Associated Industries; and Missouri Oil Council.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HCS HBs 1431, 1225 -- COMPENSATION OF COUNTY OFFICIALS

SPONSOR: Sego

COMMITTEE ACTION: Voted "do pass" by the Committee on Fees and Salaries by a vote of 4 to 3.

This bill permits county governing bodies to set the salaries of county elected officials within limits based on county class. Provisions are made to prevent discrimination between county offices.

The bill also sets salaries, by county class, for public administrators, with the provision for some retention of fees in excess of certain amounts.

The provisions of this act would become effective only upon the passage of a permissive constitutional amendment.

PROPOSERS: Supporters say some mechanism is needed to permit pay raises for county officials.

Testifying for the bill were Representatives Sego and Sharpe, Association of County Judges, Missouri Association of Public Administrators and various county officials.

OPPOSERS: Those who oppose the bill say they would prefer to have the legislature set these salaries.

Testifying against the bill was the Missouri Sheriffs' Association.

Bob Wedow, Research Analyst

HCS HBs 1457, 1501 -- TEACHER CERTIFICATION

SPONSOR: Sharpe (Morgan)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 25 to 0.

This substitute eliminates any mention of life time teaching certificates from the present law. The substitute creates a "Missouri Advisory Council on Certification for Educators". The Advisory Council consists of twenty-five members appointed by the State Board of Education on the recommendations of the Commissioner. At least fifteen of the Advisory Council members must be active public school classroom teachers. The Advisory Council will make recommendations, regarding requirements for certification of public school teachers and administrators, to the State Board. After September 1, 1988, certificates to teach in the public schools will be based on minimum requirements prescribed by the State Board. Levels of certification will include an initial professional certificate and a continuous professional certificate. Requirements for the continuous professional certificate shall not exceed a masters degree or its equivalent and ten years employment in an educational position. However, active service, meeting guidelines established by the state board, in an educational position, will also be required for certification.

The state board will establish other policies and procedures for certification in cases of teachers returning to active service and applicants from other states. The substitute allows each school with ten or more faculty members to establish professional development committees to assist teachers, develop in-service training and to make recommendations to the

council concerning standards being used for certification. Provisions are included in the substitute for the refusal to issue or to renew, suspension or revocation of teaching certificates and for appeal of such actions. The substitute prohibits teaching in grades kindergarten through twelve in any public school, and acting as a school administrator in any public school without a valid certificate.

The Advisory Council provisions carry an effective date of July 1, 1985. Other provisions of the substitute become effective on September 1, 1988.

FISCAL NOTE: Would decrease General Revenue by \$51,412 in FY 86, \$55,524 in FY 87, and \$59,966 in FY 88.

PROPOSERS: Supporters of HB 1457 say there is concern about issuing life time teaching certificates to people upon graduation from college. Teachers today need to keep current with skills and subject matter through continuing professional development.

Supporters of HB 1501 say renewal certificates will upgrade the teaching profession. Professional development committees established in this bill will help beginning teachers as well as seasoned teachers.

Testifying for HB 1457 were Representative Sharpe; Department of Elementary and Secondary Education; Missouri State Teachers Association; and the Missouri National Education Association.

Testifying for HB 1501 were Representative Morgan; and the National Education Association.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1541 -- STATE SALES AND USE TAX ON BOATS AND BOAT MOTORS

SPONSOR: Oakley

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 6 to 2.

This bill requires the sales and use tax on boats and boat motors to be collected in the same manner as the sales and use tax on motor vehicles and trailers.

FISCAL NOTE: Information is not available at this time to determine the number of used boats and motors presently being sold, therefore, the additional income to General Revenue is unknown.

Approximately \$45,000 from General Revenue to fund 3 FTE would be required.

PROPOSERS: Supporters say this bill will help assure that all sales taxes are collected and remove the inconvenience to dealers. Collection at the time of registration by the Department of Revenue is the proper way to collect such taxes.

Testifying for the bill were Representative Oakley; Missouri Department of Revenue; and Bridgeport Marina, Osage Beach.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst



HCS HB 1385 -- SHELTERED WORKSHOPS

SPONSOR: Shear

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 8 to 0.

This substitute revises the definitions of "handicapped person" and "developmental disability" as these apply to sheltered workshops established by counties.

PROPOSERS: Supporters say that the intent of the legislation allowing counties to establish sheltered workshops was to provide services to all ages and all persons with handicaps. There has been inconsistency statewide in the interpretation of the statute. Many counties feel the statute prohibits them from offering services to those under 16. The substitute would make it clear who may be served if the local board should choose to serve them and if money is available.

Testifying for the bill were Representative Shear; Missouri Advocacy Services; Department of Mental Health; Governor's Committee on Employment of the Handicapped; Missouri Association of Counties Developmental Disabilities Board; and the Audrain County Residential Facility.

OPPOSERS: There was no opposition voiced to the committee.

Kathy Ruckman, Research Analyst

HB 1409 -- FUTURE ADVANCE FINANCING

SPONSOR: Danner

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 15 to 0.

This bill makes various changes in the statute relating to future advance financing. In its major provisions the bill: (1) Distinguishes between a "future advance" made under a note existing at the time the deed of trust is made and "future obligation" made under a note after the date of the deed of trust; (2) Clarifies that the amounts secured by the deed of trust may be evidenced by multiple instruments which may or may not be executed after the date of the deed of trust; (3) Clarifies that even if the balance of loans of the borrower temporarily goes to zero, the deed of trust does not terminate but remains as security for future loans; (4) Clarifies that a future advance clause may be inserted into an existing deed of trust by amendment; (5) Clarifies that only obligations actually existing ten years after the date of the deed of trust remain secured upon the expiration of the future advance clause after ten years; (6) Provides that the rights of the lender to seek full payment from the borrower from sources other than the deed of trust survives the termination of the future advance clause by the borrower; (7) Gives the guarantor, who has granted a deed of trust to secure his guaranty, the right to terminate the future advance clause by giving notice to the lender; (8) Provides that the termination of the future advance clause by the borrower does not terminate liability if the deed of trust is given to secure an irrevocable letter of credit or a guaranty in an agricultural or business transaction; (9) Requires that the note or other debt instrument state upon its face that it is secured by a particular deed of trust; and (10) Provides that changes by this act will not

invalidate deeds of trust validly executed under prior law.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the present future advance financing statute leaves certain substantial questions unanswered regarding the use of a "future advance clause" in deeds of trust. This bill assures that a lender can make a title search at the beginning of the credit relationship and be sure that for all loans made within the next ten years he will have a first deed of trust on the property, regardless of any interim loans from other sources. This bill assures that a borrower only has to pay for one title search and recording fee for one deed of trust at the outset of the relationship between borrower and lender. It also assures that a third party lender will not be surprised by a "secret lien" arising from a future advance clause.

Testifying for the bill were Representative Danner; Michael Forster for himself; Missouri Bankers' Association; and Mercantile Bancorporation.

OPponents: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HB 1127 -- ST. LOUIS SCHOOL RETIREMENT BENEFITS

SPONSOR: Auer

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 6 to 0.

This bill increases benefits for retired members of the St. Louis City Public School Retirement System.

The bill also repeals a section providing for a one-half offset of disability benefits when a member also receives workmens compensation.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill merely provides a modest but much needed increase for the retirees. The system can afford to fund the increase.

Testifying for the bill were Representative Auer and the actuary for the St. Louis School Retirement system.

OPPONENTS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 1198 -- CLASSROOM STUDY FOR INSURANCE AGENTS AND  
BROKERS

SPONSOR: Riley

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Insurance by a vote of 12 to 0, 1 present.

This bill requires an applicant for an insurance agent's or broker's license to complete the following classroom study requirements: 20 hours for a general casualty license or for a license limited to fire and allied lines insurance; 15 hours for a license limited to life insurance or accident and health insurance license. The Advisory Board on Insurance Agents' and Brokers' Licensing and Examination is to make recommendations to the director of the Division of Insurance concerning courses of study required.

This bill contains an effective date of January 1, 1987.

FISCAL NOTE: Would decrease General Revenue by \$30,325 in FY 85, \$31,160 in FY 86, & \$32,716 in FY 87.

PROPOSERS: Supporters say the business of insurance is so complex that simply passing a written test is not enough to insure that agents and brokers are fully qualified. Pre-licensing classroom study would help change this and thus help improve the industry. The classroom hours referred to in the bill are the number of hours which must be spent in the classroom, not college-type course "hours". Requiring these hours will help reduce the number of people who fail and must retake the test, and it will also help guarantee that those who pass did something more than simply "cramming" for the test. Courses providing this type of instruction are widely available now. Twenty states now have similar requirements. The bill contains

provisions relating to reciprocal agreements with these states.

Testifying for the bill were Representative Riley, the Division of Insurance, and the Independent Insurance Agents of Missouri.

OPPONENTS: Those who oppose the bill say that many companies already provide such instruction, but they do so after a person has passed the state's written test. Such individuals can be put to work immediately after the instruction; if the coursework comes before the test, and the individual fails, there will be a delay.

Testifying against the bill were Shelter Insurance and Farmer's Insurance Group.

Mark Doerner, Research Analyst

HCS HB 1513 -- JOINT CUSTODY OF CHILDREN

SPONSOR: Steinmetz

COMMITTEE ACTION: Voted "do pass" by the Committee on Children, Youth and Families by a vote of 5 to 2.

This substitute will add the definition of "joint physical custody" to the child custody statutes and allow such awards by the court. Joint physical custody will mean an order awarding each parent significant periods of time during which the child resides with or is under the care and supervision of each parent. The substitute allows for modification of certain prior custody orders.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to clarify the legislative intent of the joint custody bill passed last session regarding modification of orders. Other changes would strengthen the joint custody law.

Testifying for the bill were Representatives Reeves; and McCaskill; Barton Blond, Attorney, Kansas City; Mary Wright, President, In the Child's Best Interest; Irv Steinberg, St. Louis; Judge Gary Finner, St. Joseph.

OPPOSITION: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1310 -- WITHHOLDING OF INCOME TAX

SPONSOR: Hill

COMMITTEE ACTION: Voted "do pass" by the Committee on Revenue and Economics by a vote of 21 to 0.

This bill allows the Director of Revenue to enter into agreements with the U.S. Department of Defense or appropriate secretaries of branches of the U.S. armed services for the withholding of state income tax from checks paid to members of the U.S. armed services.

FISCAL NOTE: Would decrease General Revenue by \$0 in FY 85, \$17,729 in FY 86, and \$33,991 in FY 87.

PROPOSERS: Supporters say allowing the state to withhold taxes from military pay would be a convenience to military personnel and could help the state's cash flow. In addition, some military personnel temporarily stationed in Missouri, and who receive paychecks here, may never pay any state income tax because they are reassigned out of state before it comes time to pay their state taxes. The state cannot withhold taxes from military paychecks without an agreement with the Department of Defense or applicable military authority.

Testifying for the bill was Representative Hill.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst



HB 924 -- FIRE PROTECTION DISTRICT AMBULANCE  
SERVICE ASSESSMENT

SPONSOR: Brady

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Local Government by a vote of 14 to 0

This bill increases the ceiling on the amount a fire  
protection district can assess for ambulance service  
from 15 cents per \$100 assessed valuation to 30 cents  
per \$100 assessed valuation. Such assessment is  
subject to voter approval.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say they are asking the people  
to decide if they are willing to raise taxes for better  
emergency medical services.

Testifying for the bill were Representative Brady and  
Consolidated Fire Services of Missouri.

OPPOSERS: There was no opposition voiced to the  
committee.

Andy Arnold, Research Analyst

HB 1028 -- STATE ARTHRITIS PROGRAM

SPONSOR: Humphreys

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 7 to 0.

This bill establishes a state arthritis program under the Division of Health. The "Missouri Arthritis Advisory Board" will define seven regions within the state, each of which shall have at least one arthritis center. Subject to the availability of appropriations, the state arthritis program will provide arthritis education, clinical and research fellowships in rheumatology, funding for arthritis research, and a WATS line for arthritis information. The "Arthritis Program Review Committee" shall make recommendations concerning activities of the regional arthritis centers.

FISCAL NOTE: This program is subject to the availability of appropriations, therefore, a cost estimate is not relevant at this time.

PROponents: Supporters say arthritis afflicts 675,000 Missourians, or one of every seven persons. There is a lack of information about arthritis among patients, the general public, and health care professionals who treat the disease. This program will provide needed educational services, reducing personal suffering and economic loss due to employee absenteeism. The problem of arthritis in Missouri has been studied by the Missouri Task Force on Arthritis and recommendations have been made; these recommendations now need to be implemented.

Testifying for the bill were Representative Humphreys; Missouri Arthritis Advisory Board; Division of Health; and the Department of Social Services.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1185 -- INSURANCE RESPONSIBILITY ON CERTAIN MOTOR  
VEHICLES

CO-SPONSORS: Danner, Driskill

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Insurance by a vote of 8 to 2.

This bill specifies when coverage of various insurance  
policies shall be extended to cases of property damage  
or personal injury to third persons caused when a  
person or organization not the owner of a vehicle is  
allowed to use the vehicle by anyone engaged in  
selling, repairing, servicing, storing or parking motor  
vehicles.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say some insurance companies  
write exclusions into their policies regarding test  
driving motor vehicles. This bill tries to make it  
public policy to assure there is coverage in situations  
involving test rides.

Testifying for the bill were Representative Danner, the  
Missouri Automobile Dealers Association, and the  
Universal Underwriters Insurance Company.

OPPOSERS: Those who oppose the bill say the bill is  
poorly worded and is ambiguous.

Testifying against the bill were Shelter Insurance  
Company, State Farm Insurance Company, and Western  
Insurance Companies.

Mark Doerner, Research Analyst

HB 1079 -- ENDANGERED PLANT SPECIES

SPONSOR: Braungardt

COMMITTEE ACTION: Voted "do pass" by the Committee on Agri-Business by a vote of 18 to 0.

This bill prohibits the exportation, transportation, or sale of those species of plants which are designated rare or endangered by the Department of Conservation or listed in either the "U.S. List of Endangered and Threatened Wildlife and Plants" or the "Appendices of the Convention of International Trade in Endangered Species of Wild Fauna and Flora", unless otherwise authorized by regulation. The bill also prohibits collecting, digging, or picking of any rare or endangered plant without the permission of the property owner. Violations of the provisions of this bill are punishable as a class B misdemeanor.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to protect ginseng roots from extinction.

Testifying for the bill were Representative Braungardt; Willard McGee; Department of Conservation; and Federated Garden Clubs.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HB 910, HCAs 1, 2 -- FINANCIAL ASSISTANCE TO PHYSICALLY  
DISABLED PERSONS

SPONSOR: Barnes (50th)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Workers' Compensation by a vote of 6 to 1.

This bill provides to qualified physically disabled  
persons financial assistance for personal care  
assistance service.

Major provisions of the bill cover:

(1) Who is entitled to financial assistance for  
participant-directed personal care assistance  
services;

(2) duties of the local Division of Vocational  
Rehabilitation offices;

(3) referral of eligible clients to vendors of personal  
care assistance services;

(4) clients' responsibilities for their personal care  
attendant;

(5) requirements for becoming an eligible vendor and  
duties of the vendor; and

(6) hearing requirements.

HCA 1 - defines the term "vendor" to include any  
person, firm, or corporations certified to provide  
personal care assistance services to physically  
disabled persons.

HCA 2 - adds administrative rules language.

FISCAL NOTE: Would decrease General Revenue by \$136,887 in FY 85, \$313,857 in FY 86, & \$470,751 in FY 87.

PROPOSERS: Supporters say this bill will provide assistance to physically disabled persons to help those individuals with their daily needs and provide them with much greater independence and thus improve their quality of living.

Testifying for the bill were Representative Barry; Parquad; Department of Mental Health; Governor's Committee on the Handicapped; and Missouri Advocacy Service.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1164 -- HOUSING AUTHORITY COMMISSION

SPONSOR: David

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Affairs by a vote of 4 to 1, 1 present.

This bill establishes the composition of the housing authority commissions in St. Louis and Kansas City. The commission will consist of five members appointed by the mayor. Within one hundred eighty days from the effective date of the bill and every four years following, the commission will conduct an election to elect two commissioners from the tenants of the housing authority. The two tenants receiving the highest number of votes will serve four year terms. The elective members must be tenants in good standing and meet the qualifications of the office as provided in sections 99.010 to 99.230 RSMo. If a tenant moves from the jurisdiction of the authority, his office will be forfeited and a tenant of the housing authority will be appointed by the mayor subject to approval of the governing body.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill will make the housing commissions fairer by insuring representation of tenants.

Testifying for the bill was Representative David.

OPponents: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst



HB 1374, HCA 1 -- REGULATION OF MONEY ORDERS AND TRAVELERS CHECKS

SPONSOR: Ziegenhorn

COMMITTEE ACTION: Voted "do pass" by the Committee on Banks and Financial Institutions by a vote of 22 to 0.

This bill requires licensing by the Division of Finance of individuals or corporations who sell travelers checks or money orders. Banks, trust companies, saving and loan associations, credit unions, telegraph companies, or agencies of the United States government are not required to obtain such licenses. Each applicant for a sale of check license will pay an investigation fee of one hundred dollars and must also submit a surety bond of twenty-five thousand dollars.

The Director of the Division of Finance will issue regulations necessary to administer the bill's provisions. The bill carries penalty provisions.

HCA 1 - allows licensees to maintain the required demand deposits in any financial institution that is insured by an agency of the federal government.

FISCAL NOTE: The Division of Finance stated they could handle the additional duties, but would need a small amount of office supplies (estimated at \$500).

License fees would be \$100 each, 20 licenses, for a total income of \$2,000 annually to General Revenue.

PROponents: Supporters say that many businesses now engaged in the sale of checks are not regulated by the state and there is a potential danger of consumer loss due to this lack of regulation.

Testifying for the bill were Representative Ziegenhorn,  
Division of Finance, and Apex Corporation.

OPPONENTS: There was no opposition voiced to the  
committee.

Jack Pierce, Research Analyst

HCS HB 1210 -- CRIMES RELATING TO FIGHTING DOGS OR  
INJURING OF DOGS

SPONSOR: O'Toole (Dougherty)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Civil and Criminal Justice by a vote of 7 to 2, 6  
present.

This bill establishes crimes relating to fighting or  
injuring of dogs. The crimes include: 1) owning  
fighting dogs, promoting or permitting dog fights, a  
class D felony; and 2) being a spectator at a dog  
fight, a class A misdemeanor.

Law enforcement officials are given the authority to  
enter any premises on which the prohibited acts are  
taking place and make warrantless arrests. They are  
also given the authority to seize the animals and  
equipment involved. After a conviction the property  
shall be forfeited.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that dog fighting has become  
a serious problem in Missouri. Not only is it inhuman  
to raise dogs for fighting, it is dangerous. Pit bull  
terriers, bred for their fighting ability have attacked  
people and in many cases have killed small children.  
In addition, the promoters and spectators tend to be  
involved in the commission of other crimes such as  
drug, gambling, and stealing offenses.

Testifying for the bill were Representatives Dougherty  
and Brummel; American Humane Association; Humane  
Society of Missouri; and the Arizona Humane Society.

OPPOSERS: There was no opposition voiced to the  
committee.

Kathy Ruckman, Research Analyst

HCS HBs 925, 927 -- PROMPT PAYMENT OF STATE PURCHASES

SPONSOR: Barnes (50th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 13 to 0, 1 present.

This bill requires that state agencies pay bills for supplies within thirty days of the receipt of the supplies. If this is not done, interest will be owed on the amount of the bill.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that government should be required to pay its bills on the same basis as businesses.

Testifying for the bill were Representatives Barnes (50th), Nilges, Scoville, and Walker; Missouri Merchants and Manufacturers Association; Missouri Dental Association; National Federation of Independent Business; Pharmacy Political Action Committee; Missouri Hospital Association; and the Kansas City Gas Service Company.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 903, HCA 1 -- TESTING FOR NINTH GRADE ENTRANCE

SPONSOR: Williams

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 15 to 13.

Beginning with the 1987-88 school year the bill requires all students to pass a basic essential skills test in order to enter the ninth grade. Beginning with the 1984-85 school year the Department of Elementary and Secondary Education will provide tests to the school districts to be given to students in the sixth grade. Students who fail the test will be given two additional opportunities to complete the test successfully prior to completion of the eighth grade and must be given remedial help by the school they attend.

HCA 1 - changes the title and bill to require high school students to pass a national or state standardized achievement test before being allowed to graduate.

FISCAL NOTE: Would decrease General Revenue by \$120,000 in FY 85, \$189,000 in FY 86, & \$220,000 in FY 87.

PROponents: Supporters say there is concern that students are not adequately prepared to enter college. This testing program will help achieve educational goals.

Testifying for the bill was Representative Williams.

OPponents: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 887, HCA 1, 2 -- COLLECTIVE BARGAINING FOR ST. LOUIS  
POLICE

SPONSOR: Dougherty

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Governmental Organization by a vote of 6 to 2, 1  
present.

This bill permits the St. Louis Police to bargain  
collectively with the St. Louis Police Board.

Major provisions of the bill cover:

- (1) employees' right to self-organize for the purpose  
of bargaining collectively on questions of wages,  
hours, and other terms and conditions of employment;
- (2) exclusive representation;
- (3) duties and responsibilities of the state board of  
mediation;
- (4) election requirements;
- (5) relations between an employer and the exclusive  
representative; and
- (6) binding arbitration.

HCA 1 - provides a method for resolving a disagreement  
or impasse on service fees. Also provides for the  
continuation and funding of existing employee  
organizations which do not become the exclusive  
representative.

HCA 2 - adds a definition of "parties".

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the St. Louis police need collective bargaining rights in order to help them achieve better working conditions, address grievances and have the same rights afforded other groups of workers.

Testifying for the bill were Representative Dougherty, and the St. Louis Officers' Association.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

HB 1159 -- CONTINUING EDUCATION REQUIREMENTS FOR  
CERTIFIED PUBLIC ACCOUNTANTS

CO-SPONSORS: Morrison, Steinmetz

COMMITTEE ACTION: Voted "do pass" by the Committee on  
License and Related Matters by a vote of 9 to 0.

This bill gives the State Board of Accountancy the authority to prescribe continuing education requirements for certified public accountants. Three years after the effective date of board requirements establishing continuing education requirements, annual renewal of permits for certified public accountants would depend on satisfaction of these requirements. Maximum continuing education requirements cannot exceed 120 hours in three years or 40 hours in any one year. The board could also appoint a Continuing Education Committee to evaluate continuing education programs and to consider the applications for exception of accountants who find such requirements a hardship.

FISCAL NOTE: Would decrease State Board of Accountancy Fund by \$22,673 in FY 85, \$27,064 in FY 86, & \$29,149 in FY 87.

PROPOSERS: Supporters say continuing education is necessary for accountants to keep abreast of new developments and techniques. Reciprocity with other states licensing boards may be jeopardized by failure to approve this legislation.

Testifying for the bill were Representative Morrison and the State Society of Certified Public Accountants.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst



HCS HB 1317 -- MINE INSPECTION FEES

SPONSOR: Ellis (Russell)

COMMITTEE ACTION: Voted "do pass" by the Committee on Mines and Mining by a vote of 10 to 2.

This bill increases mining fees on the commercial mining or production of minerals by 25% each year for four years beginning January 1, 1985. The fees for each year after 1988 shall remain as provided for the year 1988. The fee assessed on granite is changed from two mills per cubic foot to one cent per ton. A minimum mine inspection fee of ten dollars is established.

FISCAL NOTE: Would increase the State Mine Inspection Fund by \$12,600 in 1985, \$15,740 in 1986, \$19,688 in 1987, and \$24,610 in 1988.

PROPOSERS: Supporters say mining fees have not been increased since the 1930's. The bill increases fees only to cover the costs of mine inspections.

Testifying for the bill were Representative Russell; Don Davis, Chief Mine Inspector (retired); and the Mining Industry Council.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HB 964, HCA 1 -- SOLAR ENERGY REBATES

Sponsors: Benson, Reeves, Dames

COMMITTEE ACTION: Voted "do pass" by the Committee on Energy and Atomic Energy by a vote of 7 to 0.

Under this bill, a rebate can be claimed by an individual or business that installs a solar energy system meeting standards established by the Department of Natural Resources. The following rebates will be offered: 15% of system costs for solar energy systems installed before December 31, 1986; 10% of system costs for solar energy systems installed after December 31, 1986, but before December 31, 1987; and 5% of system costs for solar energy systems installed after December 31, 1987 but before December 31, 1988. No rebates may be offered for systems installed after December 31, 1988. Money for the rebates must be appropriated by the General Assembly to a Solar Energy Rebate Fund, administered by the State Treasurer.

This bill contains an effective date of January 1, 1985 and a termination date of January 1, 1991.

HCA 1 - excludes heat pumps from consideration as part of an active solar system.

FISCAL NOTE: Would decrease General Revenue by \$294,745 in FY 85, \$340,793 in FY 86, & \$289,882 in FY 87.

PROponents: Supporters say 29 other states offer financial incentives to encourage solar utilization. A solar rebate could generate revenue in terms of increased employment and income tax, money saved in fuel costs spent on other commodities, federal tax credits returned to the state, and development of new industry and retail markets.

Testifying for the bill were Representative Benson; Missouri Homebuilders Association; Sheetmetal Workers Union Local 36; Missouri Citizen/Labor Energy Coalition; St. Louis City Energy Management Program; League of Women Voters; Common Cause; Solar House of Jefferson City; Sunstore, Department of Natural Resources' Division of Energy; Laclede Gas; Roger Tellman and Ken Reed for themselves.

OPPONENTS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HB 1365 -- PERFORMANCE BASED BUDGETING

CO-SPONSORS: Burch, Young

COMMITTEE ACTION: Voted "do pass" by the Committee on Revenue and Economics by a vote of 13 to 4, 2 present.

This bill sets up a performance based budgeting system as an authorization procedure to replace the annual governor's budget request.

Based on a five-year plan, the Office of Administration and the governor will prepare an annual budget and spending authorization to be submitted to the General Assembly within 30 days after the General Assembly convenes in regular session.

This bill also establishes a sixteen-member "Fiscal Review and Planning Commission" as a one-time transition team to be composed of Senate and House members as well as eight Missouri residents selected at large and appointed by the governor-elect.

The Commission will assist and advise the budget director and the governor in preparation of the first five-year plan to be submitted to the General Assembly in January, 1986.

Further, the Commission will submit a report of its findings to the governor and General Assembly on or before December 31, 1985.

The Commission will have the power to subpoena witnesses and records. All state agencies will make all books, records, and information available to the Commission except where such materials are declared confidential by law.

The bill contains an effective date of November 7, 1984.

FISCAL NOTE: The Office of Administration estimates that the programming and system changes necessary to implement this would cost approximately \$500,000 annually for two years from General Revenue.

In addition the commission expenses would be \$11,500 a year from General Revenue.

The Division of Budget anticipates they would need an undetermined increase in personnel to carry out the functions required.

PROPOSERS: Supporters say this bill would establish a fiscal review and planning commission composed of persons from the public and private sectors. The aims of the bill to give the legislature more information on the performance of the executive branch and to develop long range plans for the state. State government is a billion dollar activity but the only planning the state does is to appropriate money one year at a time. This commission would be used as a forum to discuss and plan for meeting the needs of the state.

Testifying for the bill were Representatives Burch (124) and Young; Lt. Governor Kenneth Rothman and the Missouri Public Expenditure Survey.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HB 997 -- BLIND PENSION BENEFITS

CO-SPONSORS: Barnes (96th), Goward

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 8 to 0.

This bill raises from \$260 to \$290 the monthly pension payment for aid to eligible blind persons.

FISCAL NOTE: Would decrease Blind Pension Fund by \$533,500 in FY 85, \$711,000 in FY 86, and \$763,200 in FY 87.

PROPOSERS: Supporters say that this modest increase is necessary to ensure that those aided by the Blind Pension Fund can continue to live independently. The Blind Pension Fund will not be adversely affected by this increase.

Testifying for the bill were Representative Goward; and the United Workers for the Blind.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1484, HCA 1 -- INTERSTATE DRIVER LICENSE COMPACT

SPONSOR: Youngdahl

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulation by a vote of 9 to 0.

This bill authorizes Missouri's entry into the interstate Driver License Compact. The bill enacts the compact, with provisions for reports of conviction, effects of conviction, application for new licenses, interchange of information, and entry to or withdrawal from the compact.

The director of Public Safety is made compact administrator. He will not receive any additional compensation for his services. However, he will be entitled to expenses incurred in connection with his duties and responsibilities as administrator.

HCA 1 - the director of Revenue will be the licensing authority in the state instead of the commissioner of Public Safety.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will give fair treatment on Missouri highways to Missouri drivers as well as out-of-state drivers.

Testifying for the bill were Representative Youngdahl; and Missouri Department of Revenue.

OPPOSITION: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1350 -- NON-SCHOOL DISTRICT USE OF SCHOOL BUSES

SPONSOR: Hamlett

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 13 to 1.

This bill will permit school districts to enter into contracts with political subdivisions or not for profit corporations organized for nonsectarian purposes for the provision of transportation services. Such contracts must provide for full recovery of costs. Students' travel time may not be increased. State aid will be withheld from districts using state aid funds or local tax revenues to finance this transportation.

School districts whose buses are used for contract transportation will not be required to change the buses motor vehicle registration, license or special marking when in contract use.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this will help school districts to get revenue from their buses during idle summer months. This can also be a big help to the elderly, disabled, and other people especially in rural areas where transportation is difficult to get.

Testifying for the bill were Representative Hamlett; Department of Mental Health; Missouri Advocacy Services; and Sue Promley for herself.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst



HB 1097 -- GEORGE E. MURRAY COMMISSION ON DETENTION FACILITIES

SPONSOR: Fowler (80th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Correctional Institutions by a vote of 8 to 0.

This bill creates within the judicial department the "George E. Murray Commission on Detention Facilities". The commission will consist of seventeen members appointed by the Supreme Court. Members of the commission will serve staggered four year terms with no compensation. The commission will study and recommend minimum standards for construction, maintenance and operation of detention facilities; investigate complaints concerning detention facilities upon court order; cause detention facilities to be inspected, giving priority to the inspection of juvenile detention facilities; consult with individuals or political subdivisions on the standards to be used to construct, maintain or operate a detention facility; and make an annual report to the Supreme Court, the governor, the joint legislative committee on correctional institutions and the director of the Department of Corrections and Human Resources.

FISCAL NOTE: Total estimated cost per year is \$40,000.

PROPOSERS: Supporters say this bill will continue the commission that was established several years ago. There is a need for an office to assist judges in their circuits.

Testifying for the bill were Representative Fowler (80); Tom Simon, Clerk of the Supreme Court; and the Missouri Sheriffs Association.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1342, HCA 1 -- SALE AND TRANSFER OF VEHICLES OR TRAILERS

SPONSOR: Robb

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 8 to 1.

This bill increases the fee for a certificate of ownership of a motor vehicle or trailer from \$1 to \$5. The bill also allows a person 30 days to assign title between parties.

HCA 1 - removes the provision allowing up to 30 days to assign a title between parties. The sale of any motor vehicle or trailer registered in the state without the assignment of title will be voidable.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the bill requires the turnover of a title at the time of sale and cleans up language in relation to the title fees. Several years ago the title fee was increased, however, this section was inadvertently overlooked.

Testifying for the bill were Representative Robb; Missouri Auto Dealers Association; and Missouri Highway Patrol in support of the amended bill.

OPponents: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1024 -- TRANSPORTATION OF INTOXICATING LIQUOR

SPONSOR: Danner

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 12 to 2.

This bill allows carriers regulated by the Public Service Commission to transport intoxicating liquors without obtaining a license or permit from the supervisor of liquor control.

FISCAL NOTE: Would decrease General Revenue by \$1,890 in FY 85, \$1,890 in FY 86, & \$1,890 in FY 87.

PROPOSERS: Supporters say this bill will cut the red tape now required. This will save companies money in licensing and bonding where in many cases the fee and bond cost more than the profit collected for hauling the loads. Motor carriers do not often haul these loads.

