

A SUMMARY OF LEGISLATION  
TRULY AGREED TO AND FINALLY PASSED  
by the  
96th General Assembly  
First Regular Session



2011

Prepared by the  
Divisions of Research, Computer Information Systems  
and Administration  
of the  
MISSOURI SENATE

SPONSOR: Stouffer

HANDLER: Diehl

HCS#2/SB 3 - This act establishes requirements for advance voting and voter photo identification for elections.

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

Election authorities shall establish one advance voting center in each county in the state, or at least one center for every 100,000 residents reasonably distributed throughout such county. The Secretary of State and each election authority shall provide public notice of the advance voting centers and periods.

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

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

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

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

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

The Secretary of State shall provide advance notice of the identification requirements.

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

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

This act is similar to SB 1014 (2006), SB 523 (2009), HB 1966 (2010), and SB 84 (2011).

CHRIS HOGERTY

SPONSOR: Schmitt

HANDLER: Nolte

SCS/SB 19 - This act caps corporate franchise tax liabilities at the amount of each corporation's tax liability for the 2010 tax year. If a corporation did have a corporate franchise tax liability in 2010 because such corporation was not doing business within the state or did not exist, such corporation's franchise tax

SPONSOR: Schmitt

HANDLER: Nolte

liability will be capped at the amount of such corporation's franchise tax liability for its first full-year of existence. Beginning January 1, 2012, the corporate franchise tax rate will be gradually reduced over a five year period until it is completely phased-out. Effective January 1, 2016, no corporate franchise tax will be imposed.

JASON ZAMKUS

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SPONSOR: Lembke

HANDLER: Scharnhorst

SB 36 - This act allows employees of employers with fifty or more employees to take a leave of absence to perform civil air patrol emergency service duty or counter narcotics missions. The employee will not lose time, leave, or any other rights or benefits as a result of this leave of absence. However, the employer is not required to pay a salary to the employee during this period of leave and the employer has a right to request that the employee be exempted from responding to a specific mission and the Missouri wing commander is required to honor the employer's request.

This act has an emergency clause.

This act is similar to HB 422 (2011) and the perfected SB 819 (2010).

EMILY KALMER

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SPONSOR: Wright-Jones

HANDLER: Carter

SB 38 – This act provides that, subject to securing a cooperative agreement with a non-profit entity for funding of the program, two Prostate Cancer Pilot Programs shall be established within the Department of Health and Senior Services. One program shall be in the St. Louis area and one in either Pemiscot, New Madrid, or Dunklin counties. The Department of Health and Senior Services may directly contract with the Missouri Foundation for Health in the delivery of the pilot program. The program shall fund prostate cancer screening and treatment services. The department shall distribute grants to local health departments and federally qualified health centers. This act also requires the program to provide cancer screening, referral services, treatment, and outreach and education activities.

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

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

This act is identical to HB 667 (2011) and similar to SB 676 (2010).

ADRIANE CROUSE

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SPONSOR: Wright-Jones

HANDLER: Pollock

CCS/HCS/SB 48 - This act modifies provisions pertaining to utilities.

SPONSOR: Wright-Jones

HANDLER: Pollock

**SECTION 250.236 - TERMINATION OF WATER SERVICE**

Under current law, a city must send notice to a sewer customer by certified mail if the city intends to disconnect sewer service or request a water utility to disconnect water service for failure to pay the sewer bill. This act removes the requirement that the notice must be via certified mail.

**SECTIONS 386.420 TO 386.540 - APPEALING DECISIONS MADE BY THE PUBLIC SERVICE COMMISSION**

The act requires that in any proceeding before the Public Service Commission (PSC) that results in new rates for regulated utilities, the PSC must prepare a detailed reconciliation containing certain financial information, rate and charge impact of contested issues, and the customer class billing determinants used by the commission.

The act allows orders of the PSC to be served electronically and removes the requirement that every person who is served a certified copy of a PSC order must notify the PSC of its receipt. Under current law, appeals of PSC orders or decisions are heard by the circuit court. The act moves appeals of PSC decisions from the circuit court to the appellate court. Certain information must accompany a notice of appeal.