Testifying for the bill were Representative Danner; and Missouri Bus and Truck Association.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1103 -- ST. LOUIS POLICE RETIREMENT

SPONSOR: Egan

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 4 to 2.

This bill permits St. Louis City police officers who retired prior to September 28, 1981, to receive a lump sum refund of their contributions to the retirement system. Provisions are made for making the refunds on a staggered basis.

FISCAL NOTE: Would decrease Local Funds by \$145,000 in FY 85, \$289,000 in FY 86, & \$433,000 in FY 87, and yearly until 2015.

PROPOSERS: Supporters say current officers receive a refund of their contributions and it is only fair that these retired officers receive theirs.

Testifying for the bill were Representative Egan; St. Louis Police Veterans' Association; St. Louis Police Association; and several retired officers.

OPPOSERS: Those who oppose the bill say bills such as this threaten the financial security of St. Louis.

Testifying against the bill were the Mayor of St. Louis; Missouri Municipal League; and the Arthur Young firm of Certified Public Accountants.

Bob Wedow, Research Analyst

HB 1287 -- PAWN BROKERS FEES

SPONSOR: Dawson

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Affairs by a vote of 6 to 1.

This bill changes the maximum fee that can be charged on loans made by pawnbrokers. Present law permits a maximum fee of two percent per month on the amount of the loan over twelve dollars and fifty cents. This bill permits a maximum fee of 20% per month on loans up to \$75, 15% on loans of \$76 to \$125 and 10% on loans over \$126. The bill also provides that the interest rate on loans for more than thirty days be prorated if the loan is paid before the end of any thirty day period.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the law has not been changed in four decades. This change would put equity in a service needed in the community. Pawnbrokers have overhead that cannot be met with the low rates on pawns.

Testifying for the bill were Representative Dawson; Missouri Pawnbrokers Association; and American Loan Pawn Shop.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

HCS HBs 1063, 1211 -- TOURISM AND ECONOMIC DEVELOPMENT  
TAX

SPONSOR: Lynn

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Tourism and Recreational and Cultural Affairs by a vote  
of 12 to 1, 1 present.

This substitute allows Pettis County and the  
twenty-three lake counties in the state to impose, upon  
voter approval, a tourism sales tax for the promotion  
of tourism. In lake counties, the tax is to be imposed  
and collected only in the areas of the county within  
three miles of the shoreline of the lake. If part of a  
municipality is within the three-mile boundary, the tax  
is to be collected throughout the municipality. The  
tax is to be levied at a rate of not more than  
seven-eighths of one percent on the receipts from the  
retail sale of certain tangible personal property or  
taxable services.

The bill contains provisions for the collection and  
reporting of the tax. It lists goods and services the  
tax is to be levied upon. After one percent of the  
collected tax has been deposited in the state's general  
revenue funds for costs of collection, all tourism  
sales taxes are to be deposited with the state  
treasurer in the "County Advertising and Tourism  
Promotion Trust Fund". The bill contains additional  
provisions for the duties of the director of Revenue in  
reporting, managing and accounting for the trust funds.

The governing bodies of the counties imposing the tax  
are to appoint tourism boards consisting of five  
members in Pettis County and seven members in lake  
counties. Qualifications and duties of members are  
outlined.

PROPOSERS: Supporters say the tax is needed to help the tourism industry in the state.

Testifying for the bill were Representatives Butts and Beard; Dennis Hilton; Lake Ozarks Task Force on Tourism; Lodge of the Four Seasons; and Missouri Hotel and Motel Association.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst



CORRECTED SUMMARY

HB 1102 -- EYE TISSUE TRANSPLANT

SPONSOR: Hill

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 4 to 1, 1 present.

This bill specifies circumstances under which a decedent's eye tissue may be removed for transplant purposes. The bill also establishes who may object to such removal. It requires the Director of Revenue to place a space for such objection on the back of the driver's and chauffeur's license and nondriver's identification cards. A coroner, coroner's physician, medical examiner, eye bank official, or eye bank is not liable for failure to obtain consent of the next of kin.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say that in spite of increased donations of eye tissue, there is not enough tissue to meet the demand for corneal tissue for transplantation. In Missouri, most corneal tissue is obtained from elderly donors, whose tissue is not as desirable for corneal transplants as that of younger donors. Allowing eye tissue to be taken during autopsies, which are generally performed on the young, will improve the quality of tissue available for transplants. The taking of eye tissue is not inconsistent with Jewish and Christian religious beliefs. This bill will also help reduce state expenditures to the blind by allowing those who are unnecessarily blind to be cured.

Testifying for the bill were Representative Hill; American Red Cross; St. Louis Rabbinical Association;

Missouri Optometric Association; and Reverend Kevin O'Rourke.

OPPONENTS: Those who oppose the bill say that sufficient eye tissue can be received through donations. Other states do not have a law such as this and are still able to export eye tissue. In some states, such legislation has made it impossible for a person to donate their eye tissue, thus robbing them of the opportunity to be charitable. This legislation is based on the "presumed consent" of those undergoing autopsies; the extrapolation of this concept can lead to the deterioration of social values.

Testifying against the bill was Missouri Catholic Conference.

Daniel Landon, Research Analyst

HB 1118 -- LABOR ORGANIZATIONS EXEMPT FROM LIABILITY  
FOR CERTAIN INJURIES AND DEATHS

SPONSOR: Cantrell

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Labor by a vote of 10 to 2.

This bill exempts labor organizations from liability  
for injuries or deaths directly or indirectly caused by  
the enforcement or failure to enforce any health or  
safety clause in a collective bargaining agreement.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say if this legislation is not  
passed in law, there will be a breakdown in health and  
safety clauses in negotiated contracts. Further, labor  
organizations should not be liable for results of  
enforcement or lack of enforcement because the labor  
organization does not control the job site; management  
does.

Testifying for the bill were Representative Cantrell,  
Missouri State Buildings Trades, Iron Workers, and the  
Missouri State Labor Council.

OPPOSERS: There was no opposition voiced to the  
committee.

Natalie Tackett, Research Analyst

NOTE: Please insert this summary immediately following HB 1188 on pg. 182.

HCS HB 1259 -- COUNTY VOTERS TO CREATE SENIOR CITIZENS' FUND

SPONSOR: Goward (Birch)

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 6 to 0.

This substitute permits any county or St. Louis City, upon approval of the voters, to levy a property tax to be used to improve the health, nutrition, and quality of life of persons sixty years of age or older. The tax levied shall not exceed five cents per one hundred dollars of assessed valuation. Proceeds from such a tax shall be deposited in a "Senior Citizens' Services Fund" within the county or city treasury. Funds may not be used for political purposes. This fund shall be administered by a board of directors appointed by the governing body of the county or the mayor of St. Louis City. The board of directors shall consist of seven residents representative of the groups to be served by the board. Each director shall serve a four year term and may be reappointed.

The budget for the senior citizens' services fund shall be approved by the governing body of the county or city. If an audit is deemed necessary by the governing body of a city or county, a certified public accountant shall be appointed to perform such an audit.

PROPOSERS: Supporters say this bill will allow organizations providing services for senior citizens to continue to do so in spite of funding reductions from other governmental entities. The bill will help senior citizens receive the transportation, nutrition, medical and social services they need to live independently in their communities. By providing senior citizens with the services they need to remain in their own homes rather than entering nursing homes, this bill will save state funds for nursing home care.

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Testifying for the bill were Representative Birch and the Platte Senior Services Corporation.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HCS HB 1134 -- FENCES AND ENCLOSURES

SPONSOR: Creason (Townley)

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture by a vote of 23 to 1.

This substitute revises the fence and enclosure laws. It clarifies the responsibilities of landowners in regard to division fences.

PROponents: Supporters say this bill is needed to settle disputes as to who is responsible for the maintenance, repairs, and building of division fences.

Testifying for the bill were Representative Townley and Riley Godfrey for himself.

OPponents: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HCS HBs 912, 1371, 1382, 1527, 1593 -- ELECTION CODE REVISIONS

SPONSOR: Randall

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 11 to 0.

This substitute revises several sections in the Election Code. Major provisions include:

(1) The state is required to share costs of special elections to vacancies in the General Assembly;

(2) The deadline for new resident voters to qualify as such is changed from 12:00 on the Monday preceeding the election to 5:00 p.m.;

(3) Election officials shall require persons registering to vote to present identification;

(4) The election authorities may cross into an adjoining jurisdiction to serve absentee voters in their jurisdictions who are hospitalized;

(5) Declarations of candidacy must be filed in a 30 day period ending the 30th day after the opening of filing in January (present law is a three month filing period);

(6) The election authority is required to explain write-in procedures to the voter; and

(7) Signers of initiative or referendum petitions may remove their names from the petitions up to the last day for filing them with the secretary of state.

PROPOSERS: Supporters say that these changes in the Election Code are needed to facilitate the efficient

administration of filing for office and for the conduct of elections. In the last few years, the election authorities have had a heavy financial burden covering the costs of special elections to fill vacancies in the General Assembly. There have also been problems with confusion by voters over write-in candidates and the withdrawing of signatures from initiative and referendum petitions. Allowing election authorities to cross jurisdictional lines to vote absentee voters in the hospital will increase voter turnout and would not be a burden on the authorities.

Testifying for the original bills were Representatives Randall, Marriott, Treppler and Ortwerth; Secretary of State; Association of County Clerks; Jackson County Election Authority; Director of Election, City of St. Louis; and Jackson County Executive Office.

OPPONENTS: There was no opposition voiced to the committee.

Kathyrn Ruckman, Research Analyst



HCS HB 1065 -- LICENSURE OF POLYGRAPHISTS

SPONSOR: Becker

COMMITTEE ACTION: Voted "do pass" by the Committee on Employment Security by a vote of 10 to 1.

This substitute requires every person representing himself to be a polygraphist, polygraph operator or examiner, lie detector operator or examiner, or who conducts or offers to conduct polygraph examinations for any remuneration to be licensed under the procedures outlined in the bill.

A supervisory board called the "State Board of Polygraphists" is created within the Department of Consumer Affairs, Regulation and Licensing. Fees payable under this bill are to be placed in the "Board of Polygraphists Fund". The bill contains provisions regulating the use of polygraphs, and provisions for complaints and disciplinary procedures. Violation of any provision of this act would be a class A misdemeanor.

The bill has an effective date of January 1, 1985.

PROPOSERS: Supporters say this bill is necessary to assure Missouri citizens that persons representing themselves as polygraph operators or examiners have been licensed by the state.

Testifying for the bill were Representative Brummel; Missouri State Labor Council; American Federation of State, County and Municipal Employees; and Missouri Polygraph Association.

OPPOSERS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

HCS HB 1101 -- ST. LOUIS TRANSPORT MUSEUM

SPONSOR: Ribaudó

COMMITTEE ACTION: Voted "do pass" by the Committee on Municipal Corporations by a vote of 12 to 0.

This bill provides for the creation of a "Transport Museum Subdistrict" within the St. Louis Metropolitan Zoological Park and Museum District, subject to voter approval. A four cent property tax would fund operations.

The bill also repeals or resolves conflicts in the statutes caused by the Supreme Court ruling declaring the provisions of CCS HS HCS SB 711 (1982) unconstitutional.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the museum would be a major asset to the community as it is the finest transport museum in the nation. The voters would have to approve this proposal.

Testifying for the bill were Representative Mueller; Transportation Museum Association, St. Louis County, and the Regional Commerce and Growth Association.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 1340 -- DAY CARE FOR CHILDREN OF STATE EMPLOYEES

CO-SPONSORS: Steelman, Shear

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 6 to 0.

This bill authorizes the establishment of day care facilities for state employees' children under the age of five for periods of less than twenty-four hours per day in certain state-owned or nonstate-owned buildings. The bill details space requirements, compliance with state and local codes and day care regulations, not for profit corporation arrangements, user limitations and fees.

FISCAL NOTE: The implementation of this proposal would cost approximately \$5.5 million.

PROPOSERS: Supporters say that many studies in other states have shown that the offering of child care facilities in state buildings has increased productivity. With child care available to employees, it has been shown that absenteeism has significantly decreased (72% in one study), turnover has decreased (57%), and the ability of an agency to attract and retain employees increased (88%). The most startling figure that shows the value of child care availability is in Texas; it was shown there that \$2,000,000 was saved in job retraining costs.

Testifying for the bill were Representatives Steelman and Shear, Office of Administration, and the American Association of University Women.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HJR 78 -- LONG TERM CONTRACTS FOR ESSENTIAL MUNICIPAL SERVICES

SPONSOR: Villa

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 17 to 0.

The proposed constitutional amendment would allow a county, city, incorporated town or village to enter into long-term contracts and leases for the provision of "essential municipal services" and real property.

"Essential municipal services" are defined as health services, hospital services, refuse disposal, buildings for the conduct of business of the political subdivision, and other services that the General Assembly may from time to time deem essential.

Long-term leases are defined as those leases over one year in length, and long-term contracts are defined as those over one year but less than 50 years in duration.

FISCAL NOTE: Would decrease General Revenue by \$10,496 in FY 85.

PROPOSERS: Supporters say this amendment is needed so that local governments can take maximum advantage of the resources available and the modern financing tools that business and many cities in other states are able to use in their normal operations.

Testifying for the bill were Representative Villa; Alberici Construction; and John Booth, Consulting Engineer to Bi-State Development Agency.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HCS HB 941 -- CREATION OF MISSOURI STATE PARKS ADVISORY BOARD

SPONSOR: Nilges

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 9 to 0.

This bill establishes a "Missouri State Parks Advisory Board". The Board is designed to advise the director of the Department of Natural Resources in matters regarding the acquisition development and operation of state parks. The Board will receive staff assistance from the Department of Natural Resources and will prepare an annual report on the condition of the state park system and recommendations for the future. The Board may also hold public meetings.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say an Advisory Board is needed to assure that citizens have input into the state's process of administering its park system. The substitute clarifies confusion on the existence of such a Board caused by the Reorganization Act. The Department of Natural Resources contemplated setting up such a Board, but the authority was hazy. Such a Board will help in the planning process relating to the park system and also the state's tourism industry.

Testifying for the bill were Representative Nilges, the Missouri Parks Association, the Missouri Division of Parks and the Conservation Federation.

OPponents: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HB 1124 -- CHILD ABUSE AND NEGLECT

SPONSOR: Harpool

COMMITTEE ACTION: Voted "do pass" by the Committee on Children, Youth and Families by a vote of 8 to 1.

This bill eliminates all privileged communications, except those between attorney and client, when those communications relate to situations involving child abuse and neglect.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say there is confusion among hospital personnel over who they may cooperate with, by discussing a child abuse and neglect case. Privileged communication restrictions do not apply with respect to hospital personnel in their dealing with the Department of Social Services but the situation is vague regarding communication and cooperation with the juvenile court in abuse cases. This bill will clarify that situation.

Testifying for the bill was Representative Harpool.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1324 -- RELATING TO THE 43rd JUDICIAL CIRCUIT

SPONSOR: Danner

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 10 to 3, 2 present.

This bill removes the counties of Daviess, Livingston and DeKalb from the 43rd Judicial Circuit and places those counties in the newly created 45th Judicial Circuit.

FISCAL NOTE: Would decrease General Revenue by \$37,419 in FY 85, \$39,507 in FY 86, & \$40,349 in FY 87.

PROPOSERS: Supporters say rearranging the counties now in the 43rd judicial circuit into a 43rd and 45th judicial circuit will result in improved judicial administration. The judicial circuits would be more compact to reduce travel time.

Testifying for the bill was Representative Danner.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HB 1176 -- PROHIBITING LIQUOR SALES ON SUNDAY

SPONSOR: Fazzino

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 15 to 2.

This bill prohibits a restaurant bar licensed to sell intoxicating liquor on Sundays from selling it for other than on premises consumption.

FISCAL NOTE: No impact on state funds.

Proponents: Supporters say this bill will bring the law back to its original intent to not allow package liquor sales on Sunday.

Testifying for the bill was Representative Fazzino.

OPPONENTS: Those who oppose the bill say the bill would hurt the restaurant trade in the state.

Testifying against the bill was the Missouri Restaurant Association.

Andy Arnold, Research Analyst



HB 1432, HCA 1 -- SEWER DISTRICTS

SPONSOR: Weber

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 14 to 0.

This bill provides that trustees for sewer districts in Jefferson County be elected in the same manner as members of boards of school districts. It requires that capital expenditures may not be undertaken by a sewer district without a public hearing and are subject to voter approval upon petition of ten percent of the voters in the sewer district. Further, the bill requires that the advisory board for a sewer district include representatives of all private districts in the common sewer district.

HCA 1 - sets a limit of \$5000 for capital improvements before voter approval would be required.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the bill is needed to stimulate the sewer boards to act and to make them accountable to the public they serve.

Testifying for the bill were Representative Weber, William Svejkosky, R.E. Faulkenburg.

OPponents: Those who oppose the bill say this is unconstitutional, that the language is ambiguous, and that these proposed provisions should apply statewide.

Testifying against the bill was Northeast Public Sewer District.

Andy Arnold, Research Analyst

HB 1439 -- ESTATES OF BLIND PERSONS

SPONSOR: Goward

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 7 to 0.

Present law allows the state to recover public assistance payments made after January 1, 1978, from estates of deceased public assistance recipients. This bill exempts the estates of those who received aid because they were blind.

FISCAL NOTE: Assuming an average number of recipients of 1,608, the exemption would result in reduced recovery by the Department of Social Services as follows: FY 1985, \$9,100; FY 1986, \$10,500; FY 1987, \$10,500.

PROPOSERS: Supporters say that savings are difficult to accumulate on the pension of a blind public assistance recipient and that present law can rob a blind person of the opportunity to leave even a small legacy to his or her heirs.

Testifying for the bill was Missouri Federation for the Blind.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1037 -- TREATMENT OF ALCOHOL AND DRUG ABUSERS

CO-SPONSORS: McCaskill, Park

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 7 to 0.

This bill establishes procedures for the voluntary and involuntary treatment of alcohol and drug abusers. The Department of Mental Health shall define service areas within the state and shall designate treatment facilities to serve each area.

Voluntary applicants for alcohol and drug abuse treatment may be treated in such facilities if suitable accommodations are available and such treatment is approved by the director of the treatment facility. A minor may apply on his or her own behalf if competent to do so under current law or application for a minor may be made by a parent or guardian. Voluntary clients may be discharged if continued treatment would not be beneficial. They must be discharged upon the applicant's written request unless the patient is likely to cause physical harm.

Alcohol and drug abusers who are likely to inflict physical harm may be involuntarily detained and treated for up to ninety-six hours if an application for such detention is approved by the court. Applications for detention may be filed by peace officers, physicians, registered nurses, mental health professionals, or any other adult. Peace officers may take alcohol and drug abusers into custody and take them to a treatment facility if there is reasonable cause to believe such persons are likely to cause physical harm.

Persons detained for treatment shall be notified of their rights and shall have the services of an attorney available. If a petition for an additional thirty days

of detention and treatment is filed by the director of the treatment facility or a mental health coordinator, the patient may be detained for two judicial days pending a hearing. If the hearing establishes that the patient is likely to inflict physical harm as a result of his or her addiction, an additional thirty days of detention and treatment may be approved. If the patient continues to be a danger to himself or others after twenty-five days a hearing may be requested for up to ninety additional days of treatment and rehabilitation.

Involuntary detention and treatment shall take place in the least restrictive environment consistent with the patient's condition, as determined by the director of the Department of Mental Health. Patients in need of hospitalization or mental health treatment shall be transferred to appropriate facilities.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill establishes procedures for treating alcohol and drug abusers separate from those for treating the mentally ill. It should reduce the cost of treating such persons, for residential treatment facilities are less costly than hospital care. Only 5% of alcohol and drug abusers require hospitalization as part of their treatment. This bill will also allow alcohol and drug abusers to be detained for more than the current limit of ninety-six hours, which will increase the effectiveness of treatment programs. The bill will also alleviate problems caused by treating alcohol and drug abusers with the mentally ill.

Testifying for the bill were Representatives McCaskill, and Park, Division of Alcohol and Drug Abuse, Department of Mental Health, and John Borrón for himself.

OPPCNENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HCS HBs 1247, 1316 -- POWERS OF ARREST

SPONSOR: Young

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 13 to 0.

This substitute allows certain law enforcement officers to respond to emergency situations outside the boundaries of the jurisdiction from which they derive their authority. An emergency situation is defined as a combination of circumstances involving danger to human life or property that requires immediate action. The officer is required to have completed a training program, and the jurisdiction must have passed an ordinance allowing the exercise of this authority.

The substitute also repeals the limitation that only officers in first class charter counties have the power to arrest a person anywhere in the county in a hot pursuit situation. The officer still must have the training program.

The substitute further allows political subdivisions to cooperate in the formation of major case squads. A member of the major case squad has the power of arrest anywhere in the state within the scope of an investigation on which the squad is working.

PROPOSERS: Supporters say that in an emergency or hot pursuit situation it is absurd for law enforcement officers to have to stop at jurisdictional boundaries. The bill would allow jurisdictions to share expertise and would encourage cooperation and exchange of information. The public would benefit by the increased ability of officers to preserve evidence and make arrests when they should be made. There would also be less risk of the wrong person being arrested.

Testifying for the bill were Representatives Young, Russell and Steinmetz; St. Louis Police Department; Department of Public Safety; and Judge William Barton, for himself.

OPPONENTS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HB 1327 -- ESTABLISHING TWO JUDICIAL CIRCUITS IN JACKSON COUNTY

SPONSOR: Dawson

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 12 to 3.

This bill divides the 16th Judicial Circuit (Jackson County) into two judicial circuits, the 16th and a newly created 45th Judicial Circuit.

The bill has an effective date of January 2, 1985, except certain court rules may be made earlier in accordance with the bill.

FISCAL NOTE: The present circuit currently conducts judicial functions in facilities located at Independence and it is assumed that sufficient personnel could be transferred from this current circuit to implement this proposal, however, some additional clerical staff may be necessary because the separation may require more staff than that required in one circuit. The Court Administrators' office and the data furnished to them by the current circuit address a number of areas that could add a substantial cost to this proposal, however, any additional funding required would depend upon how this would be implemented, so no precise estimate can be projected. This could affect both state and local funds, because some salaries are paid by the state. There could also be some increased state costs in the Public Defenders office related to this legislation.

PROPOSERS: Supporters say the cost of this proposal may be as little or as much as the present circuit court says it will cost; nothing is being requested. One letter projects the increased cost at \$21,307 for the first year. This bill would divide the county into



two circuits on the same line as the existing venue for probate cases. There are now two courthouses in Jackson County, one at Independence the other in Kansas City. This division will eliminate the confusion as to which courthouse to go to. It will allow jurors to serve at the court near their home and prevent peace officers from being on the road to or at the Kansas City Courthouse rather than on the streets in Jackson County. No new caseload will be placed on the judicial system; the existing volume of cases will merely be divided. At present, real estate filings, taxes and probate venue are at the Kansas City or Independence courthouse depending upon location within Jackson County.

Testifying for the bill were Representative Dawson; Brian Warr and J.D. Williamson for the Eastern Jackson County Bar Association.

OPPONENTS: Those who oppose the bill say for the first year the cost to Jackson County will be \$1,262,962 and the cost to the state will be \$383,954, for a total of \$1,645,916. Jackson County does not want to pay for this splitting of the circuit. By Interstate 70 it is easier to get to the Kansas City Courthouse than the Independence Courthouse through heavy traffic on Noland Road. Splitting the two circuits will allow for forum shopping. The split in the circuit would have a bearing on the question of being able to obtain an impartial and fair jury of one's peers. The minority population in the 45th Judicial Circuit would be reduced to 2% of the county population. It is feared that a court would overturn convictions based upon an unconstitutional jury selection, as it did when women were given an automatic exclusion from jury duty. If these convictions are reversed, by the time the cases are retried, witnesses cannot be located or the memories will be weaker. Defendants will either go free or obtain a reduced sentence.

Testifying against the bill was Judge Forrest Hanna for the 16th Judicial Circuit.

Richard Waters, Research Analyst

HB 1202, HCA 1 -- NURSING CARE CASH GRANTS

SPONSOR: Backer

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 8 to 0.

This bill provides an additional \$25 payment for personal expenses for those receiving funds from the Division of Family Services for nursing home and boarding home care. Those who already receive a personal expense allowance from the state are not eligible for this payment. The personal expense allowance authorized in this bill cannot be used to pay for supplies, services or for any items which Medicaid provides for eligible recipients.

HCA 1 - monthly payments are changed from a fixed payment of \$25 to an amount, to be chosen by the Department of Social Services, not to exceed \$25.

FISCAL NOTE: Would decrease General Revenue up to \$1,591,800 in FY 85, \$1,819,200 in FY 86, and \$1,819,200 in FY 87.

PROPOSERS: Supporters say that some recipients of state aid for nursing home care receive personal expense allowances while others do not. Many patients in nursing home and adult boarding facilities have no money for even the most basic personal expenses. Patients have been known to move to a higher, and more expensive, level of care in order to receive expense money. The inequitable allocation of personal expense money creates socially harmful environments within residential care facilities. This bill would encourage healthier social interaction and allow patients to live in their facilities with more dignity and self-esteem.

Testifying for the bill were Representative Backer; Division of Aging; Missouri Residential Care Association; League of Nursing Home Administrations; Missouri Health Care Association; Jasper County Association for Social Service, Inc.; and several nursing home and boarding home owners and administrators.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1178 -- LIQUOR PRICING

SPONSOR: Fazzino

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 15 to 1.

This bill requires all duly licensed distillers and liquor suppliers to file a monthly affidavit with the Supervisor of Liquor Control stating that the price charged a wholesale customer for intoxicating liquors is no higher than the lowest price being charged for the identical product in any other state.

The bill also gives the Supervisor of Liquor Control authority to promulgate regulations necessary to enforce this provision.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill would benefit Missouri consumers of alcoholic beverages because the distillers and suppliers of these beverages would no longer be able to gouge Missouri consumers for lost profits in other states due to ceiling price laws.

Testifying for the bill were Representative Fazzino, and Missouri Wine and Spirits.

OPPOSERS: Those who oppose the bill say the bill would create a paper jungle due to the tremendous amount of paper work required on the part of the distillers and liquor suppliers to comply with the law. The bill would also be an administrative nightmare for the Division of Liquor Control.

Testifying against the bill was the Distilled Spirits Council.

Andy Arnold, Research Analyst

HB 1289, HCA 1 -- STATE INCOME TAX CREDIT FOR ELDERLY DEPENDENTS

CO-SPONSORS: Park, O'Connor, Barry, Brady, Hearnese

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 7 to 0, 1 present.

This bill allows a \$425 tax credit against a resident taxpayer's state income tax liability for any person 62 or older who resides in the taxpayer's home. Such elderly residents must be claimed as a dependency exemption for federal income tax purposes. If the amount of the tax credit exceeds a taxpayer's state income tax liability, the amount of the credit which exceeds the liability may be applied to credits for the next taxable year.

HCA 1 - the age of residents who qualify as elderly residents is raised from 62 to 70.

FISCAL NOTE: Would decrease General Revenue by \$9,134,525 in FY 85, \$9,306,927 in FY 86, & \$9,493,908 in FY 87.

PROPOSERS: Supporters say this bill will help reduce state expenditures for nursing home care by encouraging residents to keep elderly persons in their own homes rather than in nursing homes. Missouri has a large elderly population and this bill addresses the need to provide incentives for them to remain at home as long as possible. This bill will also encourage intergenerational learning and give older residents the opportunity to choose the care that best suits them.

Testifying for the bill were Representative Park and Department of Social Services, Division of Aging.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1082 -- MISSOURI DOMESTIC PRODUCTS PROCUREMENT ACT

CO-SPONSORS: Binger, Goward

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 12 to 0.

The bill requires that each contract for the purchase or lease of manufactured goods or commodities by any public agency as well as all contracts for construction, alteration, repair, or maintenance of any public works utilize only goods or commodities manufactured or produced in the United States in completion or performance of that contract or subcontract.

This bill will not apply to purchase, lease, or contract expenditures of less than five hundred dollars, or where the executive head of a public agency certifies in writing that: (1) the specified products are not manufactured or produced in the United States in sufficient quantities; (2) the specified products cannot be manufactured or produced in the United States within the necessary time frame; or (3) the specified products manufactured or produced in the United States would increase the cost of the contract by more than fifteen percent.

The bill contains penalty provisions.

HCA 1 - adds products that are assembled in the United States to the definition of domestic products.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will help protect employment for Missourians.



Testifying for the bill were Representatives Goward, Binger; United Auto Workers Local 691; and the American Agricultural Movement.

OPPONENTS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 1216, HCAs 1, 2 -- PROTECTION AGAINST RABIES

SPONSOR: Kelly (26th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 8 to 0.

This bill allows cities and counties to adopt ordinances, rules, and regulations for the control of rabies, and establishes mandatory guidelines in the event such regulations are adopted. The bill repeals current statutes regulating rabies and its control.

HCA 1 - defines terms relating to rabies; specifically allows cities to develop rabies ordinances; removes language relating to "dogs displaying vicious propensities"; and makes violations of rabies ordinances a class B misdemeanor.

HCA 2 - cities and counties are not required to follow state guidelines for rabies control.

FISCAL NOTE: No impact on state funds.

PROPONENTS: Supporters say this bill is enabling legislation only and will allow rural areas to effectively control rabies transmitted by pets. In many counties and cities there is no means of controlling animals suspected of being rabid, even after they have bitten someone. This bill will help prevent victims of animal bites from having to undergo expensive rabies treatments unnecessarily.

Testifying for the bill were Representative Kelly (26th); Division of Health; Attorney General's Office; Missouri County Judges; Missouri Veterinary Medical Association; Missouri Public Health Association; and Paul Brotigin, Mike Sanford, Bruce Hamory and Don Blenden for themselves.

OPPONENTS: Those who oppose the bill say such regulations are an unnecessary infringement upon responsible pet owners who vaccinate their pets. Taxes to pay for this program would be used to pay for those pet owners who don't take responsibility for their pets. Only a small percentage of rabies cases involves household pets; this legislation would not solve the problem of rabies control. Also, veterinarians will likely raise their prices for vaccinations if such vaccinations become mandatory.

Testifying against the bill was State Coonhunters Association of Missouri.

Daniel Landon, Research Analyst

HB 1386, HCA 1 -- GRANDPARENT VISITATION RIGHTS

SPONSOR: Rohrbach

COMMITTEE ACTION: Voted "do pass" by the Committee on Children, Youth and Families by a vote of 8 to 0.

This bill allows a person who was a legal grandparent prior to the adoption of a child, whenever one parent of the child is deceased and the child has been subsequently adopted and reasonable visitation rights denied, to petition the juvenile court to allow reasonable visitation.

HCA 1 - makes technical changes.

PROPOSERS: Supporters say that by 1990 one out of every two marriages will end in divorce. The need for this bill is increasing. To deny access to a grandchild by a grandparent is confusing for the child and emotionally harmful to the grandparent.

Testifying for the bill was Representative Rohrbach.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1336 -- CONDEMNATION PROCEEDINGS

CO-SPONSORS: Steelman, Riley

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 10 to 1.

This bill sets the date of taking in condemnation proceedings at either the date the condemnation commissioner's award is paid into the court or the date of trial if the commissioner's award is not paid into the court.

If the entire parcel of land is taken, just compensation to the landowner is the fair market value of the land for its highest and best use as of the date of taking.

If only a part of the parcel of land is taken, just compensation to the landowner is the difference in the fair market value for the property's highest and best use immediately before the date of taking and the fair market value for the property's highest and best use immediately after the date of taking.

The landowner is entitled to receive compensation for any damage to the property or reduction in value prior to the date of the taking proximately caused by the project, or by acts of the condemning authority, its officials, employees, agents or contractors.

FISCAL NOTE: No fiscal impact can be determined.