The act removes provisions pertaining to the authority of the circuit court to stay or suspend a PSC order. The appellate court may stay or suspend a PSC order only when it does not involve the establishment of new rates and charges and when the court determines that great or irreparable harm would otherwise result to the appellant. No stay or suspension may be ordered by the appellate court for PSC decisions that involve new rates or charges for regulated utilities. The act provides procedures for the court to order temporary rate adjustments in the event the court finds that the PSC's approved rates and charges were in error. No court may issue a decision affecting a public utility's rates in any case where the court cannot render a decision on its merits due to a lack of adequate findings of fact by the PSC or because the PSC failed to receive properly-offered evidence. In such a case, the PSC must provide such findings of fact or issue a new order within 90 days of the court's determination.

These sections (except for Section 386.490) include an emergency clause.

The act is similar to HB 967 (2011).

**SECTION 393.015 - TERMINATION OF WATER SERVICE**

Under current law, no sewer company, municipal sewer utility, or sewer district may cause a person's water service to be terminated prior to sending written notice to the person via certified mail. The act removes the requirement that the notice be sent via certified mail.

**SECTION 393.152 - PUBLIC UTILITY DEPOSITS**

Gas, electric, water, heating, and sewer companies are prohibited from requiring a deposit or other guarantee for continued service to any existing customer that has been late in paying the utility bill at least 5 times in a 12-month period when such customer has consistently made a monthly payment by the delinquent date during the 12-month period of at least \$75 or 25% of the total outstanding balance.

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

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

**SECTION 620.2300 - CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PROJECTS**

This act would allow the owner of a cleanfields renewable energy demonstration park, which contains a biomass facility, to receive double renewable energy credits for certain energy generation and purchases.

SPONSOR: Wright-Jones

HANDLER: Pollock

To receive such credits, the project must create at least fifty new jobs, with an average wage equal to or in excess of the county average wage, and retain at least fifty existing jobs. The owner must offer health insurance to all employees and pay at least fifty percent of such premiums. Applications to receive double renewable energy credit must be submitted to the Department of Economic Development. The Department of Economic Development, in conjunction with the Department of Natural Resources, will verify applications and if approved, forward the application and approval to the Public Service Commission. Upon receipt of an approved application, the Public Service Commission will assign double renewable energy credit for renewable energy resources purchased from the biomass facility by an electric supplier, and electric power generated off-site through the use of biomass fuel purchased from a biomass facility located at the park or by renewable energy resources utilizing storage equipment manufactured at the park.

This section contains an emergency clause.

This section is nearly identical to the same section passed in TAT/SS/SCS/HCS/HB 89 (2011) (the differences are minor technical).

ERIKA JAQUES

SPONSOR: Cunningham

HANDLER: Kelly

SCS/SB 54 – This act creates the "Amy Hestir Student Protection Act." (Section 160.085)

SECTION 37.710 - This act grants the Office of the Child Advocate the authority to file any findings or reports of the Child Advocate regarding the parent or child with the court and to issue recommendations regarding the disposition of an investigation, which may be provided to the court and the investigating agency. The Office may also mediate between alleged victims of sexual misconduct and school districts.

SECTION 160.261 - If a student reports alleged sexual misconduct by a teacher or other school employee to a school employee who is required to report to the Children's Division, the employee and the school district superintendent must forward the allegation to the Children's Division within twenty-four hours. Any reports made to the Children's Division must be investigated by the Division in accordance with Division procedures. The school district must not conduct an investigation for purposes of determining whether the allegations should be substantiated. A district may investigate the allegations for purposes of making a decision regarding the accused employee's employment. This act also requires the investigating officers to review the report using a preponderance of evidence standard.

SECTION 160.262 - This act authorizes the Office of the Child Advocate to offer mediation services when requested by both parties when child abuse allegations arise in a school setting. The mediator must not be a mandated reporter of child abuse. No student, parent of a student, school employee, or school district will be required to enter into mediation. If either party does not wish to enter into mediation, mediation will not occur. Procedures for mediation are described in the act.

SECTIONS 160.2100 & 160.2110: This act creates the Task Force on the Prevention of Sexual Abuse of Children. This act shall be known and may be cited as "Erin's Law."

Task Force members must be individuals who are actively involved in the prevention of child abuse and neglect and child welfare. The President Pro Tem of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the Senate may each appoint one member of the General Assembly to the task force. The following additional members will be on the task force: the director of the Department of Social Services, or his or her designee; the Commissioner of Education, or his or her designee; the director of the Department of Health and Senior Services, or his or her designee; the director of the Office of Prosecution Services, or his or her designee; a representative

SPONSOR: Cunningham

HANDLER: Kelly

representing law enforcement, appointed by the Governor; three active teachers employed in Missouri, appointed by the Governor; a representative of an organization involved in forensic investigation relating to child abuse, appointed by the Governor; a school superintendent, appointed by the Governor; a representative of the State Domestic Violence Coalition, appointed by the Governor; a representative from the juvenile and family court, appointed by the Governor; a representative from the Missouri Network of Child Advocacy Centers, appointed by the Governor; and an at-large member appointed by the Governor.

The Task Force must make recommendations for reducing child sexual abuse. The Task Force must submit a final report with its recommendations to the Governor, General Assembly, and State Board of Education by January 1, 2013. The Task Force will end on January 1, 2013.

The Task Force may also adopt a policy addressing sexual abuse of children, including a curriculum.

SECTION 162.014 - A registered sex offender, or a person required to be registered as a sex offender, is prohibited from being a candidate for school board. A sitting school board member who is a registered sex offender or is required to be registered will not be eligible to serve as a board member at the conclusion of his or her term.

SECTION 162.068 - By July 1, 2012, every school district must adopt a written policy on information that the district may provide about former employees to other public schools.

The act grants civil immunity to school district employees who are permitted to respond to requests for information regarding former employees under a school district policy and who communicates only the information that the policy directs and who acts in good faith and without malice. If an action is brought against the employee, he or she may request that the Attorney General defend him or her in the suit, except as described in the act.

If a school district had an employee whose job involved contact with children and the district received allegations of the employee's sexual misconduct and as a result of such allegations or as a result of such allegations being substantiated by the Child Abuse and Neglect Review Board the district dismisses the employee or allows the employee to resign and the district fails to disclose the allegations in a reference to another school district or when responding to a potential employer's request for information regarding such employee, the district will be liable for damages and have third-party liability for any legal liability, legal fees, costs, and expenses incurred by the employing district caused by the failure to disclose such information to the employing district.

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

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

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

SECTION 162.069 - By January 1, 2012, every school district must develop a written policy concerning teacher-student communication and employee-student communications. Each policy must include appropriate oral and nonverbal personal communication, which may be combined with sexual harassment

SPONSOR: Cunningham

HANDLER: Kelly

policies, and appropriate use of electronic media as described in the act, including social networking sites. Teachers cannot establish, maintain, or use a work-related website unless it is available to school administrators and the child's legal custodian, physical custodian, or legal guardian. Teachers also cannot have a nonwork-related website that allows exclusive access with a current or former student.

By January 1, 2012, each school district must include in its teacher and employee training a component that provides information on identifying signs of sexual abuse in children and of potentially abusive relationships between children and adults, with an emphasis on mandatory reporting. Training must also include an emphasis on the obligation of mandated reporters to report suspected abuse by other mandatory reporters.

SECTION 168.021 - In order to obtain a teaching certificate, an applicant must complete a background check as provided in section 168.133.

SECTION 168.071 - The crimes of sexual contact with a student while on public school property as well as second and third degree sexual misconduct are added to the offenses for which a teacher's license or certificate may be revoked.

SECTION 168.133 - School districts are responsible for conducting the criminal background check on bus drivers they employ. For drivers employed by a pupil transportation company under contract with the district, the criminal background check must be conducted through the Highway Patrol's criminal record review and must conform to the requirements of the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. A school district's criminal background check on school employees must include a search of publicly available information in an electronic format that displays information through a public index or single case display.

This act changes, from two to one, the number of sets of fingerprints an applicant must submit for a criminal history background check. The Department of Elementary and Secondary Education must facilitate an annual check for employees with active teaching certificates against criminal history records in the central repository, sexual offender registry, and child abuse central registry. The Missouri Highway Patrol must provide ongoing electronic updates to criminal history background checks for those persons previously submitted by the Department of Elementary and Secondary Education.

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

SECTION 210.135 - Third-party reporters of child abuse who report an alleged incident to any employee of a school district are immune from civil and criminal liability under certain circumstances.

SECTION 210.145 - The Children's Division must provide information about the Office of the Child Advocate and services it may provide to any individual who is not satisfied with the results of an investigation.