PROPOSERS: Supporters say that this bill is needed to alleviate "condemnation blight". The condemnor may announce future plans for condemned property, then take several years to get the project under way. During this time property values drop because the landowners have no incentive to keep the property improved, and no

— one else would want to buy the property with the future condemnation plans. The condemnation award does not provide just compensation for the losses caused by this time lag.

— Testifying for the bill were Representatives Steelman, and Riley.

OPPONENTS: Those who oppose the bill say that this bill would result in double payment for condemned property. Presently increases and decreases in the value of the property are disregarded in the appraisal if the increases or decreases were caused by the condemnation. Therefore, the owner gets market value without regard to fluctuations in value caused by the condemnation.

Testifying against the bill was the Highway and Transportation Commission.

— Kathy Ruckman, Research Analyst

HB 1238 -- CERTAIN STUDENT LOAN REDUCTIONS

SPONSOR: Schaeperkoetter

COMMITTEE ACTION: Voted "do pass" by the Committee on Higher Education by a vote of 7 to 0.

This bill permits students who receive student loans and are working toward teacher certification in a field where there is a critical shortage of teachers, to receive a ten percent per year reduction of the amount of their student loans for each year they teach in a Missouri school. The bill limits the total reduction on each loan to fifty percent.

FISCAL NOTE: Would decrease General Revenue by \$13,000 in FY 86, & \$29,000 in FY 87.

PROPOSERS: Supporters say this bill would help reduce the shortage of teachers in critical fields. The bill will also help reduce the long term debt that some students have upon the completion of their education.

Testifying for the bill were Representative Schaeperkoetter and the Commissioner of Higher Education.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 864, HCA 1 -- ELEVATOR SAFETY

SPONSOR: Douth

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 6 to 2.

This bill establishes an Elevator Safety Board whose primary function will be to adopt rules and regulations promoting safety in the construction, maintenance, testing and inspection of elevators.

Major provisions of the bill cover: licensing and duties of inspectors, annual inspection requirements, establishment of inspection fees, establishment of a professional code, creation of the "Elevator Safety Fund", permit requirements, and appeals procedures for aggrieved persons.

This bill also contains a penalty provision making an abuse of elevator safety a class C misdemeanor.

HCA 1 - exempts elevators used in mining which are subject to federal safety regulation.

FISCAL NOTE: Inspection fees would cover the cost of inspecting elevators.

PROPOSERS: Supporters say the public needs to be assured that the elevators they use are safe. If an elevator is not covered by a maintenance contract, it may not be inspected regularly or properly. Many older elevators need to be brought up to the current standards of the ANSI elevator safety code. Over thirty states currently have state elevator codes and inspection procedures.

Testifying for the bill were Representative Douth, Local #12 Elevator Constructors, and the Main Committee of the National Elevator Code.



OPPONENTS: Those who oppose the bill say mining elevators are subject to federal regulations and should be exempt from the provisions of this bill (an objection taken care of by HCA 1).

Testifying against the bill was St. Joe Minerals Corporation.

Daniel Landon, Research Analyst

HB 1038 -- REGULATION OF FERTILIZERS AND LIMING MATERIALS

SPONSOR: Dunning

COMMITTEE ACTION: Voted "do pass" by the Committee on Agri-Business by a vote of 17 to 0.

This bill increases the rule making authority of the director of the Missouri Agriculture Experiment Station with respect to fertilizers and liming materials. The director is given authority to increase the fee paid by distributors of fertilizer and to increase the fee paid by producers and distributors of liming materials. Advisory councils with members appointed by the director are established to advise the director on execution of the statutes regulating fertilizers and liming materials.

FISCAL NOTE: Would decrease General Revenue by \$5,700 in FY 85, \$6,000 in FY 86, and \$6,300 in FY 87.

PROPOSERS: Supporters say the bill is needed to increase fees to finance study of fertilizer and lime products.

Testifying for the bill were Representative Dunning; Missouri Agricultural Industries; University of Missouri - Columbia School of Agriculture; Mid-Continent Farmers Association; and Jim Bryan, for himself.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HB 1203 -- RECRUITMENT OF COMMUNITY SERVICE VOLUNTEERS

SPONSOR: Holden

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 7 to 1.

This bill permits the Department of Social Services, within limits of appropriated funds, to disburse money to public agencies or private not-for-profit corporations which recruit persons to perform voluntary community services. These agencies or corporations must be eligible for matching federal funds in order to receive funds. State funds may be used only for administrative costs of volunteer programs or for volunteers' actual and necessary expenses.

FISCAL NOTE: Costs would be solely contingent upon appropriation action by the General Assembly.

PROPOSERS: Supporters say this bill will authorize the Department of Social Services to establish guidelines which will encourage the use of volunteers to provide community service. Volunteers benefit the state by helping those needing respite care to avoid the cost of state-funded nursing home care and other services. Federal and local funding is becoming increasingly inadequate to meet the growing demand for volunteers to perform community service.

Testifying for the bill were Representative Holden, Retired Senior Volunteer Program, Senior Companion Program, Foster Grandparent Program, and Missouri Community Action Agency Director's Association.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HCS HBs 938, 913 -- COMPUTATION OF EXTENSION FEES FOR  
PRECOMPUTED LOANS AND INTEREST INCREASE FOR RETAIL  
CHARGE AGREEMENTS

SPONSOR: Barnes (50)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Banks and Financial Institutions by a vote of 22 to 1.

This substitute increases the monthly rate of interest  
on retail charge agreements from 1.5% to 1.6% of the  
unpaid balance (from 18% to 19.2% A.P.R.).

The substitute also provides the method of calculating  
the additional charges for granting an extension of  
payment on precomputed loans. It also contains certain  
limitations on granting such extensions.

PROPOSERS: Supporters say that there has been no  
increase in the rate on retail charge agreements since  
the late 1940's and the cost of doing this type of  
credit business has continued to increase.

Testifying for the bill were Representative Barnes  
(50), Missouri Retailers Association and Famous Barr  
Stores, (St. Louis).

OPPOSERS: There was no opposition voiced to the  
committee.

Jack Pierce, Research Analyst

HB 1423 -- STATE PUBLIC SCHOOL RETIREMENT

SPONSOR: Marriott

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 6 to 0.

This bill revises the statutes relating to the State Public School Retirement System. Among major revisions are: broadening of investment powers; an increase in the cap on cost of living increases which may be granted; and improved survivor benefits.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the bill would benefit those covered by the system without hurting the fund. The section on investment powers merely lets the board use modern practices.

Testifying for the bill were Representative Marriott; Public School Retirement System; and Missouri National Education Association.

OPponents: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 999, HCA 1 -- THE CRIME OF PEACE DISTURBANCE

SPONSOR: Kelly (26th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 5 to 4.

This bill revises the crime of peace disturbance, a class B misdemeanor. The revision deletes the subdivision referencing a "public place or on private property" and merges it with the subdivision setting out the crime. A violation becomes unreasonably and knowingly disturbing another person by certain acts, and causing inconvenience to another person by obstructing traffic. Present law also distinguishes between the location of the violator and the person being disturbed. The bill removes this distinction.

HCA 1 - adds an emergency clause.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say that the present peace disturbance law was struck down by the U.S. Supreme Court last year. This bill would bring the law in compliance with that case. The Court stated that a state may regulate and prohibit certain language only if the language constitutes "fighting words". Such words are not protected by the first amendment. Police use this type of statute to diffuse heated situations. They don't wait for an assault to step in. It is a valuable tool to stop a dangerous confrontation that would more likely than not result in injuries.

Testifying for the bill were Representative Kelly (26); Boone County Prosecuting Attorney; Assistant City Counselor, Columbia, Missouri; Richard Callahan, a Jefferson City Attorney.

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OPPONENTS: There was no opposition voiced to the committee.

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Kathy Ruckman, Research Analyst

HB 898 -- TRANSPORTATION OF INTOXICATING LIQUOR

SPONSOR: Lynn

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 8 to 0.

This bill prohibits the transportation of any alcoholic beverage in a motor vehicle if the original container has been opened unless the alcoholic beverage is not accessible to the driver or any other person while the vehicle is in motion. The car trunk and the area behind the last upright seat in a pickup truck, station wagon or hatchback is considered to be inaccessible to the driver or passengers. No person is to allow intoxicating liquor to be consumed while in a moving motor vehicle.

The bill is not to apply to the living quarters of a recreational motor vehicle or to a public conveyance where the control and operation of such conveyance is by a person not in possession of or with ready access to intoxicating liquor. The bill also does not prevent the otherwise lawful transportation of intoxicating liquor within the state.

A person is not to be charged under this act unless given the opportunity to take a breathalyzer test and the test demonstrates a blood alcohol content of greater than two and one-half hundredths of one percent by weight.

Violations of this act would be class B misdemeanors.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill will prevent accidents by allowing law enforcement officials to arrest those who drink while driving, removing them



from the road before they become a hazard to themselves and others. The bill will also reduce the number of drivers whose ability to drive safely is impaired, but who do not have blood/alcohol levels sufficient to convict them under drunk driving laws. This bill is a logical extension of stricter drunk driving laws; in order to effectively control drunk drivers it must become illegal to drink while driving. Similar legislation has been enacted in 23 states. Such legislation is recommended by the Presidential Task Force on Drunk Driving.

Testifying for the bill were Representatives Lynn and Kelly (26th), Missouri Highway Patrol, Department of Public Safety, Remove Intoxicated Drivers, Missouri Baptist Convention, and the Division of Drug and Alcohol Abuse.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1523 -- SALES AND USE TAX INCREASE FOR CORRECTIONS  
AND MENTAL HEALTH CONVERSION

SPONSOR: Barnes (96)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
the Budget by a vote of 9 to 7.

This bill increases the sales and use tax until  
December 31, 1984 by three-eighths of one percent. The  
money received will be placed in the Corrections and  
Mental Health Conversion Fund to be used for paying the  
costs and conversion at the Farmington State Hospital  
complex pursuant to the state plan for development of  
such facility to meet the needs of the Department of  
Corrections and the Department of Mental Health.

This bill has an emergency clause to make the tax  
increase become effective July 1, 1984 and expires  
December 1, 1984.

FISCAL NOTE: Would increase Corrections and Mental  
Health Commission Fund by \$57,905,418 in FY 85.

PROPOSERS: Supporters say that this one-time sales  
tax will produce the funds necessary to complete the  
greatly-needed construction and conversion project at  
the Farmington Hospital complex as well as funding for  
maintenance and repair in the Department of  
Corrections.

Testifying for the bill were Representatives Barnes  
(96th), Ellis, Crump (150th), and Fallert.

OPPOSERS: There was no opposition voiced to the  
committee.

Natalie Tackett, Research Analyst

HB 1450 -- KANSAS CITY EMPLOYEE INFORMATION

SPONSOR: DePasco

COMMITTEE ACTION: Voted "do pass" by the Committee on Municipal Corporations by a vote of 11 to 1.

This bill requires Kansas City to publish on the first Monday in April the names, addresses, job classifications, and salaries of its employees and list which employees are receiving retirement benefits because of previous employment. Such information is also to be available to the public throughout the year.

FISCAL NOTE: Would cost Kansas City \$43,600 to \$61,400 annually. This would be a cost to the city's general fund unless the courts ruled this was a state obligation under Article X of the Constitution.

PROPOSERS: Supporters say Kansas City has refused to release salary information regarding its employees to the public. This information should be a matter of public record.

Testifying for the bill was Representative DePasco.

OPPOSERS: Those who oppose the bill say Kansas City will try to be more cooperative in the future.

Testifying against the bill was the City of Kansas City.

Bob Wedow, Research Analyst

HCS HB 1246 -- PROTECTION OF HANDICAPPED CHILDREN

SPONSOR: Steinmetz

COMMITTEE ACTION: Voted "do pass" by the Committee on Children, Youth and Families by a vote of 7 to 3.

This substitute prohibits denial of medical or surgical treatment necessary to remedy or ameliorate a life-threatening condition to any child under eighteen regardless of physical or mental condition if such treatment is generally provided to similarly situated children. However, a parent or guardian shall not be obligated to provide care which cannot be obtained by or used without excessive expense or pain, and which, if used, would not offer a reasonable hope of sustaining life. Under this substitute any interested person, which includes the Division of Family Services, juvenile courts, qualified physicians, hospitals, institutions, and other medical care facilities, may bring action in the circuit court alleging neglect if treatment is not provided. Any action brought to the court must be heard within 48 hours and a decision rendered within 24 hours from the conclusion of the hearing. Appeals must be filed within 48 hours and heard within 24 hours from the filing and a decision rendered within 24 hours. Like time restrictions are placed on an appeal to the Missouri Supreme Court. The bill provides for law enforcement officials to have telephone numbers to file actions when courts are not in session.

PROPOSERS: Supporters say allowing handicapped infants to die by failing to provide nutrients or medical treatments is "after birth abortion". Options exist for parents who do not want the responsibility of a severely handicapped infant. Adoptive placements can be found for these children. Today's surgical procedures can reduce many birth defect damages and life expectancies have increased.

Testifying for the bill were Representative Murphy; Mary Katherine Kraus, Joplin; Governor's Committee on Employment of the Handicapped; and United Cerebral Palsy of Missouri.

OPPONENTS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1271 -- CONSUMER COOPERATIVE CORPORATIONS

SPONSOR: Riley

COMMITTEE ACTION: Voted "do pass" by the Committee on Consumer Protection by a vote of 13 to 0.

This bill expands the definition of cooperative associations to include organizations formed or converted for the purpose of producing or furnishing goods, services or housing.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the law on cooperatives began with agricultural cooperatives and was originally written only in terms of them. However, the cooperative form of business is suitable for other forms of activity as well. With current Missouri law, not for profit companies have trouble getting money on the federal level from the federal cooperative bank because they are not classified as "cooperatives" by the state. This bill expands the definition to include such companies and allows them to convert into cooperatives.

Testifying for the bill were Representative Riley, the Missouri Association of Community Cooperatives and C. Brice Ratchford.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HCS HB 1031 -- HAZARDOUS DUTY COMPENSATION FOR  
CORRECTIONAL EMPLOYEES

SPONSOR: Graham

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Correctional Institutions by a vote of 8 to 0.

This substitute provides that employees of the  
Department of Corrections and Human Resources,  
including probation and parole officers, who have  
contact with inmates in a manner that subjects them to  
the possibility of personal danger shall be paid  
hazardous duty compensation in addition to their  
regular compensation. The director of the department  
has the authority to issue rules and regulations  
providing for hazardous duty compensation.

FISCAL NOTE: Would decrease General Revenue by  
\$3,644,160 in FY 85, \$3,826,268 in FY 86, and  
\$4,017,686 in FY 87.

PROPOSERS: Supporters say people that work in  
corrections are subject to danger and should be  
compensated better.

Testifying for the bill were Representative Graham;  
several Corrections employees; the American Federation  
of State, County and Municipal Employees; and the  
Missouri Correctional Association.

OPPOSERS: There was no opposition voiced to the  
committee.

Robert Triplett, Research Analyst

HB 974 -- SIX-DIRECTOR SCHOOL DISTRICTS

SPONSOR: Skaggs

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 24 to 0, 1 present.

Current law classifies school districts as urban, metropolitan and six-director districts. This bill changes six-director districts to seven-director districts and provides a method of election and for staggering of terms. The bill provides for all urban districts which have six directors on the effective date of this act to appoint one additional director as the law provides for filling of board vacancies and provides for the election of the appointee's successor. In addition, the bill allows all board members in special school districts holding office on the effective date of this act to continue to hold office and provides an election schedule for situations in which a redistricting plan has been approved by the state board of education. The bill repeals obsolete language and sections.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say there are many cases of school boards deadlocked in voting on an issue because of the six member structure. The addition of the seventh member will break this impasse.

Testifying for the bill was Representative Skaggs.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst



HB 943 -- ALCOHOL AND DRUG EDUCATION PROGRAMS

SPONSOR: Raisch

COMMITTEE ACTION: Voted "do pass" by the Committee on Higher Education by a vote of 7 to 0.

This bill requires the State Board of Education to adopt and promulgate rules necessary to secure programs of alcohol and drug education in grades Kindergarten through twelve of the public schools.

The bill also requires the Coordinating Board of Higher Education to develop a program of instruction for teacher training which will prepare teachers to carry out alcohol and drug abuse education programs.

Additionally, all teacher training institutions receiving state aid are required to implement the program of instruction developed by the Coordinating Board. All such alcohol and drug abuse education is to include information on the effects of alcohol and drugs upon the human body and upon the ability of a drinker to operate a motor vehicle.

FISCAL NOTE: Would decrease General Revenue by \$41,926 in FY 85, \$45,497 in FY 86, & \$19,246 in FY 87.

PROPOSERS: Supporters say that auto accidents are the leading cause of teenage deaths; most of these accidents are alcohol or drug related.

Testifying for the bill were Representative Raisch; Department of Public Safety; and Department of Mental Health.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HCS HBs 1349, 1359 -- COMPENSATION OF CORRECTIONS  
EMPLOYEES

Sponsor: Sego

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Fees and Salaries by a vote of 8 to 0.

This bill establishes a minimum annual salary for all  
employees of the Department of Corrections and Human  
Resources. The minimum annual salary for entry level  
correctional officers is \$15,216 and for entry level  
probation and parole officers and caseworkers, \$19,560.  
The director of the Division of Personnel of the Office  
of Administration will adjust the salaries of all other  
merit employees within the department to approximately  
equal the increase in the percentage of compensation  
for correctional officers, probation officers and  
caseworkers.

PROPOSERS: Supporters say corrections officers  
deserve special consideration because of the nature of  
their work and that improved salaries are needed to  
retain high quality personnel.

Testifying for the bill were Representatives Mitchell,  
Backer, Walker and several correctional officers.

OPPOSERS: There was no opposition voiced to the  
committee.

Bob Wedow, Research Analyst

HB 1205, HCA 1 -- EXECUTIVE APPOINTEES

SPONSOR: Holden

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Organization by a vote of 7 to 1.

This bill requires the governor to insure that at least one of the persons appointed by him to any board, commission or advisory body is sixty years of age or older.

HCA 1 - provides an effective date of January 1, 1987.

FISCAL NOTE: No impact on state funds.

PROPONENTS: Supporters say this bill would give older Missourians the recognition and respect they deserve. The state would benefit from the wisdom and knowledge of older adults.

Testifying for the bill were Representatives Holden and Mueller; Division of Aging; Cooperative Extension Service of Lincoln University; and Reverend Dorsey Lovell, Milton Hart, and S. Morris Talley for themselves.

OPPONENTS: There was no opposition voiced to the committee.

Karla Frye Pleasant

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HB 1381 -- STATEMENTS OF INTENT AND EFFECT SUMMARIES

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CO-SPONSORS: Russell, Steinmetz

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 8 to 0.

This bill provides that each bill or joint resolution considered in either house of the Missouri General Assembly shall be accompanied by a statement of intent and a summary of the effect of the bill prepared by the Committee on Legislative Research. The statement of intent and summary will be updated whenever the bill is amended, to reflect changes, and will be published in the revised statutes along with any bills enacted into law.

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FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that statements of intent, purpose and effect should accompany bills so that the public and the courts can construe them more accurately should they later become laws. Also, it will be harder for anyone to purposely misconstrue a statute when such a statement follows it in the Revised Statutes.

Testifying for the bill was Representative Russell.

OPPOSERS: There was no opposition voiced to the committee.

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Mark Doerner, Research Analyst

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HCS HB 1155, 1148, 1579 -- SEX NEUTRAL TERMS

SPONSOR: Shear

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 6 to 0.

This substitute establishes that a wife may commit the crime of nonsupport as well as a husband. Present law specifically states that only a husband may commit the crime.

The substitute further abolishes the common law causes of action for alienation of affection and criminal conversation.

The substitute also revises fifteen sections of the statutes which relate to marriage dissolution, divorce, maintenance, alimony and child support that give a right, duty or obligation to one marriage partner, e.g. the requirement that the husband pay support and maintenance to his wife. The bill provides that in such cases each spouse owes and is owed the same rights, duties or obligations, e.g. either spouse can be obligated to pay support and maintenance to the other depending upon which is the abandoning party.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that the purpose of these bills is to clean up outdated language in the statutes. The marriage and dissolution laws should apply to both sexes in the same manner. Many of the distinctions have already been abrogated by case law. The courts have handed down decisions that require such laws to apply to spouses generally regardless of their gender.

Testifying for the original bills were Representatives Shear, and Benson.

OPPONENTS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HB 1428, HCA 1 -- MISSOURI HEALTH INSURANCE POOL

CO-SPONSORS: Crump (84th), Lumpe

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance by a vote of 9 to 2.

This bill establishes a Health Insurance Pool. The Pool will act as a place for high-risk individuals who cannot find coverage elsewhere to turn for coverage relating to health care.

The bill sets out the manner in which the Pool will be organized. All health insurance companies, health services corporations and health maintenance organizations will become members of the Pool. They shall select a board of directors and submit a plan of operation subject to approval of the Director of Insurance. Through competitive bidding, an insurer or insurers will be selected to administer the Pool. The cost of providing coverage to Pool beneficiaries will come from premiums charged to these beneficiaries and also from assessments on the companies which are members of the Pool.

The bill contains an effective date of September 28, 1984.

HCA 1 - makes several changes in the bill: 1) includes preferred provider arrangements in the definition of health insurance used in the bill; 2) gives the Pool the power to negotiate rates of reimbursement with health care providers; 3) offsets assessments on member insurance companies against their state taxes; and 4) gives the Pool the power to establish the type of medical coverage offered.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to provide insurance coverage for high risk individuals. This bill would provide such coverage by mandating membership in the Pool by specific groups, mainly insurance companies.

Testifying for the bill were Representative Crump; Division of Insurance; General America Life Insurance Company; and Businessmen's Assurance Company.

OPPOSERS: Those who oppose the bill say they would like to have the option of choosing whether or not to become a member of the Pool.

Testifying against the bill was St. Louis Blue Cross.

Mark Doerner, Research Analyst



HB 1166 -- ADDITIONAL ASSOCIATE CIRCUIT JUDGE FOR COLE COUNTY

SPONSOR: Graham

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 13 to 1, 1 present.

This bill adds one additional associate circuit judge in Cole County (the nineteenth judicial circuit) beginning January 1, 1985.

The bill has an emergency clause.

FISCAL NOTE: Would decrease General Revenue by \$56,122 in FY 85, \$66,670 in FY 86, & \$70,006 in FY 87.

PROPOSERS: Supporters say due to the large number of cases coming from the Department of Corrections and the increased number of preliminary hearings, the associate circuit court is becoming a bottleneck for the entire 19th judicial circuit. The number of preliminary hearings is up 158% from fiscal year 1982 to fiscal year 1983, while for the same period the number of municipal cases filed with the court has increased 138%. The volume of cases is creating a backlog in the system.

Testifying for the bill were Representative Graham; Judge Byron Kinder, Presiding Judge 19th Judicial Circuit; and Judge McCormick Wilson, Associate Circuit Judge 19th Judicial Circuit.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HCS HBs 1487, 1528 -- INSPECTION OF CERTAIN MOTOR VEHICLES

SPONSOR: Osbourn

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 9 to 0.

This bill requires that no person whose motor vehicle has been inspected and approved will be required to have another inspection because he wishes to obtain a special personalized or physically disabled license plate prior to the expiration date of the vehicle's current annual registration.

FISCAL NOTE: Would decrease the State Highway Fund by \$3,009 in FY 85.

PROPOSERS: Supporters say having to re-inspect a motor vehicle within the same period of registration just to get a personalized plate is unnecessary.

Testifying for the bill were Representatives Youngdahl and Treppner, and the Missouri Department of Revenue.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1565, HCA 1 -- REQUIRED USE OF SEAT BELTS

SPONSOR: O'Connor

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 5 to 2, 1 present.

This bill requires the driver and front seat passengers in certain motor vehicles to wear safety belts. Violators are guilty of an infraction.

Failure to wear a safety belt does not constitute negligence, limit the liability of an insurer, or diminish damages incurred in the operation of a motor vehicle.

HCA 1 - removes the exemption of vehicles equipped with a passive air cushion restraint system; requires that seat belts must meet or exceed federal seat belt safety standards.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say seat belts save lives and prevent unnecessary injuries. Educational programs promoting seat belt safety have not been able to increase the usage rate above 10%; the only way to increase seat belt usage is through legislation mandating the use of seat belts. It is estimated that this bill will save 240 lives next year. Seat belts reduce serious injuries by 60% and traffic fatalities by 50%. This bill may reduce auto insurance rates in Missouri.

Testifying for the bill were Representatives O'Connor, Missouri Safety Council, Operation SAFE Coalition, Missouri Highway Patrol, Farmers Insurance Group, Department of Public Safety, Division of Highway

Safety, Motor Vehicle Manufacturer's Association, and Dr. Joe Summers for himself.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1129 -- MEDICAL BENEFITS FOR HOSPICE CARE

SPONSOR: Auer

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 8 to 0.

This bill allows benefit payments for medical assistance on behalf of eligible needy persons (Medicaid) for hospice care services. "Hospice care" provides in-home, outpatient and inpatient medical services for the terminally ill patient.

Additionally, the bill places in one section all language from the versions of section 208.152 found in HB 901 and SB 63 enacted during the First Regular Session of the Eighty-First General Assembly.

FISCAL NOTE: No figures are presently available in regard to the overall savings projection, therefore, no fiscal impact is associated with this bill.

PROPOSERS: Supporters say this bill provides the terminally ill patient with a less expensive alternative to extended hospital treatment, thus reducing state medicaid expenditures. Terminally ill patients are not required to use hospice care, but many such patients prefer to be treated in their own homes rather than in a hospital.

Testifying for the bill was Representative Auer.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 871 -- STRIKING AN OFFICER IN THE PERFORMANCE OF HIS DUTIES

SPONSOR: Cooper

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 10 to 0, 1 present.

This bill establishes the crime of striking an officer while in the performance of his duties. The crime, a class D felony, is committed if a person knowingly strikes, beats, or wounds or assists another in striking, beating or wounding any law enforcement officer actively engaged in the performance of his duties.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that present law is lacking in that there is no criminal statute relating to striking a police officer unless there is an arrest in progress. In many situations, for example, domestic situations, the police are not involved to make an arrest. They just try to dissipate a potentially dangerous situation. However, if someone attacks one of the officers, the only recourse is an assault charge. If there is no serious injury or no weapon involved the charge is not usually pursued. This bill would give the police a charge to use when an arrest is not involved.

Testifying for the bill were Representative Cooper; Kansas City, Missouri Police Department; Missouri Sheriff's Association; Missouri Highway Patrol; Department of Public Safety; and Cole County Prosecuting Attorney.

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OPPONENTS: There was no opposition voiced to the  
committee.

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Kathryn Ruckman, Research Analyst

HB 989 -- BUILDING MATERIAL PURCHASES

SPONSOR: Reeves

COMMITTEE ACTION: Voted "do pass" by the Committee on Consumer Protection by a vote of 13 to 0.

This bill prohibits certain persons from purchasing, on credit, any material, fixtures or machinery in the name of the owner or contractor without the written consent of the owner or contractor. Violation would be a class A misdemeanor.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this is to protect individuals who hire contractors to build a structure for them, who pay the contractor for materials, and then later are charged for the same materials by the materials' supplier, who sold the materials in question to a contractor or subcontractor on the credit of the individual. This is an important problem in some areas, where unscrupulous, "fly-by-night" contractors prey on the elderly.

Testifying for the bill were Representative Reeves and the Missouri Council of Senior Citizens.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst



HB 1098 -- COMPENSATION OF CORRECTIONS EMPLOYEES

SPONSOR: Fowler (80th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Correctional Institutions by a vote of 8 to 0.

This bill establishes a minimum annual salary for all employees of the Department of Corrections and Human Resources. The minimum annual salary for entry level correctional officers will be \$15,216 and for entry level probation and parole officers and caseworkers it will be \$19,560. The director of the Division of Personnel of the Office of Administration will adjust the salaries of all other merit employees within the department to approximately equal the increase in the percentage of compensation for correctional officers, probation officers and caseworkers.

FISCAL NOTE: Would decrease General Revenue by \$8,922,011 in FY 85, \$12,490,815 in FY 86, \$13,115,356 in FY 87 and would decrease Inmate Revolving Fund by \$46,890 in FY 85, \$65,646 in FY 86, \$68,929 in FY 87.

PROPOSERS: Supporters say corrections and parole officers' salaries should be upgraded. Probation officers feel their salaries should be upgraded to a level equal to other law enforcement and probation officers around the country because they have one of the highest educational requirements of any law enforcement agency but are among the lowest paid. This legislation will help attract and retain qualified employees.

Testifying for the bill were Representative Fowler; Probation and Parole Officers Association; Missouri Corrections Association; and the Board of Probation and Parole.

OPPONENTS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1395 -- TEACHER TENURE ACT

SPONSOR: McKenna

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 25 to 0.

This bill expands the classification of "school district" in the Teacher Tenure Act to include "contractual districts". Any teacher employed to provide special education services through agreements between school districts which thereby constitute a "contractual district" and who has met other tenure qualifications will be considered a permanent teacher of the "contractual district" and not of the several agreeing school districts.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is necessary to place teachers working for contractual districts under the teacher tenure law.

Testifying for the bill were Representative McKenna; and Missouri National Education Association.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HCS HB 1314 -- TRANSFER OF ACADEMIC CREDITS

SPONSOR: Weber (Marriott)

COMMITTEE ACTION: Voted "do pass" by the Committee on Higher Education by a vote of 7 to 1.

This substitute requires the Coordinating Board for Higher Education in consultation with the chief executive officer of the University of Missouri, each state college and each public community college, to promulgate rules and regulations for the transfer and acceptance of academic credits and grades between public institutions of higher education.

The Commissioner of the Department of Higher Education will file an annual report with the General Assembly outlining actions taken by the institutions to insure compliance with this bill.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that two out of three new students at the University of Missouri are transfer students. Some type of uniform numbering or evaluation of courses would be of great assistance to these students.

Testifying for the bill were Representatives Marriott and Proffer; Associated Students of the University of Missouri; Dr. Ray Henry (Community Colleges) of Missouri; and the Commissioner of Higher Education.

OPPOSERS: Those who oppose the bill say the University of Missouri would have trouble with the bill; it would be difficult to determine the quality of coursework that transferring students have taken.

Testifying against the bill was the University of Missouri.

Jack Pierce, Research Analyst

HB 1566 -- OVERTIME COMPENSATION FOR ST. CHARLES COUNTY  
SHERIFFS DEPUTIES

SPONSOR: Barklage

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Fees and Salaries by a vote of 7 to 0.

This bill allows the St. Charles County governing body  
and Sheriff to compensate sheriff's deputies with  
overtime pay or compensatory time for overtime hours.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this is merely permissive  
legislation. Presently there is no provision under  
which St. Charles County can compensate its deputies  
for overtime work. This bill will provide such a  
vehicle.

Testifying for the bill were Representative Barklage,  
the St. Charles County Sheriff and a deputy.

OPPOSERS: There was no opposition voiced to the  
committee.

Bob Wedow, Research Analyst

HB 1337 -- DISASTER PLANNING AND RELIEF

SPONSOR: Driskill

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 7 to 0.

This bill is a comprehensive revision of state law relating to civil defense and disaster planning and relief. The bill includes provisions relating to:

- (1) The governor's responsibility and authority to plan for and respond to a major emergency or disaster;
- (2) The creation of an emergency resources planning committee to formulate plans for disaster planning and relief;
- (3) The establishment of an emergency management agency to develop and execute plans for emergency management and disaster relief;
- (4) The availability of funds for disaster relief;
- (5) The creation of an emergency management organization in each county to execute emergency management functions; and
- (6) The coordination of plans for emergency management and disaster relief at the federal, state, county, and local levels.

FISCAL NOTE: The amount of money needed to fund this program is difficult to estimate because it would depend upon the severity of the disaster and the number of families affected. The funds for any disaster would have to be appropriated on an emergency basis and cannot be foreseen.

PROPOSERS: Supporters say this bill seeks to locate the authority to carry out the governor's orders during an emergency. It also makes it easier to use federal disaster aid. Currently, the state's law relates to such things as nuclear attack. This bill would change the focus to natural and man-made disasters. The bill does not change the Governor's powers; rather, it clarifies the role of state agencies. Supporters point to the threat of a major earthquake along the New Madrid fault as an example of why this bill is needed.

Testifying for the bill were Representative Driskill and the State Emergency Management Agency.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst



HB 1420 -- DEFINITION OF "HANDICAP"

CO-SPONSORS: Shear, Barry

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 6 to 0.

This bill defines "handicap" and "handicapped" as used throughout the Revised Statutes.

PROPOSERS: Supporters say that this bill is needed to establish consistency in the definition of handicap. It is consistent with the federal definition.

Testifying for the bill were Representative Shear, Missouri State Coalition of Community Mental Health Centers, Missouri Advocacy Services Department of Mental Health, and the Governor's Committee on the Employment of the Handicapped.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HB 1496 -- LICENSING OF RESPIRATORY THERAPISTS

SPONSOR: Crump (84)

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 6 to 2.

This bill allows the State Board of Registration for the Healing Arts to issue certificates of registration to respiratory therapists. The board would require respiratory therapists to successfully complete an accredited training program and an examination. Procedures are established for renewal and revocation of certificates of registration and for the respiratory therapy registration fund. Respiratory therapists practicing without a certificate of registration would be guilty of a class C misdemeanor.

FISCAL NOTE: Would increase Respiratory Therapy Registration Fund by \$2,313 in FY 85, \$4,789 in FY 86, and \$11,104 in FY 87.

PROPOSERS: Supporters say this bill is necessary to ensure that the public receives proper respiratory therapy. There is an increasing use of respiratory therapists in patients' homes, where they cannot be properly supervised. By licensing respiratory therapists, the public can be assured of receiving proper care both in the home and in the hospital. Improperly trained respiratory therapists can lengthen hospital stays. Increasingly sophisticated therapy equipment and techniques require skilled therapists. Professional licensing will thus help contain health care costs and protect the public from unqualified practitioners.

Testifying for the bill were Representative Crump (84), Missouri Society for Respiratory Therapy, and Darretta Baker, Mike Pruitt, and Dee Moriarity for themselves.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1392 -- COMMUNITY ACTION AGENCIES

SPONSOR: Goward

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 7 to 0.

This bill requires each community action agency to appoint a board of directors. The membership of such boards shall include elected public officials, representatives of those being served by the agency, and spokesmen for community interest and business concerns.

This bill also requires that federal community service block grant money be allocated to community action agencies on the basis of an agency's poverty population relative to the poverty population of the state.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill recognizes community action agencies in the statutes. No state money is involved; the bill only regulates the allocation of federal community service block grants. These community action agencies provide services for the poor whose needs are not met by existing governmental programs.

Testifying for the bill were Representative Goward, and the Missouri Association for Community Action.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HCS HB 1200 -- CRIMINAL TRACKING SYSTEM

SPONSOR: Fowler (80th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Correctional Institutions by a vote of 8 to 0.

This substitute requires all persons prior to release from the Division of Adult Institutions to complete a registration form indicating their intended address upon release, employer, parent's address, and any other information that may be required. Such persons must also submit to photographs, fingerprints, hair samples, and other identification indicia. This information will be compiled in triplicate. One set will be retained by the Division of Adult Institutions, one set for the Board of Probation and Parole, and one set for the chief law enforcement official of the county of intended residence. A person will be required to report to the probation and parole district office for the area of his residence within 72 hours after release. He will have an interview with the assigned parole representative and reveal his address. He will have to report to the probation and parole board each change of address and register with the chief law enforcement official of the new county of residence within seven days. Failure to register with the law enforcement official upon a change of residence will be grounds for revocation of parole.

PROPOSERS: Supporters say there is an increasing number of parolees committing crimes. This legislation will provide a way to keep track of where these people are located.

Testifying for the bill were Representative Graham; and Missouri Prosecutors Association.

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OPPONENTS: There was no opposition voiced to the committee.

— Robert Triplett, Research Analyst

HB 1147 HCAs 1, 2 -- MISSOURI EQUAL OPPORTUNITY IN  
EDUCATION ACT

SPONSOR: Morgan

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Human Rights and Resources by a vote of 8 to 0.

This bill declares that it shall be an unfair and  
discriminatory practice for any educational institution  
to discriminate on the basis of sex in any program or  
activity offered by such institution. The bill  
requires governing boards of schools, colleges and  
universities to issue rules and regulations necessary  
to carry out the provisions of this act. The  
Department of Elementary and Secondary Education shall  
provide technical assistance in the development of  
rules. The bill provides a procedure for filing a  
grievance and for disposition of complaints.

HCA 1 - makes it clear that the act does not prohibit  
the operation of single sex schools.

HCA 2 - clarifies the definition of "educational  
institution" regarding funding.

FISCAL NOTE: Would decrease General Revenue by \$48,924  
in FY 85, \$6,480 in FY 86, and \$6,998 in FY 87.

PROponents: Supporters say that this bill is needed to  
carry on the policies of Title IX at the state level.  
This bill basically would enact Title IX into state  
law. It makes a statement that equal opportunity in  
education is the policy of the state of Missouri.

Testifying for the bill were Representative Morgan,  
Independent Colleges and Universities, and the Missouri  
National Education Association.

OPPONENTS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst



HB 923, HCA 1 -- PROHIBITED ACTS RELATING TO JAILS AND JAILERS

SPONSOR: Humphreys

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 12 to 0.

This bill prohibits persons from delivering, possessing, depositing or concealing controlled substances, weapons or any item inmates are forbidden to have in any jail or correctional institution. Violations range from class C felonies to class A misdemeanors depending on the item involved.

HCA 1 - clarifies that this section applies to local jails, both city and county.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that an identical statute covers contraband in state institutions. This bill would extend the prohibition to city and county facilities. Present law does not prohibit visitors from bringing contraband into a jail. Most items of contraband are illegal anyway so this bill is basically an enhancement provision for occurrences in jails.

Testifying for the bill were Representatives Humphreys and Fowler; Missouri Prosecutor's Association; Missouri Sheriff's Association; and Department of Public Safety.

OPPONENTS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HB 1347 -- PERSONS ENTITLED TO BE EXCUSED FROM JURY SERVICE

SPONSOR: Beard

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 8 to 0.

This bill removes the automatic exclusions from jury duty for persons over 65, women, certain medical practitioners, clergymen, professors or teachers and government employees.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that in most areas of the state there is a problem getting juries. There are too many automatic exemptions. Persons called for jury duty should not be automatically exempted. It would not be a burden for persons called for jury duty to appear and then request discharge if serving would be a hardship.

Testifying for the bill was Representative Beard.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HCS HBs 972 and 1076 -- AGRICULTURAL AIRCRAFT OPERATIONS

SPONSOR: Dunning

COMMITTEE ACTION: Voted "do pass" by the Committee on Agri-Business by a vote of 18 to 0.

The bill allows persons engaged in crop dusting, spraying or seeding to use non-primary roadways as runways for refueling or resupplying their aircraft if sod or dirt landing strips are unsafe due to weather conditions. The person seeking such permit must affirm that weather conditions would cause him to fly more than ten miles to an established airport for resupply or refuel.

Provisions for safety and for issue of permits are established. Any person receiving such a permit shall assume full responsibility for any damages created due to the operation.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to allow agricultural producers to maintain proper pest control when weather conditions prohibit use of sod runways for crop dusting operations.

Testifying for the bill were Representatives Dunning and Driskill; Missouri Farm Bureau; and Mid-Continent Farmers Association.

OPPOSERS: Those who oppose the bill say its provisions are too broad.

Testifying against the bill was the Missouri Highway and Transportation Department.

Andy Arnold, Research Analyst

HB 1331 -- DRUGS AND CONTROLLED SUBSTANCES

SPONSOR: Jacob

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 10 to 1.

This bill establishes an additional alternative in sentencing for a violation of the Controlled Substances Act. The bill provides that a court shall require the offender to attend a drug education program in addition to or in lieu of any other punishment. Failure to complete the program constitutes contempt of court. The offender may be required to pay a fee to cover the costs of his attendance.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that this bill gives courts an alternative sentencing device for first offenses relating to possession of small amounts of marijuana and hashish. In the case of first offenders, especially young offenders, prison or jail may be an inappropriate punishment. However, probation is not enough to help them keep from getting in trouble again. The young offender needs help to prevent future drug use and abuse. The bill does not require the court to order counselling, but only gives another option besides imprisonment.

Testifying for the bill were Representative Jacob; Division of Alcohol and Drug Abuse of the Department of Mental Health.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HB 1360, HCA 1 -- SALE OF FINE ART PRINTS

CO-SPONSORS: Donovan, Banton

COMMITTEE ACTION: Voted "do pass" by the Committee on Consumer Protection by a vote of 14 to 0.

This bill requires the disclosure of certain information at certain sales of fine art objects produced in more than one copy, and offered or sold for more than \$100. The information includes such things as the artist's name, whether the copy was signed by the artist, and the duplication process. Sales in violation of this law will entitle the buyer to triple damages.

The bill contains an effective date of January 1, 1985.

HCA 1 - makes corrective changes.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to help protect art buyers against forgeries or worthless prints. Many people are beginning to buy art objects for investment purposes. Such things as fine art "multiples" - which are multiples produced from a model or pattern created by the artist - can be quite valuable. Mechanically manufactured prints usually are not. The difference between them is often hard to detect. This bill would require enough information to accompany an art object to warrant its history to a buyer.

Testifying for the bill were Representatives Donovan and Banton and the Columbia Art League.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HB 1614 -- BOARD OF PROBATION AND PAROLE

SPONSOR: Webster

COMMITTEE ACTION: Voted "do pass" by the Committee on Correctional Institutions by a vote of 7 to 0.

This bill requires the board of probation and parole to notify the victim of the crime when the person convicted of the crime is released on parole.

FISCAL NOTE: There will be a fiscal impact resulting from this legislation, however, because of the changing characteristics of the inmate population, an impact statement would be a conjecture at this time.

PROponents: Supporters say a victim of a crime may not know the person convicted of the crime is released until they see them on the street. Supporters believe it is common courtesy to notify the victim of his assailant's release.

Testifying for the bill was Representative Webster.

OPponents: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1436, HCA 1 -- AGE REQUIREMENT FOR STARTING SCHOOL

CO-SPONSORS: Flotron and Whitehall

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 24 to 3.

This bill changes the cut-off date for birth dates for children entering public school. The current law requires a child to have had his sixth birthday before the first day of October after the first day of a school term. This bill will change this date to the first day of July before the first day of a school term.

HCA 1 - rolls back the beginning school age by one month for three years.

FISCAL NOTE: May result in some slight decrease in first year enrollment due to greater age requirement, and state aid distribution and local funding may be affected accordingly, but no estimate can be projected.

PROPOSERS: Supporters say many children especially boys fail in school because of a lack of maturity and readiness. Moving the age date back to July 1 will mean children are older when they start school and will increase their chances of success.

Testifying for the bill were Representatives Flotron and Whitehall, Francis Macy, teacher; Janet Barkley, teacher; Michael Cerutti, Principal; all of St. Louis.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1207 -- COLLEGE AND UNIVERSITY BOARDS

SPONSOR: Holden

COMMITTEE ACTION: Voted "do pass" by the Committee on Higher Education by a vote of 6 to 4.

This bill requires each state college and the University of Missouri to establish a committee for board nominations. Each committee will be composed of three faculty members selected by the faculty, three students selected by the students, and six community residents appointed by the governor. Whenever a vacancy occurs on the board of a college or the university, the committee for that institution will prepare a list of nominees for the vacancy. The governor is required to select from that list in making his appointment to the board.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that the bill would give the public the opportunity to have a voice in the selection of college board members.

Testifying for the bill were Representative Holden, Secretary of the Faculty, Southwest Missouri State University; President of the Student Body, Southwest Missouri State University; and the Student Association of Southwest Missouri State University.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst



HCS HB 1201 -- MERIT SYSTEM PREFERENCE FOR THE DISABLED

SPONSOR: Nilges

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 7 to 0, 1 present.

This substitute provides for a ten point bonus to be added to the score of a disabled person on the state Merit System examination.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill will give a disabled person the same bonus given to disabled veterans. This is fair since the person may have been disabled either after service or during peacetime and would therefore not be considered a "disabled veteran," or the person may not have been able to serve due to the disability. Also, regarding this last mentioned group of disabled, the bill provides for a doctor's certificate as proof of disability.

Testifying for the bill were Representative Backer and Employment for the Handicapped.

OPponents: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HB 1146 -- DISCRIMINATION IN INSURANCE COVERAGE

SPONSOR: Shear

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 6 to 0.

This bill prohibits discrimination on the basis of sex or marital status in any terms or conditions of insurance contracts and in the underwriting criteria of insurance carriers. Prohibited practices include: denying policies to females employed at home, part-time or by a relative when such coverage is offered to males; denying coverage to husbands of employees when coverage is available to wives of employees; and offering lower maximum monthly benefits to women under disability contracts than to men.

The act will apply to contracts delivered or issued in this state by an insurer on or after the effective date of this act, and to all existing group contracts which are amended on or after the effective date of this act.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say that this bill gives equal opportunity and availability of insurance coverage to women statutory legitimacy. Many companies already follow policy guidelines requiring this. However, there are still insurers in the market who base insurance offered to women on traditional female roles. This places limits on the type and amount of insurance a woman may obtain. The bill would give the Division of Insurance the authority to oversee the equal opportunity requirement and to check on the consistency of insurance offered.

Testifying for the bill were Representative Shear, Businessmen's Assurance, and the Division of Insurance.

OPPONENTS: Those who oppose the bill say that in the present market an insurer should be able to choose when to offer certain coverage. State law should not force the offering of coverage. It is not a question of money or discrimination. It is a question of a company being able to choose with whom it does business.

Testifying against the bill was the American Insurance Association.

Kathryn Ruckman, Research Analyst

HB 1498 -- MUTUAL INSURANCE COMPANIES

SPONSOR: McNeill

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance by a vote of 12 to 0.

This bill is a comprehensive revision of chapter 390 of the Revised Statutes, which relates to the regulation of county, town and farmer's mutual property insurance companies. The bill classifies these three types of companies as Missouri Mutual Insurance Companies and it provides that only those companies possessing a certificate of incorporation prior to January 1, 1985, shall operate under this revised law, provided they file a statement of registration with the Division of Insurance within ninety days of the bill's effective date. Failure to so file will result in a revocation of the company's charter.

Missouri Mutual Insurance Companies shall have the powers and duties of not-for-profit corporations, as defined in chapter 355, except where that chapter is inconsistent with this bill. They shall have the power to insure members on a wide variety of property losses except losses relating to motor vehicles or in connection with specific loan or credit transactions. If crop insurance is to be provided, a \$300,000 reserve fund plus reinsurance will have to be maintained.

The bill includes provisions for the election of directors; the filing of an annual financial statement; and the institution of proceedings for the enjoining, winding up, and liquidation and dissolution of a company organized under sections 380.011 to 380.151. The bill also contains provisions for the calculation and payment of membership fees, premiums, and assessments. Companies organized under these sections may unite and incorporate into one corporate body with

or without dissolution or division of funds of either company.

The bill also provides for the mutuals to operate as for-profit companies. Such mutuals could insure insurance in a greater number of areas, including automobile insurance. Such mutuals would be subject to a quarterly tax of 19% per annum on direct premiums and assessments over \$1 million, and 2% for amounts in excess of \$5 million.

The bill contains an effective date of January 1, 1985.

FISCAL NOTE: Would net increase General Revenue by \$336,161 in FY 85, \$659,718 in FY 86, & \$659,082 in FY 87.

PROPOSERS: Supporters say this bill is intended to clarify the law on mutual insurance companies.

Testifying for the bill were Representative McNeill; Division of Insurance; and Missouri Association of General Insurance Companies.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HB 1081 -- MOTORCYCLE HELMETS

SPONSOR: Beard

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 5 to 3.

This bill repeals the requirement that all persons operating or riding a motorcycle wear a helmet but continues the requirement for persons under the age of eighteen.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say there is no significant difference in fatality rates between states which have and states which do not have helmet laws. The state should not protect people from themselves. People who ride motorcycles should have the freedom to choose whether to wear a helmet.

Testifying for the bill were Representative Beard; and Freedom of Road Riders Association.

OPponents: Those who oppose the bill say there is evidence that indicates helmets do reduce head injuries and do save lives. Head injuries to unhelmeted motorcyclists are more serious, require longer hospitalization, and more extensive medical treatment. The bill will increase insurance rates.

Testifying against the bill was Missouri Safety Council.

Robert Triplett, Research Analyst

HB 1122 -- SEWAGE DISPOSAL

CO-SPONSORS: Findley, Driskill

COMMITTEE ACTION: Voted "do pass" by the Committee on Public Health and Safety by a vote of 7 to 1, 1 present.

This bill allows the Division of Health to establish an on-site sewage disposal rule which will include minimum standards for the design, construction, materials, operations, and maintenance of on-site sewage disposal systems.

The Division of Health is given the power to enforce such regulations and to inspect on-site sewage disposal systems. Local ordinances which meet or exceed state sewage disposal regulations shall not be affected by this bill. In the event of an emergency endangering the public health, the Division of Health may obtain a temporary injunction through the courts.

Any rule adopted pursuant to this bill shall expire thirty months after its effective date unless approved by concurrent resolution and the governor.

FISCAL NOTE: Would decrease General Revenue by \$71,074 in FY 85, \$89,517 in FY 86, and \$93,993 in FY 87.

PROPONENTS: Supporters say this bill is necessary to effectively control sewage disposal problems in rural areas. Currently, the Division of Health can only respond to existing health hazards; this bill will allow the Division to prevent health hazards from developing. Unsanitary disposal of sewage is not controlled in many counties, and many residents have asked the Division of Health to intervene in cases where improper sewage disposal is causing property damage and health problems.

Testifying for the bill were Representative Findley,  
and the Division of Health.

OPPONENTS: There was no opposition voiced to the  
committee.

Daniel Landon, Research Analyst



HB 1600 -- ELIGIBILITY FOR PUBLIC ASSISTANCE

SPONSOR: Goward

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 5 to 0.

Current law states that life insurance policies and funeral or burial contracts of \$2000 or less shall not affect eligibility for public assistance. This bill reduces the limit on such policies to \$1500 or less. The entire value of a policy or group of policies paying more than \$1500 can be considered as property or resources in determining eligibility for public assistance.

FISCAL NOTE: Net savings to General Revenue of \$331,274 in FY 85, \$347,837 in FY 86, & \$365,230 in FY 87.

PROPOSERS: Supporters say that Missouri does not comply with federal regulations regarding eligibility for public assistance. Unless the state revises these statutes, the state's federal Medicaid grants can be expected to decrease significantly. The state's \$2000 exemption for life insurance policies or burial contracts needs to be lowered to the federal limit of \$1500 and the total value of policies worth more than \$1500 needs to be considered in determining eligibility for public assistance. This bill will not harm the ability of the public assistance recipient to provide for a decent burial. Current law allows public assistance recipients to purchase irrevocable burial contracts. The value of such irrevocable contracts is counted against the \$1500 exemption but under current regulations cannot be considered as an available resource in determining eligibility for public assistance.

Testifying for the bill were Representative Goward and  
Division of Family Services.

OPPONENTS: There was no opposition voiced to the  
committee.

Daniel Landon, Research Analyst

HB 1145 -- DISCRIMINATION IN HOUSING

SPONSOR: Shear

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 8 to 0.

This bill prohibits municipalities from passing zoning ordinances discriminating against persons on the basis of race, creed, color, religion, national origin, ancestry, sex or handicap in offering residential facilities or opportunities.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that some municipalities have zoning ordinances that prohibit the location of group homes for the mentally retarded/developmentally disabled. The whole idea behind such homes is that these people feel a part of the community. A study of communities having group homes shows that there were very few complaints. Concerns that there would be more traffic, reduced property values and lack of upkeep have not been proven out once the homes were in operation. However, the problem is with restrictive ordinances that prevent the opportunity to establish a home.

Testifying for the bill were Representative Shear, Missouri Advocacy Services, and the Department of Mental Health.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

HB 1117, HCA 1 -- EMPLOYMENT SECURITY

SPONSOR: Crump (84th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Employment Security and Fair Practice by a vote of 10 to 0.

This bill excludes from the definition of employment those services performed by an individual for a person as a licensed real estate salesman or a licensed real estate broker if substantially all the remuneration for the services performed is directly related to sales or other output rather than to the actual number of hours worked. If the services are performed as the result of a written contract which states that the individual performing the services will not be treated as an employee for federal tax purposes, the services will also be excluded.

Services performed for remuneration will be considered employment unless the service is stated in the bill not to be employment.

Services performed after March 31, 1982 by participants in programs authorized and funded by the Comprehensive Employment and Training Act will not be considered employment except in programs which the Comprehensive Training and Employment Act requires to have unemployment insurance coverage.

HCA 1 - excludes from employment security benefits the direct seller who solicits in other than a permanent, fixed retail establishment when eighty percent of the remuneration for his services performed is directly related to sales performed.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that this legislation is necessary to conform with requirements in the federal unemployment security law.

Testifying for the bill were Representative Crump (84), and Missouri Association of Realtors.

OPPOSERS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

SB 516, HCA 1 -- MISSOURI PLANT LAW

SPONSOR: Tinnin

COMMITTEE ACTION: Voted "do pass" by the Committee on Agriculture by a vote of 18 to 0.

This bill revises the Missouri Plant Law as it relates to the duties of the State Entomologist and the rules and regulations promulgated to enforce the law.

The bill also allows the Department of Agriculture to collect a fee for such enforcement to defray cost.

HCA 1 - adds standard rules language.

PROPOSERS: Supporters say this bill is needed to give the Division of Plant Industries the authority to inspect incoming and outgoing plant materials to prevent the transmission of insects and disease.

Testifying for the bill were Senator Tinnin; Department of Agriculture; and the Central Plant Board.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

SB 424 -- DISPOSITION OF THE PROCEEDS OF A CLAIM OF A  
MINOR

SPONSOR: Bild

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Civil and Criminal Justice by a vote of 9 to 0.

This bill empowers the court to order the transfer of  
the proceeds of the claim of a minor from the next  
friend or guardian ad litem to the minor, or the  
parents of the minor, whenever the proceeds are in an  
amount equal to or less than ten thousand dollars,  
exclusive of attorney fees and expenses. Proceeds in  
excess of ten thousand dollars shall be transferred by  
court order to a duly appointed and qualified  
conservator of the minor.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to  
correct an inconsistency in the law relating to  
guardians disposing of a minor's property. The  
guardianship revision passed last year raised the  
proceed limit from \$5000 to \$10,000 but failed to do so  
in this section.

Testifying for the bill were Senator Melton; Missouri  
Bar Association; and the Missouri Association of Trial  
Attorneys.

OPPOSERS: There was no opposition voiced to the  
committee.

Kathryn Ruckman, Research Analyst

SB 613 -- CERTAIN TAX ASSESSMENT NOTES

SPONSOR: Snowden

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 12 to 0.

This bill provides that any city authorized to make assessments and issue special tax bills for street, sewer and sidewalk improvements can issue "assessment notes" secured by the special tax bills. The general taxing power of the city cannot be pledged to pay the assessment notes.

FISCAL NOTE: This legislation has no fiscal impact on state or county funds. Cost to any city issuing the notes would be insignificant.

PROPOSERS: Supporters say the bill establishes a new method of financing local improvements (sidewalks, streets and sewers). The bill would permit cities to market tax assessment notes. These notes are not marketable at the present time.

Testifying for the bill were Senator Snowden, Kansas City mayor's office, St. Louis mayor's office, Stern Brothers Investment Bankers and the Missouri Home Builders Association.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst



SB 574 -- RECODIFICATION OF VITAL STATISTICS AND RECORDS LAWS

CO-SPONSORS: Panethiere, Lybyer, Dyer, Murphy, Smith

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 10 to 0.

This bill revises the entire chapter of the Revised Statutes dealing with vital statistics. It provides more detailed provisions on such topics as birth certificates, adoption records, death certificates, records relating to "spontaneous fetal death," amendment of records, certification of records and unlawful use of official records.

The bill affects some filing fees and deadlines. Fees for marriage licenses, for dissolutions and annulments, and for compensating local registrars for birth, death, and spontaneous fetal death certificates are set at \$2.00. Revised filing deadlines include: birth certificates - from "within a time prescribed by the division" to "within seven days;" certificates for a child of unknown origin - from "immediately" to "within seven days;" and death certificates - from "within three days" to "within five days."

The bill requires persons in charge of institutions to keep records of births, deaths, and spontaneous fetal deaths that occur there. Records would include the names and addresses of persons providing information. Those who remove, transport or finally dispose of dead bodies would have to keep and maintain records for at least five years and make them available to the state registrar upon demand. The bill would allow movement of dead bodies without obtaining transit permits from local registrars.

In addition to other technical changes, the bill revises penalties for offenses associated with vital records. A person would be guilty of a class D felony if he: makes a false statement on a record; counterfeits or alters a record with the intent to deceive or without legal authority; is a Division of Health employee who furnishes or processes a record knowing it will be used for deception; or possesses the record without lawful authority. If a person refuses to provide required information or if he knowingly neglects, violates, or refuses to perform his duties, he would be guilty of a class A misdemeanor.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill updates, clarifies and cleans up the state's Vital Statistics law. The bill is patterned on a model law written by the State Council of Governments to conform with commonly accepted national procedures. The bill also provides less cumbersome procedure for handling situations which currently require a burial permit.

Testifying for the bill were Senator Panethiere; the State Registrar of Vital Records; and the Missouri Funeral Directors Association.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

SB 435, HCA 1 -- PLANNING AND ZONING

CO-SPONSORS: Snowden, Scott (Benson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Organization by a vote of 4 to 2.

This bill revises some of the procedures to be followed by local planning and zoning authorities in first class charter and non-charter, second and third class counties.

In the event there are proposed amendments to regulations on planning and zoning, a written protest may be filed by owners of thirty percent of the frontage within one thousand feet right or left of the frontage or by owners of thirty percent of the frontage directly opposite or directly in the rear of the frontage to be altered. Two-thirds of all members (presently all members) of a county governing body must approve any amendments of the regulations.

Notice of the adoption of a zoning plan or regulation adopted for the plan must be given in at least one newspaper with general circulation in the county. At the present time, notice must be sent by registered mail, to the owners of real property located within one thousand feet of the proposed change.

HCA 1 - allows the use of first class mail for giving notice of adoption of a zoning plan or regulation.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say under current regulations there is no uniformity and fewer citizens can afford single dwelling housing. This bill would bring about statewide uniformity.

Testifying for the bill were Senator Snowden; Representative Schwaneke; Home Builders Association; Legislative Steering Committee of the Affordable Housing Conference; and Jim Trimbull.

OPPONENTS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

SB 411 -- CONTINUING EDUCATION FOR CERTIFIED PUBLIC ACCOUNTANTS

SPONSOR: Webster

COMMITTEE ACTION: Voted "do pass" by the Committee on License and Related Matters by a vote of 9 to 0.

This bill gives the State Board of Accountancy the authority to prescribe continuing education requirements for certified public accountants. Three years after the effective date of board requirements establishing continuing education requirements, annual renewal of permits for certified public accountants would depend on satisfaction of these requirements. Maximum continuing education requirements cannot exceed 120 hours in three years or 40 hours in any one year. The board could also appoint a Continuing Education Committee to evaluate continuing education programs and to consider the applications for exception of accountants who find such requirements a hardship.

FISCAL NOTE: Would decrease State Board of Accountancy Fund by \$22,673 in FY 85, \$27,064 in FY 86, & \$29,149 in FY 87.

PROPOSERS: Supporters say continuing education is necessary for accountants to keep abreast of new developments and techniques. Reciprocity with other states licensing boards may be jeopardized by failure to approve this legislation.

Testifying for the bill was Senator Webster.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SB 543 -- EXPIRATION DATE FOR KANSAS CITY  
TRANSPORTATION SALES TAX

SPONSOR: Panethiere

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Urban Affairs by a vote of 5 to 0.

This bill corrects a technical error in an amendment to  
SB 25 of the First Regular Session of the 82nd General  
Assembly. Section 92.421 provides for an expiration  
date of the Kansas City transportation sales taxes.  
The amendment incorrectly cited the preceding section  
numbers. The expiration date of the sales tax is  
December 31, 1985.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the mistake made needs to be  
corrected.

Testifying for the bill was Senator Panethiere.

OPPOSERS: There was no opposition voiced to the  
committee.

Karla Frye Pleasant, Research Analyst

SB 479 -- REDEFINITION OF THE MISSOURI STATE COORDINATE SYSTEM

CO-SPONSORS: Lybyer, Dyer, Russell (McBride)

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Parks, Recreation, and Natural Resources by a vote of 16 to 0.

This bill replaces the Missouri Coordinate System of 1927 with the Missouri Coordinante System of 1983 which is based on the revised system of plane coordinates for North America established by the National Ocean Survey/National Geodetic Survey. This updated version will be the sole system used in the state after July, 1990.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the new system of plane coordinates based on new satellite data will be more accurate and will conform to the national system.

Testifying for the bill were Senator Lybyer and the Department of Natural Resources' Geologic Survey Program.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

SB 656 -- ASSIGNMENT OF CERTIFICATE OF OWNERSHIP

SPONSOR: Melton

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Motor Vehicle and Traffic Regulations by a vote of 8 to 0.

This bill requires that each certificate of ownership of a motor vehicle or trailer issued by the Department of Revenue contain space for four assignments. For all certificates containing less than four assignment spaces, the director will prescribe a secure document for use in making a fourth assignment by a dealer. A copy of each such document will be included with a dealer's monthly report.

This bill has an emergency clause.

FISCAL NOTE: Would decrease State Highway Department Fund by \$16,800 in FY 85, \$4,500 in FY 86, & \$4,500 in FY 87.

PROPOSERS: Supporters say one more assignment will be a big help to dealers and the industry. Several of the states bordering Missouri allow four assignments.

Testifying for the bill were Senator Melton and Missouri Auto Dealers Association.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst



SRB 648 -- SALVAGE CERTIFICATE OF TITLE

SPONSOR: Webster

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Motor Vehicle and Traffic Regulation by a vote of 8 to 0.

This bill provides that a licensed salvage dealer may negotiate one reassignment of a salvage certificate of title.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the present position of the Department of Revenue, results in considerable delays in dealers selling vehicles because of the extra time that the Department of Revenue requires to process title applications. This bill clarifies the statutes and corrects the present problem.

Testifying for the bill were Senator Webster; Keith Decker, individual; Stanlin Auto Salvage, Tebbetts; Sorrel Auto Salvage, Columbia; and Missouri Auto and Truck Recycler, Inc.

OPponents: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

SB 622 -- LICENSING OF MOTOR CARRIERS

SPONSOR: Dyer

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Motor Vehicle and Traffic Regulations by a vote of 7 to 0.

This bill allows the Public Service Commission to issue an annual license to motor carriers after October first each year. Presently the law requires plates to be issued after December first.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say many other states have this earlier date. Many out of state truckers would like to be able to license their vehicles in Missouri the same time they do in other states. This will also give these companies more time to get these trucks in and attach the sticker, especially those who operate nationwide. This will allow the PSC to license earlier and spread out the work load that is generated in the peak month of December.

Testifying for the bill were Senator Dyer; and Missouri Bus and Truck Association.

OPponents: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

SRB 670 -- SAVING AND LOAN ASSOCIATION

SPONSOR: Webster

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Banks and Financial Institutions by a vote of 20 to 0.

This revision bill corrects statute reference errors in the title and enacting clause of House Bill 570 passed in the First Regular Session of the 82nd General Assembly.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that both the title and the enacting clause of HB 570 passed last session referenced section 369.354, RSMo 1978, rather than section 369.354, RSMo Supp. 1982. This bill corrects that error.