SECTION 210.152 - The Children's Division may reopen a case for review at the request of the alleged perpetrator, alleged victim, or the Office of the Child Advocate if new, specific, and credible evidence is obtained that the Division's decision was based on fraud or misrepresentation of material facts relevant to the Division's decision. Procedures for reopening an investigation are described in the act. Any person who makes a request to reopen based on facts the person knows to be false will be guilty of a class A misdemeanor. The Division cannot reopen an investigation while the case is pending before a court or when a court has entered a final judgment after de novo judicial review.

SECTIONS 210.915 and 210.922 - This act adds the Department of Elementary and Secondary Education to the list of departments that must collaborate to compare records on child-care, elder-care, and

SPONSOR: Cunningham

HANDLER: Kelly

personal-care workers, including those individuals required to undergo a background check under Section 168.133 and who may use registry information to carry out assigned duties.

SECTION 556.037 - This act modifies the current statute of limitations for the prosecution of unlawful sexual offenses involving a person eighteen years of age or younger so that such a prosecution must be commenced within thirty years after the victim reaches the age of eighteen.

This act is substantially similar to the perfected version of SCS/SB 631 (2010) and is similar to SB 286 (2011), SB 41 (2009), HCS/HB 1314 (2008), SB 1212 (2008) and contains provisions similar to HB 1911 (2010), HB 2334 (2008) and HB 2579 (2008).

MICHAEL RUFF

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

SPONSOR: Brown

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

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

JASON ZAMKUS

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

SPONSOR: Callahan

HANDLER: Gatschenberger

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

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

This act also specifies that risk coverages procured by certain political subdivision associations shall not require the solicitation of competitive bids.

This act is similar to a provision of CCS/HCS/SB 59 (2011), SS#2/SCS/HCS/HB 111 (2011), HB 88 (2011), HB 1676 (2010), SB 151 (2011), and HB 2098 (2010).

EMILY KALMER

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

SPONSOR: Keaveny

HANDLER: Diehl

CCS/HCS/SB 59 - This act modifies provisions regarding judicial procedures.

CONTINGENCY FEE CONTRACTS  
(Sections 34.376, 34.378, and 34.380)

This act prohibits the state and any of its agents from entering into a contingency fee contract with a private attorney, unless the Attorney General makes specific written findings. The Attorney General is required to request written proposals from private attorneys, unless the Attorney General makes a written



SPONSOR: Keaveny

HANDLER: Diehl

determination that requesting proposals is not feasible. If the Attorney General requests proposals from private attorneys, the Attorney General is required to choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

A private attorney who is representing the state on a contingency fee basis is required to maintain records about their expenses for at least four years after the contract terminates. The attorney general's office is required to respond to requests to make these records available to the public under the sunshine law.

The Attorney General is required to post certain information about the contingency fee arrangement on their website. The Attorney General is also required to submit an annual report regarding the use of contingency fee contracts.

These provisions are identical to provisions of SS#2/SCS/HCS/HB 111 (2011) and similar to SCS/SB 432 (2011) and HB 872 (2011).

#### POWER OF ATTORNEY

(Section 404.710)

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

This provision is similar to SB 60 (2011).

#### THE UNIFORM TRUST CODE

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

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

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

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

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

SPONSOR: Keaveny

HANDLER: Diehl

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

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

#### UNIFORM PRINCIPAL AND INCOME ACT

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

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

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

These provisions are similar to SB 60 (2011).

#### GUARDIANSHIP

(Sections 475.060, 475.061, 475.501, 475.502, 475.503, 475.504, 475.505, 475.506, 475.521, 475.522, 475.523, 475.524, 475.525, 475.526, 475.527, 475.528, 475.529, 475.531, 475.532, 475.541, 475.542, 475.543, 475.544, 475.551, 475.552, 475.555)

These provisions modify what information is required in a petition for guardianship for a minor or an incapacitated person and adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA).

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

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

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

The UAGPPJA establishes procedures for determining which state has jurisdiction over guardianship

SPONSOR: Keaveny

HANDLER: Diehl

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

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

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

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

These provisions are identical to provisions of HCS/SCS/SB 213 (2011) and SS#2/SCS/HCS/HB 111 (2011) and similar to HB 130 (2011), and HCS/HB 253 (2011).