Testifying for the bill was Senator Webster.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SB 580 -- RELATING TO LIMITING LANDOWNERS' LIABILITY

SPONSOR: Tinnin

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Agriculture by a vote of 18 to 0.

This bill makes a technical change in the language of the statutes as they relate to limits on landowners' liability. The change is to change the phrase "gross negligence" to "grossly negligent".

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill clarifies that a landowner is only liable for malicious or grossly negligent failure to warn against a hazardous condition.

Testifying for the bill were Senator Tinnin; Department of Conservation; Farm Bureau Federation; and the Conservation Federation.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

SCS SJR 17, HCA 1 -- CREATES A STATE DEPARTMENT OF ECONOMIC DEVELOPMENT

SPONSOR: Merrell (Barnes 50)

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 10 to 0, 1 present.

This constitutional amendment, if approved by the voters, will establish a Department of Economic Development which will administer programs relating to the economy, economic development, trade, business and other activities affecting the state's economy. The amendment will also transfer the powers and duties of the Department of Consumer Affairs, Regulation and Licensing to the new department.

HCA 1 - changes the name of the proposed department from the State Department of Economic Development to the State Department of Commerce and Economic Development. The amendment also transfers the Division of Human Rights to the Department of Commerce and Economic Development.

FISCAL NOTE: Publication costs to the Secretary of State for this amendment are \$16,320 from General Revenue for FY 1985.

PROPOSERS: Supporters say the restructuring and renaming of the Department of Consumer Affairs, Regulation and Licensing will help attract new business to the state.

Testifying for the bill were Senator Merrell, Missouri Chamber of Commerce and the Department of Consumer Affairs, Regulation and Licensing.

OPPOSERS: There was no opposition voiced to the committee.

SB 464, HCA 1 -- SERVICES FOR HANDICAPPED, DEAF AND HEARING IMPAIRED PERSONS

SPONSOR: Mathewson

COMMITTEE ACTION: Voted "do pass" by the Committee on Human Rights and Resources by a vote of 6 to 0.

The bill makes state merit system procedures more accessible to handicapped persons and provides the services of qualified interpreters to deaf persons involved in arrests or in judicial proceedings.

The bill requires that all merit system examinations be held in locations accessible to handicapped persons or, if such locations are not regularly available, that arrangements be made for special examinations in accessible facilities. To ensure competitive equality for the hearing impaired, the bill permits those persons to ask the Director of the Division of Personnel for certified interpreters and, when necessary, a place to take the merit exam.

The bill extends the term of the chairman of the Governor's Committee on Employment for the Handicapped from two years to four years and eliminates language relating to his reappointment.

Other provisions make the services of a qualified interpreter available to any deaf person immediately upon involuntary detention or arrest and before any attempts are made to secure information from the detained or arrested person. Statements obtained from a deaf person before an interpreter's services are provided would be deemed inadmissible as evidence.

Whenever a deaf person may appear as a party or a witness in a judicial proceeding, or whenever the testimony of that deaf person may be introduced into

the official record of the proceeding, if the deaf person makes a timely request for an interpreter's services, such services shall be provided regardless of that deaf person's financial condition. These provisions shall not apply to municipal court proceedings after August 13, 1986.

In any proceeding in which a deaf person may be subject to confinement or criminal sanction or in any proceeding preliminary thereto, the presiding judicial officer shall appoint a qualified interpreter to assist the deaf person throughout the proceedings.

All communications between a deaf person and his interpreter shall be protected as privileged communications in the same manner as communications between an attorney and his client.

The bill provides that a deaf person may not waive his right to an interpreter's services unless he has been given a reasonable opportunity to confer privately with a qualified and impartial interpreter. No waiver of the right to an interpreter's services by a deaf person shall be valid unless that deaf person knowingly and voluntarily signs a written waiver.

An interpreter appointed under the provisions of this bill will be allowed a reasonable fee and necessary travel expenses by the judicial or administrative body by whom he is appointed, which shall be paid from the treasury of the political subdivision by which authority he is appointed.

HCA 1 - makes a technical change in the definitions section to clarify to what section the definitions apply.

FISCAL NOTE: Would decrease General Revenue by \$850 in FY 85, \$892 in FY 96, & \$ 937 in FY 87.

PROPOSERS: Supporters say that it is absolutely necessary that hearing impaired and deaf persons have interpreters when they are in a court or police situation. It cannot be assumed that all deaf persons read lips. Denial of an interpreter is denial of the opportunity to protect rights that hearing persons have. Providing an interpreter is no more than giving the person his due process rights guaranteed by both the United States and Missouri Constitutions, specifically the opportunity to know the charges against him and to participate in his own case.

Testifying for the bill were Senator Mathewson; Commissioner Deborah Phillips, Office of the Disabled, St. Louis, Missouri; Nancy Dougherty, Interpreter; and Governor's Committee on Employment for the Handicapped.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst



SB 619 -- RELATING TO LIQUOR

SPONSOR: Scott

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 17 to 0.

The bill changes the penalties relating to manufacturers, brewers and distillers of liquor and nonintoxicating beer. Those manufacturers, brewers, and distillers convicted under the laws of this state for a violation of liquor control laws, would be fined as follows: \$10,000 for the first offense; \$25,000 for the second offense; and \$50,000 for the third and subsequent offenses.

FISCAL NOTE: This legislation cannot be estimated at this time.

PROponents: Supporters say this bill is needed to protect manufacturers of liquor products. Under the present law, a minor violation by any of the subsidiaries holding a license and doing business with the manufacturer could cause the complete shutdown of the manufacturer's operation, and cause undue hardship upon the employees of the firm.

Testifying for the bill were Senator Scott and Anheuser-Busch.

OPponents: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

SB 478 -- LICENSURE OF PHARMACISTS

SPONSOR: Lybyer

COMMITTEE ACTION: Voted "do pass" by the Committee on License and Related Matters by a vote of 9 to 0.

This bill requires a pharmacist to have ten hours of approved continuing education in order to renew his license.

The bill has an effective date of July 1, 1985.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say new developments in the area of pharmacy necessitate continuing education.

Testifying for the bill were Senator Lybyer; Association of Hospital Pharmacists; and State Pharmacy Board.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SB 419 -- RELATING TO SHERIFFS

CO-SPONSORS: Merrell, Dennis (Fazzino)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 16 to 0.

The bill removes the expiration date of January 1, 1985, for uniform allowances and mileage allowances for county sheriffs and full-time deputy sheriffs.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this is permissive legislation and that the counties should be able to compensate the sheriffs and deputy sheriffs for uniforms and mileage.

Testifying for the bill were Senator Merrell and the Missouri Sheriffs Association.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst

HCS SB 602 -- RELATING TO TRIALS AND PROCEDURES

SPONSOR: McCaskill (Caskey)

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 11 to 7.

The substitute eliminates appeals from a decision of an associate circuit judge by trial de novo in criminal cases but retains such appeals in civil cases.

The substitute replaces the present "speedy trial" statute with a statute to allow the court to set a case for a trial as quickly as reasonably possible after the defendant has announced that he is ready for trial and files a request for a speedy trial.

The substitute provides that two or more defendants may be charged in the same information or indictment if they are alleged to have participated in the same act, or in the same series of acts constituting the transaction. If there is substantial prejudice to the state or defendant, the court may grant a severance. Present law gives a defendant the right to obtain a severance. The bill permits separate trials to be requested in misdemeanor trials, as well as felonies. The state as well as the defendant is empowered to request a separate trial or to request that defendants charged separately be tried together. "Substantial prejudice" is defined by the statute.

The bill has an emergency clause for Section 545.780.

FISCAL NOTE: It is estimated that an additional 15,000 to 16,000 trials and pleas would have to be recorded annually and this would require an increase of 3.5 persons in the judicial branch statewide, plus one clerical position and support equipment in the court administrator's office. These would cost approximately

\$70,180 annually in General Revenue for the state. The counties would be required to furnish equipment and supplies for the court staff which would be approximately \$4,000 per person, or \$14,000 annually from county revenue. The office of public defender indicates the statewide public defenders system would have additional expenses because of more joinder cases but the amount cannot be determined.

PROPOSERS: Supporters say the bill has provisions dealing with three areas: trial de novo; speedy trial; and joinder. The trial de novo is an antiquated system. It originated out of the old magistrate court when such trials were conducted by non-lawyers. Such court was not a court of record so any appeal had to start all over again. However, the magistrate court was replaced by the associate circuit court, which is a court of record. There is no longer a need for two trials since there is only one circuit court. -- A recent ruling of the Missouri Court of Appeals for the Western District charged all the time delays involved under the 180 day speedy trial statute against the state whether or not the prosecutor caused the delay. Both the prosecution and defense bars have been dissatisfied with the existing speedy trial statute. -- The joinder of actions against defendants involved in the same criminal episode would prevent witnesses and victims from having to reappear at numerous trials to repeat their testimony. Fewer trials should save public money.

Testifying for the bill were Senator Caskey; Buzz Westfall, St. Louis County Prosecuting Attorney; and Missouri Prosecutors Association.

OPPOSERS: Those who oppose the bill say the public defender's office handles approximately 4,000 misdemeanor cases a year, 95% of which are not on the record. Most of these cases are decided on the time served by the defendant. It is going to cost more to

record each of these misdemeanor cases. -- The passage of the bill seems to be catering to problems in one or two counties of the state. In the rural areas, misdemeanor cases are normally tried on the record at the associate circuit court level. In the urban areas, a request can be made to have the cases tried on the record. The mechanism to do this portion of the bill is already in place. -- As to speedy trial, if one has to make a demand for a constitutional right it means the right is not worth much. The Constitution seems to say the defendant is entitled to a speedy trial, nowhere is there mentioned any right of the state to have a speedy trial. -- Being tried with some other defendant is always potentially prejudicial to another defendant's defense. Inconsistent defenses will lead to a juror assuming both defendants are lying. The guilt of one defendant is going to transfer to the other defendant instead of each defendant being tried upon the evidence against him.

Testifying against the bill were Missouri Association of Criminal Defense Lawyers; and the State Public Defender's Office.

Richard Waters, Research Analyst

HCS SJR 19 -- SHORTENING LEGISLATIVE SESSIONS

SPONSOR: Nilges (Melton, et al)

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 9 to 0.

This resolution would, if approved by Missouri voters, amend the state constitution as follows:

- 1) It would shorten the length of the General Assembly's odd-year sessions from six months to four and one half months, making the length in even and odd years identical;
- 2) It would require that all bills remaining on the calendar after April 30th of odd-numbered years retain their position on the calendar when the General Assembly reconvenes the following year;
- 3) It would shorten the length of special session from sixty to thirty days;
- 4) It would provide a method for the General Assembly itself to convene a special session; and
- 5) It would allow only appropriations bills to be introduced in either house after the 30th legislative day of a session (which is the current period for even-numbered years.)

FISCAL NOTE: ESTIMATED SAVINGS: The estimated savings to General Revenue in 1985 Regular Session and future odd numbered years would be approximately \$524,000. This estimate includes, House and Senate mileage, per diem, and personal service. For the purpose of calculating per diem payments and session employee wages it is assumed that shortening of a Special Session would eliminate 12 session days. The estimated

savings to General Revenue due to the shortening of a Special Session would be \$208,607. ESTIMATED COST: Amendment publication cost to the Secretary of State would be \$16,640 from General Revenue for FY 1985.

PROPOSERS: Supporters say that shortening the odd-year session will permit legislators to spend more time in their districts finding out what their constituents are thinking. Limiting special sessions to thirty days will help limit such session to truly extraordinary and emergency matters. Both of these changes will help slow the current trend toward a full-time legislature. Allowing bills to remain on the calendar would help avoid spending time re-hearing the same bills year after year.

Testifying for the original bill were Senator Melton and the Missouri Farm Bureau Federation.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst



SB 741 -- CAPE GIRARDEAU AND SCOTT COUNTY BOUNDARY

SPONSOR: Dennis (Proffer)

COMMITTEE ACTION: Voted "do pass" by the Committee on the Budget by a vote of 12 to 0.

This bill makes statutory changes concerning the Cape Girardeau and Scott County boundary. Physical changes in the topography of the region make it necessary to bring the statutory description into conformance with the actual boundary.

PROPOSERS: Supporters say that the boundaries for these counties are determined from the middle of the main channel of the Cape La Croix Creek and the main channel of the Mississippi River whose main channels continue to shift over time and therefore must be redefined.

Testifying for the bill was Senator Dennis.

OPPOSERS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

SB 425, HCA 1 -- JURY SELECTION IN CERTAIN COUNTIES

SPONSOR: Melton

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 14 to 1.

This bill requires that the board of jury commissioners of each county select at least four hundred names for the jury box, selecting a number from each township in the county according to the relative population of the township to the county.

The circuit judge is empowered to summon more than forty-eight jurors if the judge deems it necessary to ensure an adequate supply of jurors. The bill changes the designation "alternate" petit juror to "prospective" petit juror.

In the case where there is a need to fill vacancies in the jury panel for the trial, the court may order the sheriff to summon bystanders from the various townships in the same proportion to the county population that was used to select the original panel.

Parties may be excused from jury service if the court believes the service would impose an extreme hardship.

HCA 1 - would remove the automatic jury exclusion that presently exists for persons over age 65, for women, for teachers and professors and for government officers and employees.

FISCAL NOTE: No impact on state funds.

PROPONENTS: Supporters say problems arise from time to time, of not having enough available jurors to try cases, especially after a number of persons are statutorily excused from jury service. In addition, in

two recent cases court opinions have been issued concerning Missouri's jury selection process. In Anderson v. Frey, 82-2208 (8th Cir. 1983) the federal court of appeals in a Missouri case disapproved disinterested selection of bystanders as jurors, and in State v. Gresham, 637 S.W.2d 20 (Mo. En banc 1982) the Missouri Supreme Court disapproved of selection of a jury pool which was not in substantial compliance with the statutes governing jury selection.

Testifying for the bill were Senator Melton and the Missouri Bar.

OPPONENTS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

SB 666 -- REGULATION OF MOBILE HOMES

SPONSOR: MATHEWSON

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 9 to 0.

This bill makes several changes relating to the Public Service Commission's regulation of mobile homes. The definitions of manufactured homes and recreational vehicles are changed so as to cover homes and vehicles of larger dimensions.

The bill also provides that fees charged by the PSC for seals, registrations and inspections of manufactured homes, recreational vehicles and modular units and the manufacturers and dealers thereof, shall be received by the Director of Revenue and deposited with the State Treasurer in the State Highway Fund. These funds presently are credited to the General Revenue Fund.

Finally, the penalty provision for willful violations of mobile home statutes which threaten the health or safety of any purchaser is changed from a class C misdemeanor to a penalty of not more than \$1000 or imprisonment of not more than one year, or both.

FISCAL NOTE: No additional expenditures or revenues. Fees collected would now go to the Highway Fund, not General Revenue.

PROPOSERS: Supporters say the changes in the definitions of manufactured homes and recreational vehicles would bring Missouri law into line with federal regulations, as well as reflect the larger dimensions of modern products. The change in the penalty provision is also needed to conform with federal standards. Having mobile home fees deposited in the highway fund would be consistent with the other transportation funding of the PSC.

Testifying for the bill were Senator Wilson (19th) and the Public Service Commission.

OPPONENTS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

SB 596 -- DEREGULATION OF MOBILE AND CELLULAR TELEPHONE SYSTEMS

SPONSOR: Scott

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Review by a vote of 8 to 2.

This bill would exempt from Public Service Commission regulation radio communication services and facilities under the Federal Communication Commission's public mobile services rules and regulations.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill will remove Public Service Commission regulation of mobile phone, pager and cellular telephone systems. Such systems are different from normal telephone service because they provide a non-essential, optional type of service and also because more than one provider can operate in the same service area. As such, there is no need to continue to treat them the same as monopoly telephone corporations. This bill would, while still retaining FCC oversight, promote competition.

Testifying for the bill were Senator Scott and United Telephone Company.

OPponents: Those who oppose the bill say state regulation should be retained in some form to make sure that large telephone companies don't subsidize the operations of their mobile and cellular subsidiaries with revenues from their monopoly operations. Also, current state regulation allows for a local forum to handle customer complaints on rates, services, etc. Finally, the telephone system is undergoing sizeable changes, particularly in the area of cellular telephones, and it would be premature to de-regulate

now. The PSC would prefer a gradual relaxation of regulation.

Testifying against the bill were the Public Service Commission; Cybertel Missouri Corporation; Mobile Radio Communications, Inc.; and Mid Missouri Mobile Phone.

Mark Doerner, Research Analyst

SB 448, HCA 1 -- HOMICIDE CODE REVISION

SPONSOR: Caskey

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 10 to 0.

This bill makes technical corrections in the homicide code. It also delays the effective date of the code from July 1, 1984 to October 1, 1984.

This bill contains an emergency clause.

HCA 1 - deletes the provision that reckless conduct can constitute murder in the second degree.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that this bill is needed to give the committee that writes the criminal instructions and charges more time to prepare them.

Testifying for the bill were Senator Caskey; and Richard Callahan, Special Prosecutor Cole County.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst



HCS SB 407 -- STATE PUBLIC SCHOOL RETIREMENT

SPONSOR: Tinnin

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 6 to 0.

This substitute revises statutes relating to the State Public School Retirement System. Among major provisions are: simplification of requirements for membership; broadening of the board's investment powers; raising the cap on cost of living increases; earlier eligibility for disability benefits; requiring the payment of interest on withdrawn contributions; and improved survivor benefits.

The bill also bring non-teacher benefits into closer conformity with those of teachers. Provisions include: elimination of time limits for reinstatement of previous credit; earlier eligibility for disability benefits; provisions regarding re-employment of retired members; raising the cap on cost of living increases; and a reversion to full benefits if a beneficiary predeceases a retirant.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill would benefit those covered by the system without hurting the fund. The section on investment powers merely lets the board use modern practices.

Testifying for the bill was Senator Tinnin.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SB 433, HCA 1 -- DEMOLITION COSTS OF LOCAL GOVERNMENTS

SPONSOR: Wiggins (McCaskill)

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Affairs by a vote of 6 to 0.

This bill grants additional rights to local governments with respect to special tax bills resulting from a building commissioner's order to demolish, secure or repair a structure upon the owner's failure to do so.

Current law provides that the taxpayer/owner of such a structure may request to pay the special tax bill in installments over a ten year period, and that the unpaid tax constitutes a lien on the property. This bill establishes a new procedure which allows payment of a portion of the insurance proceeds, if any, to the local government where a structure is damaged or destroyed by fire or explosion or other casualty loss.

If the structure is covered by insurance, a local ordinance may establish a procedure for payment of up to 10% of the proceeds to the local government. The ordinance may apply only to a covered claim payment in excess of 50% of the policy's face value.

The bill requires the insurer to withhold up to ten percent of the covered claim payment and pay it to the city for deposit in an interest-bearing account. The city shall release the proceeds and any interest it has earned to the insured or as provided in the terms of the policy and endorsement within 30 days after receipt of the insurance money. The local government must pay all moneys in excess of those necessary for removal of the structure, less salvage value, to the insured/owner.

— The bill requires any local government adopting the above described ordinance to notify the Director of the Division of Insurance within 14 days after adoption of the ordinance. The director must notify insurance companies which issue policies insuring structures against fire or explosion or other casualty loss within 14 days. Insurance companies have 60 days to establish within such local governments procedures to carry out the provisions of the bill.

The insured may avoid the payment of proceeds to the local government by supplying satisfactory proof that he will remove, repair or rebuild the structure. Insurers who make a good faith attempt to comply with the provisions of this bill are granted immunity from civil or criminal liability related to such compliance.

— HCA 1 - changes "commissioner" of insurance to "director".

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this legislation takes the profit out of arson and allows the city to recoup some of the money it spends on demolition of buildings.

Testifying for the bill were Senator Wiggins; Missouri Advisory Commission on Arson; Shelter Insurance; and Kansas City, Missouri Property Conservation Department.

OPPOSERS: There was no opposition voiced to the committee.

— Karla Frye Pleasant, Research Analyst

SB 560 -- WATER POLLUTION CONTROL

SPONSOR: Dirck (Proffer)

COMMITTEE ACTION: Voted "do pass" by the Committee on the Budget by a vote of 13 to 0.

The board of fund commissioners is authorized to issue an additional \$35 million in bonds for water pollution control projects.

Further, the term "sewage treatment facilities" shall include any method, process, or equipment used to conduct, collect, or treat waste water.

FISCAL NOTE: The annual cost for the amortization of \$35 million, assuming ten percent interest and 25 year retirement, would cost approximately \$3.8 annually. The actual transfer of General Revenue required is made one year in advance and depending upon the time of issue could require the actual transfer of \$3.8, plus an interest payment of approximately \$1.7, or a total of \$5.5 million the first year and then level payments of \$3.8 million thereafter.

PROPOSERS: Supporters say this bill continues the present water pollution control program.

Testifying for the bill was Senator Dirck.

OPPOSERS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

SB 618 -- REAL ESTATE ADVERTISING IN POLITICAL  
SUBDIVISIONS

SPONSOR: Scott

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Urban Affairs by a vote of 5 to 0.

This bill prohibits political subdivisions from  
enacting or enforcing ordinances forbidding or  
restricting an owner of an interest in real property  
from displaying a sign advertising the availability of  
the real property.

Local ordinances may limit the size of a sign to  
reasonable dimensions. The sign may include the name,  
address, and phone number of the property's owner or  
agent.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say it should be a right of  
property owners to advertise their property.  
Restrictions on such advertising are a violation of  
First Amendment Rights. Other means of advertising are  
more expensive and it is unfair to require people to  
use these means.

Testifying for the bill were Senator Scott, Home  
Builders Association, and the Missouri Association of  
Realtors.

OPponents: There was no opposition voiced to the  
committee.

Karla Frye Pleasant, Research Analyst

SB 628 -- ST. LOUIS TRANSPORT MUSEUM SUBDISTRICT

CO-SPONSORS: Murphy, Bild (Brummel)

COMMITTEE ACTION: Voted "do pass" by the Committee on Municipal Corporations by a vote of 11 to 0.

This bill provides for the creation of a "Transport Museum Subdistrict" within the St. Louis Metropolitan Zoological Park and Museum District, subject to voter approval. A four cent property tax would fund operations.

The bill also repeals or resolves conflicts in the statutes caused by the Supreme Court ruling declaring the provisions of CCS HS HCS SB 711 (1982) unconstitutional.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the museum would be a major asset to the community as it is the finest transport museum in the nation. The voters would have to approve this proposal.

Testifying for the bill were Senators Bild and Murphy; St. Louis County; St. Louis City; and Regional Commerce and Growth Association.

OPPONENTS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SB 481 -- MERGER OF JUNIOR COLLEGE RETIREMENT SYSTEMS  
WITH NON-TEACHER PUBLIC SCHOOL SYSTEM PERMITTED

SPONSOR: Tinnin

COMMITTEE ACTION: Voted "do pass" by the Committee  
on Retirement by a vote of 6 to 0.

This bill permits local Junior College districts which  
are operating retirement systems for their employees to  
merge their systems into the Missouri Non-Teacher  
Public School Retirement System. The districts must  
provide adequate funding to the state system.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the Public School  
Retirement Board is better equipped to properly handle  
the retirement funds for these employees.

Testifying for the bill were Senator Tinnin; St.  
Louis Community College; Missouri Association of  
Community Colleges; and Public School Retirement System  
Board.

OPPOSERS: There was no opposition voiced to the  
committee.

Bob Wedow, Research Analyst

SCS SB 505, 471, HCA 1 -- MOTOR VEHICLE LICENSE PLATES

SPONSOR: Bass

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 7 to 0.

This substitute provides that special personalized license plates issued to members of the United States Congress will bear the words "Member of Congress" in addition to the array of letters and numbers designating their elective office. An air emission inspection is required before such plates are issued each year. The array of letters and numbers designating the elective office of members of the General Assembly will be set aside for that purpose.

HCA 1 - the words "Show-Me-State" will be replaced with the word "Congress".

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say Washington, D.C. law enforcement and security officers want Congressional license plates to say "Member of Congress" to help distinguish them from other dignitaries. Supporters also say this substitute gives statutory authority to set aside numbers for personalized plates for members of the General Assembly.

Testifying for the bill was Senator Bass.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst



HCS SB 704 -- LEGAL COSTS ASSESSED IN CIRCUIT COURT

SPONSOR: Youngdahl (Schneider)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 14 to 0.

This substitute provides that the court costs collected for the sheriff's retirement fund would not be collected from circuit court - municipal division cases.

PROPOSERS: Supporters say this substitute clarifies the intent of the legislation passed 1983 which provided for an additional court fee to fund the sheriff's retirement program. It was never intended to have that fee collected from municipal division courts. The actuarial studies were not based on fees collected from such courts. However, an informal Attorney General's language of the statute. The present bill would clarify what was intended.

Testifying for the bill were Senator Schneider and the Missouri Municipal League.

OPPOSERS: Those who oppose the original bill say that the bill was amended in the Senate to exempt the sheriff's retirement fund collection fee in probate cases (which is not part of the substitute). This would have amounted to a reduction of roughly \$25,000 from the sheriff's retirement fund. The actuarial study anticipated the collection of the fee in probate cases but not in municipal cases. Such a reduction could hurt the retirement fund.

Testifying against the bill was the Missouri Sheriffs Association.

Richard Waters, Research Analyst

SB 691 -- DIVISION OF DESIGN AND CONSTRUCTION

SPONSOR: Dirck

- COMMITTEE ACTION: Voted "do pass" by the Committee on the Budget by a vote of 13 to 0.

This bill allows the Department of Conservation and the community junior colleges to contract with architects and engineers for design and construction of projects previously approved as part of the state's building program by the Division of Design and Construction and authorized by the General Assembly and the governor through the appropriations process. The director of the Division of Design and Construction would not have to oversee such contracts.

- This bill also exempts the director of the Division of Design and Construction from the requirement to review any claim for payment under any contract not originally approved by him.

Further, no claim under any contract executed by the Department of Conservation or an institution of higher education will be certified by the Commissioner of Administration without certification in writing from the respective entity that the payment sought is in accordance with a contract executed by that entity and that the underlying construction, repair, maintenance or improvement conforms with applicable regulations.

- PROPOSERS: Supporters say that this legislation would treat the Department of Conservation and the community junior colleges in the same way the Department of Higher Education is in that the Director of Design and Construction would not have to sign off on contracts for projects previously approved and authorized through the appropriations process.

Testifying for the bill were Senator Dirck and the Division of Design and Construction.

OPPONENTS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

SCS SB 451, HCA 1 -- NURSING HOME LICENSING AND  
REGULATION

SPONSOR: Woods (Lumpe)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Human Rights and Resources by a vote of 7 to 1.

This bill amends Missouri's Omnibus Nursing Home Act in  
several ways. In addition to technical changes, the  
bill: 1) increases the penalty for operating a  
facility without a license from a class C to a class A  
misdemeanor; 2) increases the penalty for knowingly  
abusing or neglecting a resident from a class A  
misdemeanor to a class D felony; 3) changes licensing  
fees from a flat \$100 per facility to a graduated  
structure of up to \$300 depending upon licensed  
capacity; 4) creates a \$50 fee for license amendments  
initiated by the operator; 5) prohibits granting an  
operator's license to anyone who, while acting in a  
management capacity, was convicted of an offense  
concerning the operation of a long-term care or other  
health facility 6) changes requirements for "Statement  
of Deficiency, Plan of Correction" and 55-day revisits  
to annual visits, or when Class I or II standards have  
been violated; and 7) broadens the definition of a  
facility.

The substitute includes new language relating to  
disclosure of names in patient abuse cases and to  
determinations of abuse and neglect. The Department of  
Social Services may disclose the names of complainants  
and residents only if those parties agree, if release  
of names is necessary to prevent further abuse or  
neglect, if disclosure is needed to conform with a  
valid subpoena, or if it is necessary in connection  
with a review by the Administrative Hearing Commission.

- The substitute also requires the Department of Social Services to maintain a register of the names of persons found to have abused or neglected a patient while employed at a nursing facility. A name will not be included, however, until a person is notified in writing of the allegation against him, that his name will be included in the record, the consequences of such a listing, and his right to challenge the allegation through an administrative hearing process. The director of the Division of Aging would conduct the hearing, determine the existence of abuse or neglect and issue findings. A person dissatisfied with the director's decision could appeal his case to the circuit court. In an effort to prevent further instances of abuse or neglect, the department would furnish licensed operators with a list of persons against whom allegations were upheld. Operators, in turn, could not knowingly employ those persons in direct patient care.

HCA 1 - gives operators who decline to employ or who terminate a person listed in the abuse records immunity from suit by that person.

FISCAL NOTE: Would increase General Revenue by \$31,102 in FY 85, \$35,143 in FY 86, & \$34,720 in FY 87.

- PROPONENTS: Supporters say that the main focus of the bill is to have a system to record names of aides in nursing homes who have abused or neglected residents. The idea is to prevent these persons from working in other facilities without setting up a layer of licensing and regulation. It is hoped this list will allow some oversight and deter aides from mistreating residents. Now the administrators are responsible for the actions of the aides. The aides often are not punished for their actions. The list would be an information source for administrators.

— Testifying for the bill were Senator Woods; General Counsel, Division of Aging; Missouri League of Nursing Home Administrators; Missouri Health Care Association; and Rick Doehoff, Administrator in an intermediate care facility.

— OPPONENTS: There was no opposition voiced to the committee.

Kathyrn Ruckman, Research Analyst

SB 522, HCA 1 -- CERTAIN INSURANCE POLICIES AND CONTRACTS TO COVER SPECIFIED HEARING AND SPEECH PROBLEMS

CO-SPONSORS: Wiggins, Panethiere, Webster, Banks, Scott, Wilson (19th) (Dawson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance by a vote of 11 to 0.

This bill provides that the following policies of contracts providing for hospital treatment shall offer coverage for the necessary care and the treatment by speech/language pathologists and audiologists of loss or impairment of speech or hearing:

- 1) Group health insurance policies providing coverage on an expense-incurred basis;
- 2) Group service or indemnity contracts issued by a not for profit health service corporation;
- 3) Self-insured group health benefit plans; and
- 4) All such health plans or policies that are individually underwritten or provide such policy coverage for specific individuals and the members of their families as nongroup policies.

All Missouri group contracts issued or renewed on or after December 31, 1984 shall be subject to this requirement.

This bill shall not be construed as prohibiting the inclusion of coverage for loss or impairment of speech or hearing as standard coverage that is consistent with the terms of this bill.

HCA 1 - clarifies that the bill only requires that the coverage in question be offered to a policyholder and that, if chosen by him to be part of his coverage, it can be included in the policy or contract through a rider attached to that policy or contract.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed because, while speech and hearing disabilities are the most common forms of disability, few individuals have comprehensive coverage or know that they can obtain coverage. In addition, few people think they will need such coverage, even though speech and hearing disabilities can result from such things as cancer of the larynx, auto accidents and strokes. Many children are born or acquire speech or hearing problems, which can in turn lead to learning problems. This bill would increase the number of people with coverage for treatment by audiologists and speech pathologists. Since most people currently do not have such coverage, they often undergo surgical treatments which, though less appropriate, are generally covered by insurance.

Testifying for the bill were Representative Dawson, the Missouri Speech and Hearing Association, the Hospital Association of Audiology and Speech Pathology, General American Life Insurance Company, and Blue Cross Hospital Services Incorporated.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst



HCS SB 690 -- REVENUE BONDS

SPONSOR: Dirck (Proffer)

COMMITTEE ACTION: Voted "do pass" by the Committee on Budget by a vote of 11 to 3.

This legislation authorizes an additional \$64 million in revenue bonds to be issued by the Board of Public Buildings for acquisition or construction of projects. Project approval must be given by the Fiscal Affairs Committee of the General Assembly or a majority of each House should the Fiscal Affairs Committee cease to exist.

The current definition of "project" which refers to agency office buildings is expanded to include structures and facilities for state agencies with the Department of Corrections and Human Resources and Mental Health specifically mentioned.

This bill contains an emergency clause.

FISCAL NOTE: The cost of the additional bonds, if issued, would be dependent upon the amount issued, the rate of interest and the maturity, and cannot be predetermined.

PROPOSERS: Supporters say it is necessary to expand the definition of "project" as it relates to the use of revenue bonds to include structures and facilities for state agencies to make renovation and construction of certain state projects possible, such as the proposed Farmington conversion, the Fulton Diagnostic Center, and a new 110 bed hospital at Farmington.

Testifying for the bill were Senator Dirck, and the Division of Design and Construction.

OPPONENTS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

HCS SB 611 -- DEPARTMENT OF CORRECTIONS AND HUMAN  
RESOURCES

SPONSOR: Bass

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Correctional Institutions by a vote of 6 to 0.

This bill will increase the Board of Probation and  
Parole from three to five members. The salaries of  
board members will be statutorily set at \$31,500 with  
an additional \$6,000 per year for supervision and  
administration of the community corrections program.

Initial decisions by the board regarding granting of  
paroles, the extensions of conditional releases and the  
revocation of paroles, and conditional releases by the  
board will be by a vote of a hearing panel consisting  
of one member of the board and two hearing officers  
appointed by the board. A decision of the hearing  
panel can be appealed to the board. A meeting, record  
or vote of proceedings involving probation, parole or  
pardon may be a closed meeting, record or vote.

The board will in addition to its other duties, be  
required to investigate all applications for pardon,  
commutation of sentence or reprieve.

Institutional parole officers will investigate all  
inmates referred for investigation by the board and  
provide the board with any reports the board may  
require.

The board will not be required to provide probation  
services for any class of misdemeanor except those  
class A misdemeanors which are crimes against the  
person, sexual offenses, or stealing and related  
offenses. The board in its discretion may accept other  
persons for supervision who have been convicted of  
other crimes.

This bill clarifies present language declaring only the circuit court will have the power to grant probation to a defendant any time up to 120 days after he has been delivered to the custody of the division of adult institutions.

The bill sets forth the form and contents of the interstate compact for the supervision of parolees and probationers. The state is already a member of the compact.

The bill provides that the state must pay the necessary and proper expenses of returning a person to this state under the terms of the interstate compact for the supervision of parolees and probationers.

FISCAL NOTE: Decrease-General Revenue Fund by \$158,921 FY 84-85, \$178,559 FY 85-86, \$187,893 FY 86-87.

PROPOSERS: Supporters say this bill is an extension of the reconstruction of the corrections system. They believe the bill will be an administrative boost and a good start in handling the increasing work load and population.

Testifying for the bill were Senator Bass, and the Board of Probation and Parole.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

— HCS SB 632 -- INITIATIVE AND REFERENDUM IN THIRD CLASS CITIES

SPONSOR: Doctorian

— COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 8 to 0.

This substitute allows the council of third class cities to adopt by ordinance procedures for the initiative and referendum. If adopted, 25 percent of the registered voters may request consideration or reconsideration of an ordinance. The council may respond to the initiative or referendum or it may submit the issue to the voters.

FISCAL NOTE: No impact on state funds.

— PROPONENTS: Supporters say that this bill is needed to establish initiative and referendum procedures in 3rd and 4th class cities (HCS deleted 4th class cities from the bill). There has been a problem with a city changing from a commission form of government which has initiative and referendum procedures to a council/city manager form of government with no such procedures.

Testifying for the bill was Senator Doctorian.

OPPONENTS: There was no opposition voiced to the committee.

( Kathryn Ruckman, Research Analyst

SB 592 -- CHANGES PROCEDURE FOR APPROVAL OF CERTAIN  
INSURANCE POLICIES

SPONSOR: Wilson (34th)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Insurance by a vote of 11 to 0.

This bill empowers the Director of Insurance to exempt annuity contracts and the following types of insurance from the statutory requirement of policy form approval: life, group health, group accident, group accident and health, and individual accident and sickness insurance. The director can allow this exemption whenever he believes the approval is not necessary for the protection of the public.

The bill also provides that disapproval of a policy form involving one of these types of insurance shall be based on the requirements of state law or regulations lawfully promulgated thereunder.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will help reduce the paperwork done by the Division of Insurance. Currently, state law requires prior approval by the Division before certain insurance policies or forms can be used. Many of these are standard policies or forms which do not really require much scrutiny. This bill would provide a simplified process for putting them into use, allowing the Division to concentrate its file-and-approval activities on new or complex types of coverage. In this way, needless delays caused by administrative backlogs will be avoided. Several other states currently use this system.

Testifying for the bill were Senator Wilson, the Division of Insurance and the Old American Insurance Company.

OPPONENTS: There was no opposition voiced to the committee.

— Mark Doerner, Research Analyst

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SB 661, HCA 1 -- ALLOCATION OF PEREMPTORY CHALLENGES IN CIVIL CASES

SPONSOR: Schneider

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 10 to 3.

This bill allows a party to object to the joining of peremptory challenges in civil cases involving multiple plaintiffs or defendants. The court is given the discretion to allocate the peremptory challenges among the parties plaintiff or defendant upon a showing of good cause and whenever justice so requires.

HCA 1 - eliminates provision of the bill which requires that the objection to the joinder of challenges must be by motion.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say when counterclaims and crossclaims are involved in multiple party lawsuits it is difficult to determine who are truly plaintiffs and who are truly defendants. This bill allows the judge to determine who are plaintiffs and who are defendants and divide the challenges on that basis rather than on who "wins the race to the courthouse" to file his lawsuit first.

Testifying for the bill was Senator Schneider.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst



HCS SB 590 -- CERTAIN SALES MADE BY ADVERTISING  
PRODUCTION HOUSES

SPONSOR: Morrison (Smith)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Revenue and Economics by a vote of 21 to 0.

This substitute provides that sales of motion picture  
advertising and media advertising by production houses  
would be sales of services and not sales of personal  
property.

PROPOSERS: Supporters say that in 1981 the General  
Assembly addressed the question of whether advertising  
was a sale of a service or of tangible personal  
property, the former being not subject to the sales tax  
while the latter is subject to the tax. Sales tax has  
never been collected on the activities performed by  
production houses; however, the Department of Revenue  
has stated its intention to start collecting such a tax  
because in failing to include "production houses" in  
the list of activities which are services it appears  
that the General Assembly wanted to tax them. This  
bill would clarify the intention of the General  
Assembly. Since, for example, when a television  
station makes a video tape advertisement in its studios  
it is not personal property but a service the same  
activity by a production house should receive the same  
treatment. In addition, the Senate perfected bill had  
a provision dealing with the sales tax treatment of  
manufactured houses (this provision was removed by the  
House Substitute).

Testifying for the bill were Senator Smith; Art  
Hodkins, an attorney from Springfield, Missouri; and  
the Manufactured Housing Institute. In addition, while  
not testifying for or against the bill the Director of  
the Department of Revenue provided information  
concerning its interpretation of the existing statutes.

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OPPONENTS: There was no opposition voiced to the  
committee.

Richard Waters, Research Analyst

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SB 446 -- ST. LOUIS RECORDER OF DEEDS

SPONSOR: Murphy

COMMITTEE ACTION: Voted "do pass" by the Committee on Municipal Corporations by a vote of 11 to 0.

This bill revises the document fee schedule for the Recorder of Deeds office in the City of St. Louis.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say the current fee schedule is outmoded.

Testifying for the bill was Representative Ribaud.

OPponents: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SPONSOR: Wilson (34th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 7 to 0.

This bill requires a business which acts as an agent for a fee in obtaining a certificate of ownership of a motor vehicle to be licensed by the Department of Revenue. Applicants are required to: (1) be of good moral character; (2) comply with the laws relating to certificates of title of vehicles; and (3) submit an application and furnish a surety bond in the amount of \$25,000. The license fee is set at \$50.00.

Licenses may be revoked if: (1) fraudulently procured or erroneously issued; (2) the applicant fails to comply with the laws of this state; or (3) the applicant fails to display a license. The licensee will maintain records as required for three years and records will be open for inspection. A person who violates any provision of this bill is guilty of a class A misdemeanor.

HCA 1 - clarifies language dealing with the bonding requirement. The aggregate liability to all aggrieved parties cannot exceed the amount of the bond.

FISCAL NOTE: The increase to the State Highway fund and the County Aid Road Trust Fund is expected to be minimal.

PROponents: Supporters say presently there is no way to verify who is a title service agent. Supporters believe this bill may help control movement of stolen vehicles and vehicles with altered odometers.

— Testifying for the bill were Senator Wilson (34th);  
Department of Revenue; Missouri Highway Patrol; and the  
Missouri Bankers Association.

— OPPONENTS: There was no opposition voiced to the  
committee.

Robert Triplett, Research Analyst

SB 476 -- CONVEYANCE IN FARMINGTON

SPONSOR: Staples

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill authorizes the governor to convey 46 and 14 acre tracts of Farmington State Hospital property to the city of Farmington in St. Francois County. These tracts will be used to expand both Farmington's sanitation lagoon and a wildlife sanctuary. If the city of Farmington no longer uses the property for municipal purposes, title shall revert to the state.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the city of Farmington needs this 46-acre tract to expand its sanitation lagoon. The 14-acre tract will expand Farmington's wildlife sanctuary, which is already well-respected for its diversity of species. The director of the Department of Mental Health, responsible for the Farmington State Hospital, has no objection to the conveyance of this property.

Testifying for the bill was Senator Staples.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

SB 491 -- PROBATE COMMISSIONERS' RETIREMENT CREDIT

SPONSOR: Wiggins (Scoville)

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Retirement by a vote of 7 to 0.

This bill permits the Probate Commissioners in Jackson and St. Louis Counties to receive credit for their service prior to January 1, 1979.

FISCAL NOTE: No significant impact on state funds.

PROponents: Supporters say through an inadvertent omission these commissioners have been unable to receive credit for their service prior to the passage of the judicial reform bill.

Testifying for the bill was Senator Wiggins.

OPponents: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SB 675 -- PAYMENTS TO COUNTIES UNDER THE CHILD SUPPORT ENFORCEMENT LAWS

SPONSOR: Dirck, Murphy

COMMITTEE ACTION: Vcted "do pass" by consent by the Committee on the Judiciary by a vote of 14 to 0.

The bill deals with reimbursement due to the counties for additional compensation paid to prosecuting attorneys for their work in child support enforcement cases.

Current law states that the governing body in each county or city shall submit a monthly billing to the Office of Administration listing the amount of money owing to the county or city as reimbursement. That amount shall be paid monthly by the Office of Administration.

The bill establishes that on January fifteenth of each year, the Division of Family Services shall calculate the amount paid to each county as incentive payments for the preceding year. The division shall determine the additional amount due, if any, to each county and shall pay it from appropriations made for that purpose.

FISCAL NOTE: This change would simplify the process, therefore, any fiscal impact would be insignificant.

PROponents: Supporters say this bill would make child support enforcement reimbursements to counties annually rather than monthly. The Office of Administration needs this for budget management.

Testifying for the bill was Senator Dirck.

OPponents: There was no opposition voiced to the committee.

Richard Waters, Research Analyst



SB 735, HCA 1 -- CONVEYANCE IN FARMINGTON

SPONSOR: Staples

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill authorizes the governor to convey approximately 160 acres of the Farmington State Hospital tract to the city of Farmington in St. Francois County. If the city no longer uses the property for municipal purposes, title shall revert to the state.

HCA 1 - property shall be conveyed for reasonable consideration after an independent appraisal.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this property is needed by the city of Farmington to construct a second runway for its municipal airport, which is becoming a regional air transportation center. HCA 1 will allow the state to negotiate with the city of Farmington concerning the price to be paid by the city for this property. This 160 acre tract has been declared to be surplus property.

Testifying for the bill were Senator Staples, and Representative Ward.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

SB 740 - CONVEYANCE IN CASTLEWOOD STATE PARK

SPONSOR: McCarthy

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill authorizes the director of the Department of Natural Resources to grant a perpetual easement on property in Castlewood State Park to the St. Louis Metropolitan Sewer District. The sewer district shall be required to repair any surface disturbance caused by its construction of underground sewer lines in the park and to screen with vegetation a sewage pump station to be constructed in the park.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will allow the St. Louis Metropolitan Sewer District to construct a sewage system which will prevent sewage discharged upstream from having an adverse effect on the park. The system will also serve facilities within the park.

Testifying for the bill were Senator McCarthy; St. Louis Metropolitan Sewer District; and the Department of Natural Resources.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

SB 637 -- INDUSTRIAL DEVELOPMENT CORPORATIONS

SPONSORS: Strong, Lybyer

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Commerce by a vote of 10 to 0.

This bill defines the term "project" for purposes of the law relating to industrial development corporations, to include the purchase, construction, extension and improvement of not-for-profit nursing or retirement facilities.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say there is some legal problem concerning the definition of industrial development projects as they related to not-for-profit nursing and retirement facilities and this bill clears up this problem.

Testifying for the bill were Senator Strong; Missouri Association of Homes for the Aging; and the Director of the Presbyterian Manor Homes.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SB 576 -- PROPERTY TAX LEVY FOR HOSPITALS

SPONSOR: Doctorian (Hill)

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Public Health and Safety by a vote of 8 to 0.

This bill raises the maximum property tax levy for hospitals operated by non-charter counties and third-class cities from twenty to fifty cents per one hundred dollars assessed valuation. The maximum property tax levy for hospital districts is raised from fifteen to fifty cents per one hundred dollars assessed valuation.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this legislation is necessary to provide adequate funding for rural hospitals. Voter approval would be required for any such tax increase.

Testifying for the bill was Senator Doctorian.

OPPOSITION: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HCS SB 581 -- COMPENSATION OF CERTAIN JUDICIAL EMPLOYEES

SPONSOR: Merrell

COMMITTEE ACTION: Voted "do pass" by the Committee on Fees and Salaries by a vote of 7 to 0.

This substitute provides for increased compensation for the following judicial employees:

Circuit Court Juvenile Officers' salaries are increased from \$18,690 to \$24,690. The increase will be provided in two steps. Effective dates are provided.

Court Reporters' salaries are increased from \$23,790 to \$30,000. The increase will be provided in two steps. Effective dates are provided.

Circuit clerks are to receive compensation for additional duties of \$2,500 from January 1 to December 31 of 1985 and of \$5,000 per year thereafter.

FISCAL NOTE: Would decrease General Revenue by \$417,815 in FY 85, \$1,253,445 in FY 86, & \$1,669,930 in FY 87.

PROPOSERS: Supporters say increasing these salaries is simply justice. These personnel have gone a long time without adequate pay increases.

Testifying for the bill were Senator Merrell and the Association of Circuit Clerks.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SB 707 -- THE SALE OF REAL ESTATE FOR DELINQUENT TAXES

SPONSOR: Melton

COMMITTEE ACTION: Voted "do pass" by the Committee on Civil and Criminal Justice by a vote of 9 to 0.

The bill deals with real estate which is sold by the county for payment of delinquent property taxes. A person who purchases the property receives a collector's deed as soon as the title search action specified in section 140.405, RSMo is completed. However, he does not receive deed to the property for a period of two years, during which the original owner has the right to redeem the property.

The bill requires the holder of the certificate of purchase to notify any other person who holds a publicly recorded deed of trust, mortgage, lease, lien or claim upon the property of that person's right to redeem his security. Notification must be made at least ninety days before the holder of the certificate of purchase acquires deed to the real estate. If he fails to comply with this requirement, he loses all interest in the real estate.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that this bill puts the burden on purchasers of real estate at tax sales to have a title search. There has been a problem with whether it is the duty of the collector to have a title search.

Testifying for the bill was Senator Melton.

OPPOSERS: There was no opposition voiced to the committee.

Kathryn Ruckman, Research Analyst

SB 438 -- REGULATION OF CERTAIN LOAN ARRANGERS

SPONSOR: Banks

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 13 to 0.

This bill requires persons arranging unsecured loans of \$500 or less to register with the Division of Finance. An annual registration fee of \$150 is required. The bill also sets allowable charges for these loans and establishes regulations governing loan arrangers.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this type of lender serves a certain section of the population and should be regulated.

Testifying for the bill were Senator Banks and the Missouri Finance Institute.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SB 709 -- ST. LOUIS CONVENTION AND VISITORS COMMISSION

SPONSOR: Scott

COMMITTEE ACTION: Voted "do pass" by the Committee on Municipal Corporations by a vote of 8 to 0.

This bill creates a Regional Convention and Visitors Commission in St. Louis City and St. Louis County. The operations of the Commission would be funded, if approved by the voters, by a gross receipts tax on hotel and motel rooms. A portion of the funds would be allocated to a Regional Cultural and Performing Arts Development District which is also created by the bill. The make-up and the powers and duties of the boards are provided for.

This bill has an emergency clause.

FISCAL NOTE: The tax is estimated to generate approximately \$5.3 million annually for the two Commissions. The Cultural and Performing Arts Commission should receive \$1.3 million and the Convention and Tourism Commission about \$4.0 million. The cost of submitting this proposal to the voters would be an obligation of the city and county and should not be significant if it is put on the ballot at the same time as a regular election. The Department of Revenue has estimated their cost for implementing this tax would be \$110,000 in the first year and approximately \$50,000 annually thereafter.

PROPOSERS: Supporters say passage of the bill would be of great benefit to the St. Louis Area.

Testifying for the bill were Senator Scott; St. Louis City; St. Louis County; the Regional Commerce and Growth Association; the Hotel and Motel Association; and several art and theater groups.



OPPONENTS: The only opposition expressed to the bill regarded requiring the Department of Revenue to collect the tax. This would cause problems with their computer program.

Testifying against the bill was the Department of Revenue.

Bob Wedow, Research Analyst

HCS SCS SBs 563, 555 -- DEVELOPMENT OF ASSESSMENT AND  
EQUALIZATION

SPONSOR: Mathewson (Rauch)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Property Equalization and Classification by a vote of 8  
to 1.

This substitute requires each county assessor to  
appraise and equalize all real property within the  
county once every four years in accordance with an  
assessment and equalization maintenance plan approved  
by the State Tax Commission. In addition, each county  
assessor is required to adjust annually the assessed  
valuation of such real property to reflect changes in  
true value determined by market data studies.

The State Tax Commission will oversee and supervise the  
implementation of all assessment and equalization  
plans. After completing each assessment and  
equalization maintenance plan the county assessor will  
make available in his office the assessed valuation of  
each parcel of property within the county. The state  
will reimburse the county assessment fund an amount not  
to exceed three dollars per parcel for maintaining  
property assessments.

The substitute establishes a certificate of value  
reporting format to be used for recording the transfer  
of properties. It also contains provisions for  
calculating the local share of funding need for the  
operation of the assessment and equalization  
maintenance plan and has provisions for the reporting  
of previous hidden properties.

The substitute establishes a permanent joint  
legislative committee to be known as the "Joint  
Committee on Property Assessment". The committee will

consist of four members of the House of Representatives appointed by the Speaker of the House, four members of the Senate appointed by the President Pro Tempore. The committee will meet at least once every six months and will submit an annual report to the General Assembly.

The substitute carries an emergency clause and effective dates.

PROPOSERS: Supporters say that legislation must be enacted to assure that statewide reassessment is maintained.

Testifying for the bill were Senator Mathewson; Missouri Assessors Association; Missouri Association of Counties; Missouri Home Builders Association; Jackson County Assessor; St. Louis County Assessor; Franklin County Assessor; and the State Tax Commission.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SB 564, HCAs 1, 2 -- COMMUNITY ACTION AGENCIES

SPONSOR: Staples (Goward)

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 6 to 1.

This bill defines community action agencies and community action programs. The bill also requires each community action agency to have a board of directors which is to include elected public officials, representatives of those served by the agency, and spokesmen for community interest and business concerns. The board will administer community action programs. Federal community service block grant money is to be allocated to community action agencies on the basis of each agency's poverty population relative to the poverty population of the state. The state is prohibited from providing financial assistance to community action agencies in the form of general revenue funds or in-kind services.

HCA 1 - specifies that the Department of Social Services shall determine poverty levels used in allocating federal community service block grants.

HCA 2 - community action agencies shall be governed by Department of Social Services regulations concerning federal community service block grants.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill merely recognizes community action agencies in the statutes. Federal community service block grants, which formerly were provided directly to such agencies, are now allocated to agencies through the Department of Social Services. Therefore, there is a need to define community action agencies in the statutes and to establish

administrative procedures regarding them. This bill specifically prohibits the expenditure of general revenue or in-kind services for such agencies.

Testifying for the bill were Senator Staples and the Missouri Association for Community Action.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

SB 727 -- SUBROGATION RIGHTS OF CRIPPLED CHILDREN'S SERVICES

SPONSOR: Wilson (19th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Social Services and Medicaid by a vote of 7 to 0.

This bill allows Crippled Children's Services, part of the Division of Health, to recover expenditures for crippled children's services when benefit recipients or their parents receive a liability settlement or award for the injury, disability, or disease of the recipient. The state may recover from such a settlement expenditures by the Crippled Children's Services which are not otherwise recoverable from the recipient or his or her parents. Acceptance of program benefits constitutes acknowledgement of the subrogation rights of Crippled Children's Services, which may take any action necessary to enforce those rights.

FISCAL NOTE: The Department of Social Services believes this will provide recovery of funds to the state, of approximately \$50,000 to \$100,000 annually.

PROPOSERS: Supporters say this bill will allow the Bureau of Crippled Children's Services to recover expenditures made on behalf of a benefit recipient when the recipient or his or her parents receives a liability settlement for the injury, disability, or disease of the recipient. In the past, recipients have been awarded large liability settlements from which the state has been unable to recover the full cost of services provided at no charge.

Testifying for the bill were Senator Wilson (19th) and Bureau of Crippled Children's Services.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HCS SB 570 -- LICENSING OF INSURANCE AGENTS AND BROKERS

SPONSOR: Crump (84th) (Wilson (34th) et al)

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance by a vote of 12 to 0.

This substitute provides that examinations for an insurance agent's license or a broker's license shall be held at such times and places as the Director of Insurance shall determine. The Director is empowered to authorize an independent testing service to prepare and administer the examination pursuant to the Director's direction. The applicant shall be assessed an examination fee which is not refundable.

This bill also requires an applicant for an insurance agent's or broker's license to complete the following classroom study requirements either one year before written application or not later than ninety days after successfully completing the license examination: 20 hours for a general casualty license or for a license limited to fire and allied lines insurance; 15 hours for a license limited to life insurance or to accident and health insurance. These requirements would not apply to currently licensed agents or brokers unless they apply for a type of license which they did not hold as of the effective date of this bill. The Advisory Board on Insurance Agents' and Brokers' Licensing and Examination is to make recommendations to the Director of the Division of Insurance concerning courses of study required.

Finally, the bill requires agents and brokers to notify the Director of the Division of Insurance of any change in residence within thirty days; agencies would have to notify of any change in business address. Where a failure to provide such notice results in an inability to serve the agent, broker or agency with a complaint



under sections 161.272 to 161.342, then the license of the agent, agency or broker will be revoked until such time as service can be obtained.

The bill contains an effective date of January 1, 1986.

FISCAL NOTE: Would decrease General Revenue by \$8,606 in FY 85, \$6,484 in FY 86 and \$6,828 in FY 87.

PROPOSERS: Supporters say that allowing the Director to schedule the times for examinations will give the Division more flexibility in conducting the examinations. The classroom requirements will help protect the public by assuring that agents and brokers have good backgrounds in the types of insurance they will be handling. The study requirements will be satisfied by the type of classroom work currently required by some companies of prospective agents who have passed the licensing examination. The requirement of notice of an address change is designed to help avoid in the future a problem the Division currently has in contacting some agents and brokers.

Testifying for the bill were Senator Wilson; Division of Insurance; Shelter Insurance; and Independent Insurance Agents of Missouri.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

SB 679 -- PROCEDURE FOR INSURANCE COMPANY TO PURCHASE  
ITS OWN STOCK

SPONSOR: Murphy

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Insurance by a vote of 11 to 0.

This bill provides that an insurance company may purchase or otherwise acquire its own stock after it has been issued, without the prior approval of the Director of the Division of Insurance, upon the showing that: 1) the insurance company's capital and surplus do not fall below the legally prescribed minimums as a consequence of the purchase; and 2) a report has been filed by the insurance company within ten days of the end of a three month period in which it acquired more than five percent of any class of its outstanding shares. The report shall indicate the date of purchase, the class of stock purchased, the number of shares of each class purchased, the aggregate price paid for each class of shares purchased, and the authorized capital, actual capital and surplus of such company immediately prior to such purchase.

The bill also provides that the shares of its own stock held by an insurance company shall not be considered to be an admitted asset, nor shall they be considered in determining the solvency of any insurance company.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say that currently insurance companies need the approval of the Director of the Division of Insurance before they can purchase their own stock. Other corporations do not have such a limitation. This bill would ease the restriction by allowing such purchases in certain situations.

Testifying for the bill were Senator Wilson (34th);  
Business Men's Assurance Company; and Old American  
Insurance Company.

OPPONENTS: There was no opposition voiced to the  
committee.

Mark Doerner, Research Analyst

SB 626 -- ECONOMIC DEVELOPMENT COMMISSION

SPONSOR: Smith

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 13 to 0.

This bill expands the powers of the Economic Development Commission concerning the guaranteeing of loans, purchase of insurance, sale of property and other business activities. The bill also allows the Commission to make secured loans to finance export trade activities.

This bill has an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill would make available short term financing to small and medium size businesses who operate in the international market. It would allow these businesses to have access to the Federal Import-Export Bank Loan program.

Testifying for the bill were Senator Smith; Department of Consumer Affairs, Regulation and Licensing; and U.S. Department of Commerce.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HCS SJR 23 -- MISSOURI STATE LOTTERY

SPONSOR: Benson (Dirck)

COMMITTEE ACTION: Voted "do pass" by the Committee on Revenue and Economics by a vote of 11 to 9.

This proposed constitutional amendment deals with the authorization of a state lottery. In its major provisions, this substitute:

(1) Grants authority to the General Assembly to enact lottery legislation. Such legislative authority is now prohibited by Article III, Section 39 of the Missouri Constitution.

(2) Defines the Missouri state lottery as the drawing of a winning number from the pool of adult persons who have purchased lottery tickets from authorized sales agents.

(3) Creates a lottery commission. There would be a three member panel, appointed by the Governor with the advice and consent of the Senate. Each commissioner would have to be at least 30 years old and a registered voter and have been a resident of the state for at least the five years immediately preceding his appointment. No more than two members of the commission could be of the same political party. Members would serve a staggered six year term and receive no salary, only expenses, and hire such employees as the General Assembly would require.

(4) Requires any legislation implementing a state lottery to require that the winnings of any person be offset against any debt he owes the state.

(5) Divides the revenues generated by the state lottery as follows: (a) a maximum of 45% to prizes; (b) a

maximum of 10% to administration, promotion and commissions; (c) a minimum of 45% to the state general revenue fund. The above percentages would go into effect one year after lottery legislation is implemented after which time the lottery would have to be self-supporting.

(6) Specifies who may be lottery sales agents. Lottery sales agents could be persons holding a valid retail sales license. No one could be a sales agent whose primary business is the sale of lottery tickets. Other qualifications could be imposed by the General Assembly.

(7) Requires that advertising to promote a lottery game would have to give the odds of winning such game.

PROPOSERS: Supporters of the original resolution say this resolution will give the voters of Missouri the opportunity to decide whether or not Missouri has a state lottery. Public opinion polls show overwhelming support for a state lottery. Many Missourians go to Illinois to play in Illinois' lottery, taking Missouri dollars out of state. Lottery would raise around \$90 million for the state. If the General Assembly does not act some group will put the issue on the ballot by initiative petition. In the past initiative petitions have been poorly drafted. The General Assembly should submit a properly drafted resolution to the voters for their consideration.

Testifying for the bill were Senator Dirck; City of Kansas City (provided: Kansas City's support was based on funds from the lottery being earmarked for education or returned to the local communities.)

OPPOSERS: Those who oppose the original resolution say this resolution will not stop money from going to Illinois. Illinois will heavily advertise to keep Missourians going across the state line. A lottery

will be making a public statement that Missouri encourages gambling and all forms of gambling, illegal and legal, will increase. Crime will increase as people need more money to support their gambling habit. After the initial excitement of a lottery participation falls off, the state will be placed in a position of needing to encourage more players. The state does not encourage cigarette smoking so it can obtain more sales tax.

Testifying against the original resolution were Missouri Baptist Convention; Christian Civic Foundation; and Missouri Catholic Conference.

Richard Waters, Research Analyst

SB 409 -- ACQUISITION OF CORPORATE STOCK

SPONSOR: Webster

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 10 to 0.

This bill will establish rules and procedures for acquisition of public corporations. The bill also establishes time limits for notification of shareholders, voting requirements for approval of sale, and time limits for payments to shareholders.

This bill contains an emergency clause.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill would help to prevent the acquisition and re-location of Missouri corporations.

Testifying for the bill were Senator Webster, Missouri State Labor Council, Missouri State Chamber of Commerce, Associated Industries, Wetterau Inc. and Legget and Platt Inc.

OPponents: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst



SB 528, HCAs 1, 2 -- LABOR AND INDUSTRIAL RELATIONS  
SALARIES

SPONSOR: Panethiere

COMMITTEE ACTION: Voted "do pass" by the Committee on Fees and Salaries by a vote of 7 to 1.

This bill increases the compensation of the members of the Labor and Industrial Relations Commission from \$40,000 to \$54,000 per year.

The bill also increases the salaries of the following Workers' Compensation personnel: Legal Advisor from \$35,000 to \$41,000; Chief Counsel from \$36,800 to \$43,000; Administrative Law Judge from \$39,800 to \$48,000; Administrative Law Judge in charge from \$41,000 to \$51,000.

In addition the bill empowers the Labor and Industrial Relations Commission to review the decisions of the Division of Workers' Compensation on claims for compensation filed by victims of crimes. Legal advisors are to act in the capacity of associate administrative law judges in offices having only one administrative law judge and shall have jurisdiction for claims upon original hearings.

HCA 1 - permits the Workers' Compensation personnel named above to receive cost of living increases as provided for other state personnel.

HCA 2 - prohibits these employees from receiving other remuneration.

FISCAL NOTE: Would decrease Workers' Compensation and Crime Victims Funds by \$229,281 in FY 85, \$278,845 in FY 86, & \$278,845 in FY 87.

SB 528, HCAs 1, 2 -- LABOR AND INDUSTRIAL RELATIONS SALARIES

SPONSOR: Panethiere

COMMITTEE ACTION: Voted "do pass" by the Committee on Fees and Salaries by a vote of 7 to 1.

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HCA 1 - permits the Workers' Compensation personnel named above to receive cost of living increases as provided for other state personnel.

HCA 2 - prohibits these employees from receiving other remuneration.

FISCAL NOTE: Would decrease Workers' Compensation and Crime Victims Funds by \$229,281 in FY 85, \$278,845 in FY 86, & \$278,845 in FY 87.

PROPOSERS: Supporters say no general revenue is involved in these pay increases. Adequate funds are available in the Workers' Compensation fund. High quality attorneys are being lost by the Division because of low salaries.

Testifying for the bill were Senator Panethiere; Associated Industries; and Missouri Bar Association.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

SB 686, HCAs 1, 2 -- REGULATES CREDIT PROPERTY INSURANCE

SPONSOR: McCarthy

COMMITTEE ACTION: Voted "do pass" by the Committee on Insurance by a vote of 13 to 0.

This bill authorizes the sale of credit property insurance in connection with any consumer credit loan, subject to specified standards and restrictions. The terms "credit property insurance" and "credit casualty insurance" are defined for the purposes of the bill. As a minimum policy standard, credit property insurance will have to include standard fire coverage, an extended coverage endorsement and a replacement cost provision endorsement. Benefits will be calculated from the date of loss, and the coverage provided must be primary.

The bill also provides that the borrower will have certain rights. The borrower shall not be coerced to obtain insurance from any particular insurer or agent. If the borrower has or obtains additional personal property coverage the borrower may substitute coverage at any time and be entitled to a pro rata refund of the unearned premium. Also, the borrower is entitled to a pro rata refund of the unearned premium upon satisfaction or termination of the underlying indebtedness. The credit property insurance may not exceed the total amount of indebtedness or the duration of the term of the underlying contract.

The bill amends sections relating to interest on small loans to permit the charge or premium for the credit property insurance. A premium rate or schedule of premium rates will be presumed to be unreasonable by the Director of the Division of Insurance if the rate may be expected to produce a loss ratio of less than

sixty percent. In addition, the director has the power to adopt rules and regulations relating to credit property and credit casualty insurance.

HCA 1 - puts a ceiling of \$15,000 on the amount of the underlying indebtedness on which credit property insurance can be written.

HCA 2 - makes technical changes.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say credit property insurance is needed by those making consumer loans to help protect their interest in the property involved in such loans. This bill sets out certain rights and standards for such loans. It also helps resolve a conflict in authority in state law by making clear that the Division of Insurance has authority to regulate aspects of such insurance.

Testifying for the bill were Senator McCarthy and Beneficial Management Corporation of America.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

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Testifying for the bill were Senator McCarthy and Beneficial Management Corporation of America.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

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SB 694, HCA 1 -- JUVENILE COURT PERSONNEL SALARIES

SPONSOR: Caskey

COMMITTEE ACTION: Voted "do pass" by the Committee on Fees and Salaries by a vote of 8 to 0.

This bill increases the compensation of deputy juvenile officers and establishes salary ranges based on the officers' class.

HCA 1 - would eliminate the salary ranges and would increase the officers' salaries at a fixed rate in two steps.

FISCAL NOTE: Would decrease General Revenue by \$318,840 yearly.

PROPOSERS: Supporters say increased salaries are needed to attract and retain qualified personnel.

Testifying for the bill were Senator Caskey, the Missouri Juvenile Justice Association and a Juvenile Officer.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst



HCS SCS SB 608, 681 -- DRIVING WHILE INTOXICATED

SPONSOR: Youngdahl

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 7.

The bill provides that an arrest for a municipal or county alcohol related traffic offense may be the basis for an administrative suspension or revocation of driving privileges. However, a county or municipal ordinance may not be the basis for an administrative suspension or revocation unless the law enforcement officer, other than an elected peace officer or official, has been certified by the Director of the Department of Public Safety. No arrest for an alcohol related offense may be the basis for an administrative suspension or revocation where the arrest was made at a checkpoint or roadblock if there was not prior probable cause for stopping the vehicle.

The bill provides that a request for a hearing shall be effective if postmarked within fifteen days of receipt of notice of the suspension or revocation. Present law provides that the request is effective only if received by the Department of Revenue within fifteen days.

The bill requires that proof of financial responsibility be filed with the Bureau of Safety Responsibility of the Department of Revenue before a person receives his restricted driving privilege subsequent to a license suspension.

The bill makes clear that the burden is on the state to establish at a hearing that the person's blood alcohol content was .13% or greater.

The bill makes clear that a license can be suspended or revoked, not just suspended as is the case under the existing law.

The filing of a petition for a trial de novo to challenge the decision of the Department of Revenue administrative revocation of a license does not result in an automatic stay of the suspension or revocation order but a person may be eligible to receive a restricted driving privilege pending the outcome of his appeal. The time of the restricted driving privilege counts toward any restriction on driving which may be imposed on the driver at the trial de novo.

This bill has an emergency clause.

PROPOSERS: On the original Senate substitute supporters say in Opinion No. 132-83, the attorney general expressed the opinion that since the 1983 session's drunk driving bill particularly referred to state statutes sections 577.010 and 577.012 as being the subject of the administrative revocation procedure and that no mention was made of municipal and county drunk driving ordinances, such ordinances do not subject a driver to having his or her driver's license suspended by administrative revocation. A large number of persons are charged under municipal or county ordinances for drunk driving rather than under state law. This bill would make clear that all drunk driving offenders with a blood alcohol content of thirteen hundredths of one percent, whether charged under state statute or municipal or county ordinance, would be subject to having their driver's license suspended by administrative revocation. In addition, a backlog is beginning to develop in some courts as more drivers challenge the administrative proceeding at the Department of Revenue, because by appealing they can stay the administrative action. Some inducement needs to be inserted into the statutes for a quick disposal of the case on appeal. The elimination of an automatic appeal will provide this. Some peace officers are having to testify at three hearings: the administrative hearing; the trial de novo and the criminal proceeding. This is needlessly taking officers off the roads.

Testifying for the bill were Senator Smith; Richard King, Director of the Department of Revenue; numerous persons standing in support of the bill.

OPPONENTS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

SB 482 -- EXCLUSION OF SOCIAL SECURITY BENEFITS FROM MISSOURI INCOME TAX

SPONSOR: Tinnin

COMMITTEE ACTION: Voted "do pass" by the Committee on Revenue and Economics by a vote of 20 to 1.

To arrive at Missouri adjusted gross income, this bill allows taxpayers to deduct social security benefits from federal adjusted gross income to the extent that such benefits are included in federal adjusted gross income.

FISCAL NOTE: Would decrease General Revenue by \$3,993,700 in FY 85, \$4,434,000 in FY 86, and \$5,278,100 in FY 87.

PROponents: Supporters say normally, federal legislation does not impact directly upon Missouri law, however, the starting point to calculate Missouri income tax is federal adjusted gross income. Therefore, when the federal government imposed a tax on certain social security benefits, the federal action flowed through to Missouri. While the base of social security taxation is at a high amount now, it is feared that the federal government will eventually tax all social security benefits. In addition, to calculate if social security falls within the base amount income from interest free bonds are used in the calculation. This is unfair since such interest is not taxable income. It may hurt the sales of tax free bonds if elderly persons cannot use these purchases to shelter income.

Testifying for the bill were Senator Tinnin; American Association of Retired Persons; Association of State Retirees; Retired Teachers Association of Missouri; Director of Revenue, Richard King provided information

on the Missouri income tax system without taking a position on the bill.

OPPONENTS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

SB 688 -- SALE OF WORKS OF FINE ART

SPONSOR: Schneider (Smith 116th)

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism, Recreational and Cultural Affairs by a vote of 13 to 0.

This bill details and clarifies the legal relationship of consignor and consignee in the exhibition and sale of works of fine art.

The delivery of a work of fine art to a dealer by an artist shall constitute consignment unless the dealer purchases the work outright. This bill calls for a written contract whenever a consignee accepts a work of fine art. The contract shall include provisions that the proceeds of the sale shall be delivered to the consignor at a designated schedule; the consignee shall be responsible for the stated value in the event of loss or damage; the work of art may not be sold for less than the agreed amount; the work may be displayed only upon the consent of the consignor.

The act of consignment shall mean that the art dealer is an agent of the artist, the work of art is property held in trust and may not be subject to claim by a creditor of the consignee, and proceeds from the sale are funds held in trust by the consignee for the consignor.

The artist who is a consignor may lawfully waive the provision relating to the holding of proceeds in trust by the consignee, so long as the waiver is clear, conspicuous, in writing and signed by the artist/consignor.

This act shall not apply to existing contracts unless the parties agree that it shall apply or such contract

is extended or renewed after the effective date of the bill.

Any art dealer or creditor of an art dealer who violates any provision of this act shall pay punitive damages as may be determined by law, including reasonable attorney fees.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill protects the artists' interests.

Testifying for the bill was Senator Schneider.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

SB 443, HCAs 1, 2 -- MISSOURI DOMESTIC PRODUCTS  
PROCUREMENT ACT

SPONSOR: Panethiere

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Commerce by a vote of 12 to 3.

The bill requires that each contract for the purchase  
or lease of manufactured goods or commodities by any  
public agency as well as all contracts for  
construction, alteration, repair, or maintenance of any  
public works utilize only goods or commodities  
manufactured, assembled or produced in the United  
States in completion or performance of that contract or  
subcontract.

This bill will not apply to purchase, lease, or  
contract expenditures of less than one thousand  
dollars, or where the executive head of a public agency  
certifies in writing that: (1) the specified products  
are not manufactured or produced in the United States  
in sufficient quantities; (2) the specified products  
cannot be manufactured or produced in the United States  
within the necessary time frame; or (3) the specified  
products manufactured or produced in the United States  
would increase the cost of the contract by more than  
fifteen percent.

The bill contains penalty provisions.

HCA 1 - changes penalty provisions in the bill from a  
misdemeanor to an infraction.

HCA 2 - requires that more than one bid be submitted  
for contracts that come under this act.

FISCAL NOTE: No impact on state funds.



PROPONENTS: Supporters say this bill will help protect employment for Missourians.

Testifying for the bill were Senator Panethiere and United Auto Workers Local 691.

OPPONENTS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SB 436, HCAs 1, 2, 3 -- ST. LOUIS CITY SCHOOL BOARD

SPONSOR: Banks

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 19 to 1.

The bill increases the size of the school board in St. Louis City from twelve to thirteen members. Seven members of the board shall be elected from the city at-large. The remaining six shall be elected from subdistricts. Each member elected from a subdistrict must have been a resident of that subdistrict for at least three years.

Within thirty days after the effective date of this act the Board of Election Commissioners shall initiate hearings on the formation of subdistricts and shall create the subdistricts within sixty days of the effective date of this act. If the Board of Election Commissioners fails to create the subdistricts, the circuit court of jurisdiction shall act as the redistricting commission.

In the first election after the subdistricts are created, three members shall be elected at-large and two each shall be elected at-large in the second and third elections. The election date is changed from even numbered years to odd numbered years.

HCA 1 - decreases from 1000 to 500 the number of signatures required on a nomination petition for election to the school board from a subdistrict.

HCA 2 - requires redividing of the district into six subdistricts within 120 days after each U.S. decennial census.

HCA 3 - changes six-director districts to seven-director districts and provides a method of election and for staggering of terms. It provides for all urban districts which have six directors on the effective date of this act to appoint one additional director as the law provides for filling of board vacancies and provides for the election of the appointee's successor. In addition, the amendment allows all board members in special school districts holding office on the effective date of this act to continue to hold office and provides an election schedule for situations in which a redistricting plan has been approved by the state board of education.

PROPOSERS: Supporters say this bill only relates to the St. Louis City school board. Currently a majority of the school board members live in one geographic area of the city, thereby providing only limited representation. This concept is endorsed by the St. Louis School board.

Testifying for the bill was Senator Banks.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

SB 423, HCA 1 -- LIBRARY DISTRICT FUNDS

SPONSOR: Bild, Dirck (Crump)

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Organization by a vote of 6 to 0.

This bill establishes the position of treasurer of the board of trustees of a county library district. The county collectors in all counties, including charter counties, are required to turn over to the treasurer of the library district or the county treasurer (who is to pay to the county library district treasurer) all money to which the library district is entitled.

The treasurer of the county library district board of trustees is to be custodian of all money for the library district. This money, depending upon its tax source, shall be kept in either the County Library Fund or the County Library Building Fund. Funds derived from state aid or federal grants will be kept in the county library operating fund. The board may establish other funds which may be necessary.

Interest on county library funds shall be computed upon the daily balances with the depository and shall be credited to these funds. Before any payment may be made by the treasurer, the library district board must authorize, and the board president must certify, the payment. The treasurer, librarian and other employees designated by the board shall be bonded by a corporate surety. The librarian is required to keep records and accounts and on or before the second Monday in March of each year, report to the board on the condition of the library.

HCA 1 - changes "county library" to library district".

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill would give libraries control over their own money.

Testifying for the bill were Senator Bild; St. Louis County Library; Mid-Continent Library District; and the Missouri Library Association.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

SB 631 -- POLITICAL SUBDIVISIONS MAY PROVIDE CERTAIN  
INSURANCE COVERAGE FOR ELECTED OFFICIALS

CO-SPONSORS: Murphy, Smith, Johnson

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Insurance by a vote of 12 to 0.

This bill permits the governing body of any political  
subdivision to utilize the revenues and other available  
subdivision funds to contribute to the cost of a plan,  
such as an insurance plan, to furnish hospitalization  
or medical expenses, life insurance or similar  
benefits, as part of the compensation of the  
subdivision's elected officials. Currently, such funds  
can be used only on behalf of the subdivision's  
employees. Contracts for such plans for officials and  
employees would also have to be submitted to  
competitive bidding at least every three years.

FISCAL NOTE: This is permissive legislation; any cost  
to the political subdivisions would be dependent upon  
their individual action.

PROPOSERS: Supporters say that elected officials  
should be included in the statute allowing political  
subdivisions to contract for insurance. Changing that  
law on the timing of competitive bidding will allow  
contracts to cover three year periods. Such a period  
is preferred by the companies as well as the political  
subdivisions.

Testifying for the bill were Senator Murphy; Missouri  
Municipal League; Missouri Association of Counties;  
Kansas City Blue Cross-Blue Shield; and the St. Louis  
Public Schools.

OPPOSERS: There was no opposition voiced to the  
committee.

Mark Doerner, Research Analyst

SB 665 -- WAIVER OF UTILITIES IN UNUSED DEPARTMENT OF  
MENTAL HEALTH BUILDINGS

SPONSOR: Schneider

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Public Health and Safety by a vote of 6 to 4.

This bill allows the Department of Mental Health to  
waive the cost of utilities and services provided to a  
not-for-profit organization leasing an unused  
Department of Mental Health facility, if the  
organization's activities benefit the facility or its  
residents in an amount that equals or exceeds the cost  
of the utilities or services provided.

FISCAL NOTE: Would decrease General Revenue by \$8,850  
in FY 85, \$12,744 in FY 86, & \$13,763 in FY 87.

PROPOSERS: Supporters say that certain not-for-profit  
organizations, such as support groups for residents of  
state mental health facilities, devote extensive  
volunteer efforts to raise money to benefit such  
residents or facilities. This bill would reward such  
organizations if their contributions exceed the cost of  
utilities and services provided to them. The  
Department of Mental Health would have the option of  
waiving such costs.

Testifying for the bill was Senator Schneider.

OPPOSERS: There was no opposition voiced to the  
committee.

Daniel Landon, Research Analyst

SB 701 -- EASEMENT IN JEFFERSON CITY

SPONSOR: Strong

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 7 to 0.

This bill grants an easement on state property in Jefferson City to Union Electric Company for the purpose of constructing underground electrical lines. Title shall revert to the state if Union Electric ceases to use the property for such electrical lines. The easement will not restrict the construction or operation of state buildings.

This bill has an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will allow Union Electric to convert overhead electrical lines to underground lines and to install new electrical lines to service the proposed capitol parking garage and the capitol complex. These underground lines will also provide the penitentiary with a back-up power source.

Testifying for the bill was Senator Strong.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst



HCS SJR 31 -- STATE AND LOCAL TAXATION AND EXPENDITURES

SPONSOR: Proffer (Wilson, 19th)

This proposed constitutional amendment submits to the voters an extensive revision of the "Hancock Amendment". Major revisions proposed include:

- (1) Limits on tax receipts are replaced by limits on appropriations and spending;
- (2) The formula for limiting growth is indexed to growth in personal income over the preceding four years in place of one year;
- (3) Voter-approved tax increases to general revenue are excluded from the limits;
- (4) The requirement that an emergency be declared in advance of incurring emergency expenses is repealed;
- (5) A cash operating reserve and a recessionary reserve fund are established;
- (6) Refund of surplus revenues by a pro rata income tax refund is replaced by an abatement of sales tax collections which are credited to general revenue;
- (7) The prohibition against the state reducing its funding of local or county services or requiring new services without funding them is repealed;
- (8) A one-time increase in the compensation of county officials is permitted during the term of any officials elected in 1982 or 1984; and
- (9) The requirement that increases in local licenses and fees be submitted to the voters for approval is repealed.

PROPOSERS: Supporters of the original resolution say that it would give the General Assembly the option of either setting county officials' salaries or providing by law that those salaries can be set by county governing bodies.

Testifying for the original resolution were Senator Wilson, Missouri Public Expenditure Survey, and the Missouri Association of Counties.

OPPOSERS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

SB 441 -- CERTAIN RETAIL LIQUOR LICENSES

SPONSOR: Scott

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 13 to 1.

This bill permits a distiller whose manufacturing establishment is located in Missouri to obtain a license to sell intoxicating liquor by the drink, at retail, for consumption on the premises.

All laws relating to the regulation of sale, consumption, and collection of fees shall apply to the distiller who obtains such a license.

PROPOSERS: Supporters say that the bill will aid in the promotion of tourism in certain areas of the state.

Testifying for the bill were Senator Scott; McCormack Distiller; and Distilled Spirits Council.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SS SB 557, HCA 1 -- CHANGES IN CONSUMER FINANCE AND  
REAL ESTATE LOANS

SPONSOR: McCarthy

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Banks and Financial Institutions by a vote of 21 to 0.

This substitute: (1) Permits additional points to be  
charged on residential real estate loans. The  
additional charges cannot exceed the maximum allowed  
under regulations of the Federal Housing Administration  
and Veterans' Administration.

(2) Codifies an existing regulation for calculating  
extension charges on precomputed loans.

(3) Provides that the interest on certain credit cards  
will not exceed twenty percent (APR). Present law  
provides that interest will not exceed twenty-two  
percent (APR) on amounts not in excess of one thousand  
dollars and ten percent (APR) on the remainder.

(4) Removes the \$2,500 limit on "small loans" and  
permits such loans to carry a twenty percent interest  
rate (APR) as an alternative to the present rate of  
2.218% per month on the unpaid balance (26.62% APR) on  
loans of \$800 or less and 1.25% per month (15% APR) on  
amounts between \$800 and \$2500.

(5) Permits an additional annual charge for credit  
cards which authorize no predetermined unpaid balance  
or an unpaid balance in excess of \$1,000.

(6) Restricts the use of the "Rule of 78" refunding as  
it relates to motor vehicle retail installment  
contracts, small loans and retail credit contracts to  
contracts of less than sixty months.

(7) Makes clear that the interest provisions of the Consumer Finance Act do not apply to open end credit accounts.

HCA 1 - makes numerous technical changes in the substitute. The amendment also changes the restriction on the use of the "Rule of 78" from sixty to sixty-one months. The amendment changes the name of the "Small Loan" statutes to the Consumer Finance Act.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say Missouri financial institutions are losing credit card business to other states because, under the present rates, they can not operate at a profit on unpaid credit card balances in excess of one thousand dollars. The \$2,500 limit on small loans is restrictive and fails to serve the public.

Testifying for the bill were Senator McCarthy; Missouri Consumer Finance Association; American Express; Beneficial Management Corporation; and the Missouri Bank Holding Companies Association.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SB 468, HCA 1 -- MINORITY BUSINESS DEVELOPMENT

SPONSOR: Bass (Williams)

COMMITTEE ACTION: Voted "do pass" by the Committee on Governmental Organization by a vote of 7 to 1.

This bill establishes a nine member "Governor's Commission on Minority Business Development" within the Office of Administration. The commission is to consist of the chief executive officer of the Department of Highways and Transportation; the Commissioner of the Office of Administration; one member from each of the houses of the General Assembly and five members with a background in racial minority business affairs, to be appointed by the Governor. One of the five appointees is to serve as chairman.

The bill also establishes the position of Deputy Commissioner to be appointed by the Commissioner of the Office of Administration. The Deputy Commissioner is to work with the commission in the implementation of the bill.

Among the commissions' duties are: (1) identifying minority businesses in the state and assessing their needs; (2) initiating programs to assist minority businesses in obtaining state contracts; (3) establishing as a goal that state contracts be let to racial minority businesses; and (4) defining the duties of the Office of Deputy Commissioner for Minority Business Development in the Office of Administration.

The commission is to meet at least three times each year and is required to report twice each year to the Governor and the General Assembly. The members are to serve without compensation. The five members of the commission appointed by the Governor and the two members from the General Assembly are to be entitled to

per diem and travel allowances as specified in the bill. Appointed members will serve four year terms, excepting the initial terms of certain appointees which are staggered.

HCA 1 - adds the director of the Department of Conservation to the commission and changes the number of business and industry-related commissioners from five to four. The amendment further specifies the commissioners' qualifications. The Senator and Representative on the commission are given voting power. The word "racial" is deleted in reference to minority, and numbers are changed to represent the change in the number of commissioners. Also, ten percent of state contracts are to be awarded to minority businesses.

PROPOSERS: Supporters say this bill would aid minorities and help put some equity and fairness in an unfair situation.

Testifying for the bill was Senator Bass.

OPPOSERS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

SB 617 -- ST. LOUIS FIREMEN'S RETIREMENT

SPONSOR: Murphy

COMMITTEE ACTION: Voted "do pass" by the Committee on Retirement by a vote of 7 to 0.

This bill permits current members of the St. Louis Fire Department who had previous service for which they received a refund of their contributions to repurchase service credit upon repayment of the contributions with interest.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill merely permits current members of the system to receive credit for interrupted service and since repayment of contributions is required, the system will not be hurt.

Testifying for the bill were Senator Murphy and the Chairman of the St. Louis Firemen's Retirement System.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst



SCS SB 431 -- KANSAS CITY POLICE PAY INCREASE

SPONSOR: Wiggins

COMMITTEE ACTION: Voted "do pass" by the Committee on Urban Affairs by a vote of 5 to 1, 2 present.

This substitute grants a pay raise to all lieutenant colonels, mayors, captains, sergeants, detectives and officers of the Kansas City Police Force.

The number of lieutenant colonels is reduced from six to five. The substitute includes a fifty dollar per month clothing allowance for officers assigned to wear civilian clothing in the performance of their regular duties. Uniformed officers are allowed a twenty-five dollar per month uniform maintenance allowance. The chief of police is required to establish the working hours and the board has the power to pay overtime pay at a rate of one and one-half times the regular hourly rate.

The board of police commissioners by majority affirmative vote has the authority by resolution to authorize incentive pay to officers and detectives below the rank of sergeant. The board may also give additional compensation for successful completion of academic work at a college or university.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the pay raise is needed to maintain and better the quality of the police force.

Testifying for the bill were Senator Wiggins; Kansas City Council; Kansas City Police Board; and Kansas City Police Department.

OPPONENTS: There was no opposition voiced to the committee.

Karla Frye Pleasant, Research Analyst

HCS SB 658 -- EARLY CHILDHOOD SCREENING AND EDUCATION PROGRAMS

SPONSOR: Sharpe (Wiggins)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 21 to 0.

This bill establishes eligibility for reimbursements to any school district that provides or purchases through contract with another district or public agency approved educational programs and services to children under five years of age and their parents. The bill defines developmental screening, developmentally delayed children, including the handicapped, and parent education. The bill provides for reimbursement from the state to the school district of residence of the preschool child for specific programs as defined by this bill. The cost of approved parent education programs, developmental screening programs for all children under age five and reimbursements for special education services as provided in sections 162.670 to 162.995, RSMo, for children ages three and four shall be paid subject to appropriations. No district may receive reimbursement for a child to participate in more than one program.

The Department of Elementary and Secondary Education shall develop the standards for the programs. School districts shall not be required to enter into contractual arrangements that exceed an amount equal to an amount reimbursable to the school districts. No program shall be approved or contract entered into which requires any additional payment by participants or their families.

No person shall be required to participate. All information shall be considered confidential and shall

be accessible only to authorized school employees or agents without written consent of the parent or guardian.

PROponents: Supporters say early intervention and identification of developmental delays is cost effective as well as beneficial to the child. Screening for these delays is considered a prevention measure and affords young children a greater opportunity for education success.

Testifying for the bill were Senator Wiggins; Department of Elementary and Secondary Education; Department of Social Services; Missouri Catholic Conference; and Cooperating School Districts of Kansas City.

OPponents: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HCS SS SB 720 -- BINGO

SPONSOR: Benson (Murphy)

COMMITTEE ACTION: Voted "do pass" by the Committee on Revenue and Economics by a vote of 16 to 2.

This bill makes several changes in the bingo statutes. The bill:

- (1) Permits the playing of pull tab bingo in conjunction with other bingo games;
- (2) Sets a maximum price for pull tab cards at fifty cents;
- (3) Prohibits bingo licensees from requiring that a minimum number of bingo cards be purchased;
- (4) Permits the director of revenue to require that a bingo licensee submit information on the licensee's purchase or lease arrangements;
- (5) Prohibits persons who furnish premises, equipment supplies, commodities or services to a bingo licensee from taking part in operating bingo games;
- (6) Establishes that in conducting or managing bingo games members of the post or organization are to be considered members of the auxiliary organization and members of the clergy are not considered paid staff;
- (7) Permits a licensee to lease premises to other licensees but the lease payment is to be no more than the prorated amount the original lessee pays for the same time under the lease;
- (8) Prohibits the use of vending machines or mechanized machines to sell pull tab cards or award prizes for such games;

(9) Requires an annual report from licensee's who award more than \$7,500 annually in bingo prizes. The current law says a person awarding more than \$5,000 annually or awarding more than \$100 in a single day must file the report;

(10) Gives the director of the department of revenue authority to suspend a bingo license. He now can only revoke a license;

(11) Establishes licensing of manufacturers and distributors of bingo supplies, equipment or cards. For issuance or renewal of a manufacturer's license, the fee is two thousand dollars. For issuance or renewal of a seller's, lessor's or distributor's license, the fee will be five hundred dollars. A person selling, leasing or distributing bingo supplies, equipment or cards of \$1,000 or less is not required to be licensed; and

(12) Requires distributors of pull tab cards to pay a ten dollar tax for each box sold to a bingo licensee. No box of pull tab cards can contain more than 2,400 cards and the box must bear the tax stamp furnished by the department of revenue. A licensee who purchases and sells pull tab cards on which the tax has not been paid shall have his bingo license revoked. A distributor who fails to pay the ten dollar tax shall have his license revoked and is guilty of a class A misdemeanor.

PROPOSERS: Supporters say as more experience is gained under the bingo statutes, problems have arisen that need to be corrected, such as a licensee's sub-leasing arrangements and determining what persons can assist in operating the games. Pull tab bingo is being played by some organizations now. Pull tab bingo will generate revenue for the state and for the organizations permitted to play bingo under the current law.

Testifying for the bill were Senator Murphy; Frank Markovich, President of the American Legion Post in Slater, Missouri; Jim Russell for fraternal and veterans organizations; and St. Louis City Abused Women Support Project.

OPPONENTS: Those who oppose the bill say bingo has gone beyond the original concept of allowing charitable, fraternal, civic and religious organizations to award prizes for playing bingo in their buildings to a big time business operation. Bingo parlors in some areas have a casino type atmosphere. Some promoters have taken advantage of the public and well meaning charities. Pull tab bingo makes bingo more a professional operation rather than the game "commonly known as bingo" which the constitution allows.

Testifying against the bill were Missouri Baptist Convention and Richard King, Director of the Department of Revenue. (The Department of Revenue testified against two provisions in the perfected Senate bill dealing with permitting social clubs to have a bingo license and with certain sub-leasing arrangements.)

Richard Waters, Research Analyst

SB 575, HCA 1 -- PROCEDURES FOR MENTAL HEALTH TREATMENT  
AND INVESTIGATION OF EDUCATIONAL NEGLECT

SPONSORS: Dirck, Wilson (19th)

COMMITTEE ACTION: Voted "do pass" by the Committee on  
Public Health and Safety by a vote of 8 to 0.

Current law allows patient records of those treated in residential facilities or day programs to be released to the Division of Family Services to report child abuse or neglect. This bill revises this law to allow the release of records to the Department of Social Services as necessary to investigate alleged abuse or rights violations.

Residential facilities, day programs, and specialized services are required to reimburse duplicate payments by the Department of Mental Health within 30 days after such payments are or should have been discovered. Duplicate payments are defined as those which duplicate in whole or in part the department's contractual rate for patient services. Such payments shall be reported to the department within five days after they are discovered. Payments not reimbursed within thirty days will accumulate interest at a rate of 1.5% per month.

The bill exempts licensed psychiatric hospitals and facilities or programs accredited by the Commission on Accreditation of Rehabilitation Facilities from licensing requirements of the Department of Mental Health.

The bill also revises procedures for investigating alleged educational neglect of children. Under current law, reports of educational neglect are investigated by the local Division of Family Services office. This bill requires alleged educational neglect to be reported by the Division of Family Services to the



— child's school district, which shall investigate the report within forty-eight hours. If such investigation indicates a probability of neglect, the school district shall make recommendations to the county prosecutor.

— HCA 1 - removes provisions relating to reimbursement of duplicate payments, establishes procedures for reimbursement of overpayments by the Department of Mental Health for patient care. Overpayments not reimbursed within forty-five days after they are or should have been discovered accumulate interest at the rate of 1.5% per month.

FISCAL NOTE: No impact on state funds.

— PROPONENTS: Supporters say this is a "clean-up" bill which will help the Department of Mental Health operate more effectively by revising statutes relating to licensing requirements, the release of patient records, and the recovery of overpayments. This bill will also allow the Department of Social Services to transfer the responsibility for investigating reports of alleged educational neglect to local school districts.

Testifying for the bill was Senator Dirck.

OPPONENTS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HCS SB 634 -- HAZARDOUS WASTE MANAGEMENT ACT

SPONSOR: Feigenbaum (Webster)

COMMITTEE ACTION: Voted "do pass" by the Committee on Energy and Atomic Energy by a vote of 6 to 1.

This bill changes the Hazardous Waste Management Act as follows:

(1) Expands the definition of "disposal" to include injection, dumping, spilling, leaking, or placing of any waste into or on any land or water although it does not authorize injection as an acceptable means of disposal in the state.

(2) Makes several technical changes in the statute to bring state law into compliance with federal requirements for final authorization under the Resource Conservation and Recovery Act.

(3) Eliminates the provision that generators of less than one ton of hazardous waste per year inform sanitary landfill operators by manifest as to the characteristics of the waste and that acceptance of that waste be at the discretion of the operator.

(4) Increases from twenty-five to fifty dollars the tonnage fee on generators of hazardous waste that is landfilled.

(5) Adjusts the "head tax" on all registered hazardous waste generators to include only those workers employed on the last day of the calendar quarter.

(6) Sets the length of time covered by a hazardous waste disposal facility permit to a period "of up to ten years."

(7) Exempts "not for profit health care institutions, including not for profit health care teaching facilities, from the head tax.

(8) Excludes from the term "generation of hazardous waste" the creation or retrieval of hazardous waste which must be disposed of as provided by a closure plan for a permitted hazardous waste facility.

(9) Provides for the unexpended balance in the hazardous waste remedial fund to be retained and invested to generate additional income for the fund and further allows the General Assembly to transfer money from the fund to replace money previously committed from general revenue.

(10) Broadens the powers of the Environmental Improvement and Energy Resources Authority to include financing arrangements for water and sewage facilities.

(11) Exempts from the "head tax" all employees of airline common carriers except those directly involved with the handling of hazardous waste.

(12) Exempts all institutions of higher education from the "head tax."

(13) Imposes a fee of \$5 per ton on all hazardous waste stored on site for over ninety days, excluding smelting slag and impoundment solids and wastes which are subject to a remedial plan for an abandoned or uncontrolled hazardous waste site or as provided by a closure plan for a permitted hazardous waste facility.

(14) Exempts smelter slag waste resulting from the processing of scrap metal into reclaimed metal from fees imposed on generators of hazardous waste which is disposed of in a landfill.

This bill has an emergency clause.

PROPOSERS: Supporters of the original Senate bill argue public educational institutions are exempt from the employee tax on hazardous waste generators and that this exemption should logically extend to not for profit health care institutions. Also, proponents feel the employee tax is unduly burdensome on hospitals which are labor intensive operations that do not produce large quantities of hazardous waste.

Testifying for the bill were Senator Webster and the Missouri Hospital Association.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HCS SB 450 -- CRIMINAL ACTIVITY FORFEITURE ACT

SPONSOR: Youngdahl (Caskey)

COMMITTEE ACTION: Voted "do pass" by the Committee on the Judiciary by a vote of 10 to 3.

This substitute provides that all property used, derived or realized from criminal activity is subject to civil forfeiture. The substitute provides the procedure and the means to enforce the civil proceeding.

PROponents: Supporters say the HCS establishes a criminal activity forfeiture statute. Its aim is to take the profit out of crime by providing a means of civil forfeiture of property realized from criminal activity. The original bill was known as the "Racketeer Influenced and Corrupt Organizations Act" or "RICO". Its purpose was to trace the assets of organizations and persons engaged in corrupt activity. The original bill is aimed at preventing the proceeds obtained from criminal activity from being used to acquire and maintain legitimate businesses.

Testifying for the original bill were Senator Caskey; Attorney General's Office; Governor's Crime Commission; and Missouri Prosecutor's Association.

OPponents: Those who oppose the original bill say language of the bill would have given problems to the legitimate transportation of alcohol.

Testifying against the original bill was Anheuser-Busch Wholesalers.

Richard Waters, Research Analyst

HCS SB 732 -- COUNTY TOURISM SALES TAX

SPONSOR: Butts (Russell)

COMMITTEE ACTION: Voted "do pass" by the Committee on Tourism, Recreation and Cultural Affairs by a vote of 15 to 0.

This substitute allows all lake counties and Pettis County to impose a tourism sales tax upon voter approval. The tax is to be used for the promotion of tourism in the area where the tax is imposed and is not to exceed a rate of seven-eighths of one percent.

The tax may be repealed upon voter approval. It is to be levied and collected in lake counties only in areas which are within three miles of the shoreline of the lake or in municipalities with the lake or in municipalities with part of a boundary within three miles of the lake. In Pettis County it is to be levied and collected throughout the county.

The tax is to be levied on rental of rooms in hotels, motels, condominiums, and boat slips; admissions to places of amusement or entertainment; admissions to recreational, entertainment or educational tourist attractions; and the sale of prepared food and beverages at restaurants and eating establishments and the sale of alcoholic beverages.

The county collector is to administer, collect, enforce, and operate the tax. The statutes governing the state sales tax and the uniform confidentiality provision are to apply to collection of the tax by the county.

All taxes collected by the county collector are to be deposited with the county treasurer in a special trust fund to be known as the "County Advertising and Tourism

Promotion Trust Fund." The county treasurer is to keep record of the amount in the trust fund which was collected in each county. The funds are to be separate from any other funds of the county. The treasurer may make refunds. If any county abolishes the tax, two percent may be retained in the trust fund by the county collector for a period of one year. After one year, the treasurer is to close the account of that county. The treasurer is to annually report to the governing body on his management and administration of the fund and sales tax. The state auditor is to annually audit the fund.

The governing body of any lake county is to appoint a seven member tourism board to be appointed for terms of one to three years. Members are to serve only while engaged in the business which they represent and each is to be a resident of the county from which they are appointed. In Pettis County, a five member board is to be appointed, to serve without compensation.

Funds deposited from the tax into the tourism advertising and promotion fund are to be expended solely for advertising and promoting tourism within the county or within cooperating counties. In cooperating counties, the funds from the tax will be totaled. If in any one cooperating county at least forty percent of the total is collected the governing body of the county is to appoint one additional member to the board; if at least sixty percent of the total is collected from one county, two additional members are to be appointed. These appointments are to be made from the general public of the county.

The tourism board will determine expenditure and disbursement of the money in the funds. The board may employ personnel.

PROPOSERS: Supporters say the tax is needed to boost tourism in certain areas of the state.





SB 466, HCA 1 -- RELATING TO REGISTRATION OF MOTOR VEHICLES

SPONSOR: Dyer

COMMITTEE ACTION: Voted "do pass" by the Committee on Motor Vehicle and Traffic Regulations by a vote of 6 to 0, 1 present.

This bill raises certain license taxes which municipalities may levy and collect from motor vehicle owners and dealers. Those municipal license taxes which are currently less than five dollars are raised to five dollars.

HCA 1 - prohibits any person from selling, offering for sale, or knowingly having custody or possession of any motor vehicle part which has had the original manufacturer's number or other distinguishing number destroyed, removed, covered, altered or defaced. The general procedure for seizing, holding and disposing of such motor vehicle parts is established.

PROPOSERS: Supporters say this bill will allow cities a much needed increase in fees.

Testifying for the bill were Senator Dyer; Missouri Municipal League; and the Mayor of the City of St. Charles.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

SB 607 -- CIGARETTE TAX STAMPS

SPONSOR: Mathewson

COMMITTEE ACTION: Voted "do pass" by the Committee on Commerce by a vote of 15 to 0.

This bill provides that cigarette wholesalers will receive, in lieu of the present 3% discount, a 10% discount on tax stamps affixed to cigarette packs containing twenty or more cigarettes for which no machines are available to affix the stamps.

PROPOSERS: Supporters say the bill is needed because of the cost of handling the larger packs.

Testifying for the bill was Senator Scott.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

SB 426 -- ASSOCIATE CIRCUIT JUDGES MADE MEMBERS OF  
EXECUTIVE COUNCIL OF STATE JUDICIAL CONFERENCE

SPONSOR: Melton

COMMITTEE ACTION: Voted "do pass" by the Committee on  
the Judiciary by a vote of 12 to 7.

This bill expands the membership of the Executive Council of the Judicial Conference of the State of Missouri. The bill provides for the election of six associate circuit judges to the executive council. Three of those six shall each be elected for three year terms, one from each of the three districts of the court of appeals. The remaining three shall also serve three year terms, to be elected by the associate circuit judges of the state.

The bill also reduces the number of circuit judges on the executive council from nine to eight. All members of the executive council on the effective date of this bill shall serve out their terms.

FISCAL NOTE: Costs would be for four new members for a maximum of four, two day meetings per year with per diem at \$35 plus mileage. Cost \$1,664 per year.

PROPOSERS: Supporters say this bill will give the associate circuit judges voting status on the council and formalize their membership on the council.

Testifying for the bill were Senator Melton; and Tom Simon, Clerk of the Missouri Supreme Court for the Judicial Conference.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HCS SB 645 -- KANSAS CITY PUBLIC EMPLOYEE INFORMATION

SPONSOR: Ribaldo (Panethiere)

COMMITTEE ACTION: Voted "do pass" by the Committee on Municipal Corporations by a vote of 8 to 1.

This substitute requires the City of Kansas City to maintain as public information the names, job classification and salaries of its employees.

PROPOSERS: Supporters say this information should be made available to the public.

Testifying for the bill was Senator Panethiere.

OPPOSERS: Those who oppose the bill say the bill is unnecessary as Kansas City has decided to make this information available to the public.

Testifying against the bill was the City of Kansas City.

Bob Wedow, Research Analyst

SB 525, HCA 1 -- LIQUOR CONTROL

SPONSOR: Banks (Fazzino)

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 12 to 4.

This bill limits the power of the Supervisor of Liquor Control to deny a license or permit to manufacture, sell or offer for sale intoxicating liquor in Missouri. The bill provides that the Supervisor of Liquor Control may consider a conviction on the record of an applicant as some evidence of absence of good moral character, but may not deny a license primarily on the basis of that felony or misdemeanor conviction unless that conviction is related to the manufacture or sale of intoxicating liquor. The bill also prevents the Supervisor of Liquor Control from revoking or suspending a license on the basis that the licensee employs a person who has been convicted of a felony not related to the manufacture or sale of intoxicating liquor.

Anyone who qualifies to purchase a liquor license under the requirements of chapter 311, RSMo, may obtain a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any place of entertainment between the hours of 1:00 p.m. on Sunday and midnight on Sunday. A "place of entertainment" as defined by the bill means an establishment in St. Louis City which has a seating capacity of 2,000 or more and gross annual ticket sales over \$1 million. All laws of Missouri relating to the sale of liquor shall apply. In addition to all other fees, this special license shall cost another \$200 a year. Nothing shall be construed to permit the licensee to sell alcoholic beverages for off-premises consumption.

This bill changes the procedures followed in arresting persons violating the provisions of this law. The bill directs officers to issue a summons to licensees who are not on the premises at the time the violation took place. The summons is in lieu of a warrant.

HCA 1 - removes provisions governing the licensing of resorts in St. Louis County where a municipality located within the county would have to give prior approval for such licensing.

FISCAL NOTE: The Department of Liquor Control estimates that approximately five places would qualify in St. Louis City for a license at a cost of \$200 each. Total increase General Revenue \$1,000.

PROPOSERS: Supporters say this bill will help clear up some discrepancies that exist where the power of the Supervisor of Liquor Control is involved.

Testifying for the bill was Senator Banks.

OPPOSERS: Those who oppose the bill say they fear that the state is changing its moral position in regard to the control of liquor.

Testifying against the bill was Missouri Baptist Convention.

Andy Arnold, Research Analyst

SB 584, HCAs 1, 2 -- REGULATION OF INTOXICATING BEVERAGES

SPONSOR: Scott

COMMITTEE ACTION: Voted "do pass" by the Committee on Local Government by a vote of 9 to 7.

The bill authorizes a license for the sale at retail of liquor by the drink for consumption upon the premises for those charitable, fraternal, religious, service or veterans organizations that are tax exempt under certain subsections of sections 501(c) and 501(d) of the Internal Revenue Service Code.

The bill allows such license for these organizations in cities with populations of less than twenty thousand, without the statutory majority vote as presently required by law.

The bill also allows these organizations to receive special licenses for the sale of liquor by the drink on Sunday between noon and midnight. An additional fee of \$200 is required for such a license.

HCA 1 - removes language added by Senate Amendment that limited Sunday retail liquor by the drink to establishments which were not required to obtain a municipal or county license.

HCA 2 - adds new language dealing with controlled liquor cabinet access for hotel-motels with at least 40 rooms. It further adds monetary sales percentages to be able to qualify for this type of license.

FISCAL NOTE: Would increase General Revenue by \$16,500 in FY 85, \$14,750 in FY 86, & \$13,700 in FY 87.

PROPOSERS: Supporters say this bill will allow various service and charitable organizations to obtain a license to sell liquor by the drink.

Testifying for the bill was Senator Scott.

OPPOSERS: Those who oppose the bill say they are concerned that this legislation could be misinterpreted as the state moving to a more open position in the controlling of liquor.

Testifying against the bill was the Missouri Baptist Convention.

Andy Arnold, Research Analyst





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MISSOURI HOUSE OF REPRESENTATIVES

March 1, 1984

House Bills for Third Reading

CONSENT CALENDAR

EIGHTY-SECOND GENERAL ASSEMBLY

Second Regular Session

1984

Prepared by House Research Staff

Bob F. Griffin, Speaker

MISSOURI HOUSE OF REPRESENTATIVES

March 21, 1984

HOUSE BILLS FOR THIRD READING

CONSENT CALENDAR

EIGHTY-SECOND GENERAL ASSEMBLY

Second Regular Session

1984

Prepared by House Research Staff

Bob F. Griffin, Speaker

MISSOURI HOUSE OF REPRESENTATIVES

April 2, 1984

HOUSE BILLS FOR THIRD READING

CONSENT CALENDAR

EIGHTY-SECOND GENERAL ASSEMBLY

Second Regular Session

1984

Prepared by House Research Staff

Bob F. Griffin, Speaker

HB 1451 -- CONVEYANCE TO UNIVERSITY OF MISSOURI-ROLLA

SPONSOR: McBride

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill authorizes the governor to convey a tract of land in Rolla to the curators of the University of Missouri.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill conveys a tract in Rolla to the University of Missouri. The tract is the site of the Buehler Building, which is used by the University of Missouri-Rolla.

Testifying for the bill was Representative Lewis.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1104 -- EASEMENT IN HA HA TONKA STATE PARK

SPONSOR: Butts

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill authorizes the Department of Natural Resources to grant and convey right and easement to state property in Ha Ha Tonka State Park to Southwestern Bell Telephone Company for the purpose of developing and maintaining an underground communications system.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will allow Southwestern Bell to develop underground telecommunication lines across a section of Ha Ha Tonka State Park.

Testifying for the bill were Representative Butts; and Southwestern Bell Telephone Company.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1529 -- EASEMENT IN JEFFERSON CITY

SPONSOR: Graham

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill grants an easement on state property in Jefferson City to Union Electric Company for the purpose of constructing underground electrical lines.

This bill contains an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will allow Union Electric to convert overhead electrical lines to underground lines and to install new electrical lines to service the proposed capitol parking garage and the capitol complex. These underground lines will also provide the penitentiary with a back-up power source.

Testifying for the bill was Representative Backer.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst



HB 1589 -- CONVEYANCE IN HAWN STATE PARK

SPONSOR: Fallert

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Parks, Recreation and Natural Resources by a vote of 17 to 0.

This bill authorizes the director of the Department of Natural Resources to exchange a tract in Hawn State Park for an equal tract of privately owned land to be added to the park.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this conveyance involves a simple exchange of equal areas of property between the state and a property owner adjacent to Hawn State Park in order to facilitate boundary definition.

Testifying for the bill were Representative Fallert; and Division of Parks and Historical Preservation of the Department of Natural Resources.

OPPOSERS: There was no opposition voiced to the committee.

Nick Di Pasquale, Research Analyst

HB 1535 -- CONVEYANCE OF PROPERTY IN ROLLA

SPONSOR: McBride

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill authorizes the conveyance of a tract of state property in Rolla, Missouri, to the University of Missouri.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this land is currently used by the University of Missouri-Rolla as the site for the Rock Mechanics building and should be under the control of the Curators of the University of Missouri.

Testifying for the bill was Representative Lewis.

OPPOSERS: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst

HB 1616 -- CLARIFIES CRIMES AGAINST CHILDREN

SPONSOR: Jarman

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Children, Youth and Families by a vote of 8 to 0.

This bill will correct two intersectional references in the statutes relating to the crime of endangering the welfare of a child.

This bill contains an emergency clause.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is necessary to correct an intersectional reference relating to the crime of endangering the welfare of a child. The correction is needed due to the passage of HB 1171 two sessions ago.

Testifying for the bill was Representative Jarman.

OPPOSERS: There was no opposition voiced to the committee.

Anne Walker, Research Analyst

HB 1540 -- ACQUISITION OF ELECTRICAL FACILITIES BY  
RURAL ELECTRIC COOPERATIVES

SPONSOR: Driskill

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Consumer Protection by a vote of 14 to 0.

This bill allows a rural electric cooperative to acquire and operate the facilities of a "corporate cooperative" for the purpose of serving a city, town or village with more than 1,500 but less than 5,000 inhabitants. Such an acquisition would require the approval of the board of directors of the "corporate cooperative".

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is needed to allow normal rural electrical cooperatives to start serving customers in areas companies like Show Me Power would like to discontinue service to. Show Me Power, due to its corporate history, is classified both as a rural cooperative and as a for-profit corporation. Without this bill, population limits in the statutes would prevent a typical rural cooperative from serving the areas from which Show Me wishes to withdraw.

Testifying for the bill was Representative Driskill.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst

HB 1141 -- BANKS AND TRUST COMPANIES

SPONSOR: Dawson

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Banks and Financial Institutions by a vote of 22 to 0.

This bill permits a bank or trust company which is acting as an originating trustee to serve as an agent for more than one contracting trustee.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill clarifies the intent of the legislative language in the trust account bill passed in 1983.

Testifying for the bill were Representative Dawson, Missouri Bankers Association, Missouri Independent Bankers Association and Missouri Bank Holding Companies Association.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 1036 -- HEARING AID SALES

SPONSOR: DePasco

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on License and Related Matters by a vote of 9 to 0.

This bill prohibits the sale of hearing aids by mail without prior fitting and testing by a licensed hearing aid fitter or dealer. Violation is a class B misdemeanor.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill will protect the public from merchandise not suited to their needs and from fly-by-night operators.

Testifying for the bill were Representative DePasco and the Missouri Hearing Aid Dealers Association.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 874 -- LOCAL GOVERNMENT RETIREMENT SYSTEM

SPONSOR: Marriott

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Retirement by a vote of 8 to 0.

This bill removes the maximum limit of one fourth of system funds which the Local Government Retirement System may invest in common stock.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say other systems have this authority and having it can help maximize investment profits for the system.

Testifying for the bill were Representative Marriott and the Local Government Employees Retirement System.

OPPOSERS: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 1120 -- COUNTY HEALTH CENTER TRUSTEES

SPONSOR: Kelly (146th)

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Local Government by a vote of 17 to 0.

The bill changes the election date for the board of trustees for a county health center from the municipal election to the general election.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill will save certain Missouri counties several thousand dollars in election costs.

Testifying for the bill were Representatives Kelly (146), Skaggs, and Brown; and the County Court of Clay County.

OPponents: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst



HB 1373 -- BANKS AND TRUST COMPANIES

SPONSOR: Ziegenhorn

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Banks and Financial Institutions by a vote of 19 to 0.

This bill permits any group which has qualified for the establishment of a bank or trust company to also act in behalf of a bank holding company in the establishing of additional banks or trust companies.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill gives state banks and holding companies the same authority that national banks have in establishing additional banks and trust companies.

Testifying for the bill were Representative Ziegenhorn and the Missouri Commissioner of Finance.

OPponents: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 1343 -- ACCESSIBILITY GUIDELINES

SPONSOR: Barry

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Workers' Compensation by a vote of 7 to 0.

This bill requires all construction projects financed by the state of Missouri to comply with the minimum guidelines and requirements for accessible design issued for federal buildings by the Architectural and Transportation Barriers Compliance Board.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill will allow builders to better know what the requirements are in Missouri. Accessibility guidelines for state financed buildings will be the same as those for federal buildings.

Testifying for the bill were Representative Barry; Governor's Committee on the Handicapped; United Cerebral Palsy; Missouri Advocacy Services; and Parquad.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 940 -- RIGHT TO PURCHASE CONVEYED LAND IN THE  
MERAMEC PARK LAKE PROJECT

SPONSOR: Nilges

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Commerce by a vote of 12 to 0.

This bill allows the "Missouri Agricultural and Small  
Business Development Authority" to purchase or to make  
loans to all persons qualified to repurchase properties  
which were conveyed to the State of Missouri under  
Public Law 97-128 and sections 253.500 to 253.540,  
RSMo. (Meramec Park Lake Project).

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill allows loans from  
the Missouri Agricultural and Small Business  
Development Authority to people for the repurchase of  
property they sold in anticipation of the construction  
of the Meramec Dam. This method of financing these  
repurchases is the only method that some of these  
people will have.

Testifying for the bill were Representative Nilges and  
the Missouri Department of Agriculture.

OPPOSERS: There was no opposition voiced to the  
committee.

Jack Pierce, Research Analyst

HB 1563 -- PAYMENT OF PROPERTY TAXES BY MAIL

SPONSOR: Rauch

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Property Equalization and Classification by a vote of 8 to 0.

This bill provides that the postmark date on letters which contain payment of property taxes will be deemed to be the date of payment of such taxes.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that this is the only payment of taxes for which the postmark date on the payment letter is not deemed to be the payment date.

Testifying for the bill were Representative Rauch and the Missouri Public Expenditure Survey.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 975 -- PLASTIC FABRICATION LIENS

SPONSOR: Creason

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Civil and Criminal Justice by a vote of 11 to 0.

This bill provides that plastic fabricators will have possessory liens on a customer's die, mold, form or pattern for any balance due the fabricator for work performed. The possessory interest provided for is prior to any other security interest in the property.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that there is a problem in the plastic mold industry because the fabricators have no security for payment for their services. The customer owns the mold, and it must be returned when the order is finished. This bill would give the fabricator a possessory lien on the mold. Some orders and molds run into the \$40,000 range. With no authority for the fabricator to hold the mold, the customer may take advantage of the situation and not pay for the services rendered.

Testifying for the bill was Representative Creason.

OPPOSERS: There was no opposition voiced to the committee.

Kathy Ruckman, Research Analyst

HB 1144 -- DEFINITION OF CITY AS IT RELATES TO PLANNED  
INDUSTRIAL EXPANSION

SPONSOR: Harpool

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Municipal Corporations by a vote of 12 to  
0.

This bill expands the definition of "city", as it  
relates to "Planned Industrial Expansion", to include  
any city that has adopted a home rule charter form of  
government.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill would permit 26  
cities to benefit from having planned industrial  
expansion powers.

Testifying for the bill were Representative Harpool;  
the City of Springfield; and the Missouri Municipal  
League.

OPPOSERS: There was no opposition voiced to the  
committee.

Bob Wedow, Research Analyst

HB 1534 -- COLLECTION OF CERTAIN SALES AND USE TAXES

SPONSOR: Kelly (26th)

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Revenue and Economics by a vote of 21 to 0.

This bill lowers the collection fee retained by the Department of Revenue for collecting sales and use taxes from sales of certain motor vehicles from 2% to 1%.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this is a language clean-up bill. When the collection authorization statutes were changed to a 1% collection fee, these statutes were overlooked. This bill would correct that oversight. The state is presently retaining only a 1% collection fee.

Testifying for the bill was Representative Kelly (26).

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HB 1561 -- DEPOSITS REQUIRED OF FOREIGN INSURANCE  
COMPANIES

SPONSOR: McCaskill

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Insurance by a vote of 12 to 0.

This bill establishes a method whereby companies organized under the laws of a foreign government will maintain deposits, under trust agreements, for the security of policyholders in this country. The bill requires such trust agreements to contain provisions regarding vesting of legal title, substitution of trustees, withdrawal of funds, and the like. The Division of Insurance will be allowed to request information on these trusts.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is designed to encourage insurance companies from foreign countries to come into the United States through Missouri. Currently, alien insurers usually begin United States operations by setting up business in New York or California. Existing Missouri statutes do not cover such companies; this bill would change that. It would require that certain funds be placed in trust to cover a firm's United States liabilities. Such trust funds could not be recalled to the foreign country under this bill, and would thus act to legitimize the alien insurer's United States operations.

Testifying for the bill were Representative McCaskill; Division of Insurance; and Frankona America Life Assurance Company.

OPPOSERS: There was no opposition voiced to the committee.

Mark Doerner, Research Analyst



HB 1301 -- DRIVERS LICENSE IN LIEU OF BAIL IN CERTAIN  
TRAFFIC VIOLATIONS

CO-SPONSORS: Scott, Osbourn, Dunning

COMMITTEE ACTIONS: Voted "do pass" by consent by the  
Committee on Motor Vehicle and Traffic Regulations by a  
vote of 7 to 0.

This bill allows the holder of an operator's or  
chauffeur's license from any state who is arrested and  
charged with a traffic violation, at his option, to  
deposit the license in lieu of bail with a member of  
the highway patrol as well as with any other officer  
demanding bail.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will give  
residents as well as nonresidents of Missouri the  
option to post a license for bail.

Testifying for the bill were Representative Scott; and  
Missouri Highway Patrol.

OPPOSERS: There was no opposition voiced to the  
committee.

Robert Triplett, Research Analyst

HB 1254 -- TAXATION OF RAILROADS AND PUBLIC UTILITIES

SPONSOR: Backer

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Property Equalization and Classification by a vote of 9 to 0.

This bill exempts the real property taxes levied on railroads or public utilities which were assessed by the county or city in the previous year but will be assessed by the State Tax Commission in the current year from the definition of "tax revenues". Tax revenues are the total amount of property tax funds used in the calculation of the property tax levy rollback for political subdivisions.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill affects only Callaway County. If the Callaway Power Plant (Union Electric) goes on line in 1984, the county will lose \$273 million assessed value from the total assessed value that is used to calculate a tax levy rollback. If the power plant goes on line after 1984 this legislation would be unnecessary.

Testifying for the bill were Representative Backer, Callaway County Assessor, Missouri Public Expenditure Survey, and the Missouri Tax Commission.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 998 -- STUDENT REPRESENTATIVES TO STATE BOARDS OF  
REGENTS AND THE BOARD OF CURATORS

SPONSOR: Jacob

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Higher Education by a vote of 9 to 0.

This bill requires the Governor to appoint a student representative to the governing body of the University of Missouri and to each of the governing boards of the five state colleges referred to in section 174.030, RSMo. These representatives will be appointed for a two year term and will attend all meetings and participate in all deliberations of the board but will not have the right to vote on matters before the board.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that 33 of the 50 states have student representatives on the governing board of their colleges and universities. The student representatives will not have a vote but will be in a position to relate the feelings of the student body to the governing body.

Testifying for the bill were Representative Jacob; Associated Students of the University of Missouri; and Shelly Wells, a student at the University of Missouri.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 1286 -- LICENSURE OF SPEECH PATHOLOGISTS AND  
CLINICAL AUDIOLOGISTS

SPONSOR: Cox

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on License and Related Matters by a vote of 9  
to 0.

This bill repeals the provision for temporary licensure  
of persons as speech pathologists and clinical  
audiologists within three years of completion of a  
master's degree without the fulfillment of nine month's  
experience under the supervision of a licensee.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this provision has provided  
no benefit to the State Board of Healing Arts and  
should be repealed.

Testifying for the bill were Representative Cox and the  
State Board of Healing Arts.

OPPOSERS: There was no opposition voiced to the  
committee.

Bob Wedow, Research Analyst

HB 1348 -- SALVAGE CERTIFICATES OF TITLE

SPONSOR: Osbourn

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Motor Vehicle and Traffic Regulations by a vote of 7 to 0.

This bill allows dealers to negotiate one reassignment of a salvage certificate of title on the back of the certificate.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the present system results in multiple applications for salvage titles. This delays selling vehicles because of the extra time that the Department of Revenue requires to process title applications. This bill will correct the problem.

Testifying for the bill were Representative Osbourn; Missouri Auto and Truck Recycler, Inc.; and StanLin Auto Salvage, Tebbetts, Missouri.

OPPOSERS: There was no opposition voiced to the committee.

Robert Triplett, Research Analyst

HB 1356 -- BINGO

SPONSOR: Proffer

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on License and Related Matters by a vote of 9 to 0.

This bill provides that, for the purpose of conducting and managing bingo games, members of an organization are to be considered members of an auxiliary organization for members' spouses.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill would merely permit members of an organization to participate in the operation of bingo games sponsored by auxiliary organizations.

Testifying for the bill was Representative Proffer.

OPponents: There was no opposition voiced to the committee.

Bob Wedow, Research Analyst

HB 1284 -- ARBITRATION PROCEDURES

SPONSOR: Brummel

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Labor by a vote of 13 to 0.

This bill requires that the notification served on each party involved in arbitration procedures includes the following: a clear and concise statement advising the parties of the issue subject to arbitration; a statement of all rights under section 435.350 to 435.470, RSMo; and the name and experience of each of the arbitrators.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that this legislation would insure that all parties to an arbitration proceeding would be notified of their rights and would have a clear understanding of the arbitration issue.

Testifying for the bill was Representative Brummel.

OPPOSERS: There was no opposition voiced to the committee.

Natalie Tackett, Research Analyst

HB 1041 -- CONVEYANCE OF STATE PROPERTY

SPONSOR: McBride

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on State Institutions and Property by a vote of 8 to 0.

This bill corrects the legal description of property located in Rolla which was to be transferred to the Department of Natural Resources under SCS HB 629, which was approved in the last regular session of the General Assembly.

FISCAL NOTE: No impact on state funds.

PROponents: Supporters say this bill corrects an error in the legal description of land conveyed to the Department of Natural Resources during the last regular session.

Testifying for the bill was Representative Lewis.

OPponents: There was no opposition voiced to the committee.

Daniel Landon, Research Analyst



HB 1095 -- PROCEEDS FROM CLAIMS BY MINORS

SPONSOR: Youngdahl

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on the Judiciary by a vote of 10 to 0.

This bill increases the amount of proceeds a minor may receive or have a conservator appointed to care for from \$5,000 to \$10,000. If less than or equal to \$10,000 the minor may receive the proceeds, but if proceeds are in excess of \$10,000 a conservator will be appointed.

FISCAL NOTE: No impact on state fund.

PROPOSERS: Supporters say when the guardianship code was revised last session the dollar amount concerning infant's estates was raised to \$10,000. The section amended in this bill was overlooked and the dollar amount was left at \$5,000 rather than being changed to \$10,000 as it was in the other applicable sections.

Testifying for the bill was Representative Youngdahl.

OPPOSERS: There was no opposition voiced to the committee.

Richard Waters, Research Analyst

HB 1043 -- SALE OF STUDENT CONSTRUCTED VOCATIONAL  
EDUCATION BUILDINGS

SPONSOR: Townley

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Elementary and Secondary Education by a  
vote of 21 to 0.

This bill allows school boards to list real property  
that has been built by approved vocational classes with  
a licensed real estate broker and to pay a commission.

The bill further allows bids for the purchase of  
buildings constructed by approved vocational education  
classes to be accepted prior to completion of  
construction.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill will help many  
school districts dispose of buildings constructed in  
vocational education through sales in the local real  
estate market. The current law requiring repeated  
advertising for bids on such construction is  
restrictive and often causes school districts  
difficulties in selling such property.

Testifying for the bill were Representative Townley;  
Department of Elementary and Secondary Education; and  
Bob Goser, Director Nichols Career Center Jefferson  
City.

OPPOSERS: There was no opposition voiced to the  
committee.

Anne Walker, Research Analyst

HB 858 -- FOURTH CLASS COUNTY CLERK PERSONNEL  
COMPENSATION

SPONSOR: Oakley

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Fees and Salaries by a vote of 9 to 0.

This bill changes the minimum salary for deputy and  
assistant county clerks in fourth class counties from  
\$3,800 to sixty percent of the county clerk's salary.

FISCAL NOTE: No impact to state funds.

PROponents: Supporters say current salaries are already  
above the new minimum; this bill would merely prevent  
an unwarranted reduction in compensation.

Testifying for the bill was Representative Oakley.

OPponents: There was no opposition voiced to the  
committee.

Bob Wedow, Research Analyst

HB 1137 -- EDUCATIONAL SERVICES TO JUVENILES IN  
DETENTION

CO-SPONSORS: Patterson, Binger, Douth and Holland

COMMITTEE ACTION: Voted "do pass" by consent by the  
Committee on Elementary and Secondary Education by a  
vote of 27 to 0.

Under present law there is an option in the method for  
calculating the contribution of a student's domicile  
school district to the cost of educational services  
provided to that student in a detention facility. This  
bill removes that option and requires the domicile  
district to pay the costs of providing those services  
which exceed the state aid per pupil received by the  
district providing them. This statute applies only to  
first class charter counties.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say this bill is necessary to  
cover the full cost of education for juveniles being  
detained in juvenile facilities. Currently districts  
providing the service often lose money when they must  
serve another district's high cost special education  
students.

Testifying for the bill were Representative Patterson;  
Stanley Magarty, Lees Summit School District.

OPPOSERS: There was no opposition voiced to the  
committee.

Anne Walker, Research Analyst

HB 1033 -- AUTHORIZATION OF CERTAIN TYPES OF BANK AND TRUST COMPANY ACCOUNTS

SPONSOR: Graham

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Banks and Financial Institutions by a vote of 18 to 0.

This bill allows a bank or trust company to authorize a "pay on death" type of account. The account may be issued in more than one name, but the first person or persons named on the account will have sole control and ownership and may administer the account as if no other name appears. At the death of the first named person, the account will become the property of the person or persons named as the "pay on death" beneficiary.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say that savings and loan associations already have the authority to establish these type of accounts. This bill will provide an additional service to customers and to banks and trust companies.

Testifying for the bill was Representative Graham.

OPPOSERS: There was no opposition voiced to the committee.

Jack Pierce, Research Analyst

HB 1590 -- SEWER DISTRICT BOARD OF DIRECTORS

SPONSOR: Douth

COMMITTEE ACTION: Voted "do pass" by consent by the Committee on Federal-State Relations and Veterans Affairs by a vote of 11 to 0.

This bill brings the Jackson County sewer district under provisions which permit sewer districts to charge interest and create liens for delinquent user charges and connection fees.

FISCAL NOTE: No impact on state funds.

PROPOSERS: Supporters say the bill would allow the Little Blue Sewer District to save litigation cost in seeking judgments for clarification of a statute passed last session.

Testifying for the bill were Representative Douth and former Congressman Bill Randall.

OPPOSERS: There was no opposition voiced to the committee.

Andy Arnold, Research Analyst