#### PUBLIC ADMINISTRATOR

(Section 475.115)

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

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

This provision is similar to HCS/SCS/SB 57 (2011), HB 88 (2011) and HB 1676 (2010).

#### SMALL CLAIMS COURT

(Sections 482.305 and 482.315)

This provision increases the amount in controversy in a case for a judge to have jurisdiction over a small claims court case from three thousand dollars to five thousand dollars.

This provision is similar to HB 386 (2011).

#### TRANSFERS OF TENANCY BY THE ENTIRETIES PROPERTY TO TRUSTS

(Section 1)

This provision specifies what happens to a certain kind of property, known as tenancy by the entireties

SPONSOR: Keaveny

HANDLER: Diehl

property, when it is transferred to a particular kind of trust created by a husband and a wife. These trusts, known as qualified spousal trusts, include trusts that hold the property in one trust and trusts that hold the property in two separate shares. If the property is transferred to the trustee of a qualified spousal trust, the property will have the same immunity from the separate creditors of the husband and wife that would have existed if the husband and wife had not transferred the property to the trust, as long as certain conditions are met. The rights of creditors to any property that is not held by the husband and wife as tenants by the entirety shall not be affected by the transfer of that property to the qualified spousal trust. When the husband or wife die, the property in the trust shall be distributed as directed by the terms of the trust, which may include having the property pass to an irrevocable trust for the benefit of the surviving spouse. The provisions of this section apply to trusts that were created before or after August 28, 2011.

EMILY KALMER

SPONSOR: Schaaf

HANDLER: Sater

HCS/SS#2/SCS/SB 62 - This act modifies provisions relating to health care providers.

#### MEDICAL RECORDS (SECTION 191.227)

Current law allows a health care provider to condition the furnishing of medical records on the payment of a fee to cover costs of copying, postage and notary services. This act provides that the copying amount shall not exceed \$21.36 plus 50 cents for supplies and labor per page plus, if the health care provider has contracted for off-site records storage and management, any additional labor costs of outside storage retrieval, not to exceed \$20, as adjusted annually per the Consumer Price Index.

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

This provision is identical to provisions contained in HCS/SCS/SB 177 (2011), HCS/HB 579 (2011), HCS/HB 669 (2011).

#### PROVIDER TAXES (SECTIONS 190.839, 198.439, 208.437, 208.480, 338.550, 633.401)

This act extends the sunsets from September 30, 2011 to September 30, 2015, for the Ground Ambulance, Nursing Facility, Medicaid Managed Care Organization, Hospital reimbursement allowance, Pharmacy, and Intermediate Care Facility for the Mentally Retarded Reimbursement Allowance Taxes.

The provider tax provisions are substantially similar to SB 322 (2011), HCS/HB 236 (2011) and to provisions contained in SS/SCS/HCS/HB 697 (2011).

#### HEALTH CARE TRANSPARENCY (SECTION 376.1190)

Beginning January 1, 2014, health insurance carriers shall allow a policyholder, upon request, to learn the amount of cost-sharing, including deductibles, copayments and coinsurance, under the policyholder's plan or coverage that the individual would be responsible for paying as to the furnishing of a specific item or service. Such information shall be delivered to the policyholder in a timely manner and at a minimum shall be made available through an internet website or other means for individuals without access to the internet. This provision does not apply to certain supplemental policies.

Any health care benefit proposed by the General Assembly after August 28, 2011, shall be subject to annual review by the Oversight Division of the Joint Committee on Legislative Research to determine the cost impact on private and public payers. The division shall make a recommendation to the General Assembly on the enactment of the health care benefit mandate proposed.

The provisions regarding health care transparency and the annual review by the Oversight Division

SPONSOR: Schaaf

HANDLER: Sater

shall become effective January 1, 2014.

This act contains a nonseverability clause (SECTION 1).

ADRIANE CROUSE

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SPONSOR: Mayer

HANDLER: Jones

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

The definition of "abortion" is amended to include the act of using or prescribing any medicine, instruments or devices with the intent to destroy the life of the unborn child. Abortion shall also be the act of terminating a pregnancy with an intent other than to increase the probability of a live birth, to remove a dead or dying unborn child. A definition for "reasonable medical judgment" is added which is one made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

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

#### GESTATIONAL AGE AND VIABILITY

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

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

#### UNBORN CHILD WHO IS VIABLE

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

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

SPONSOR: Mayer

HANDLER: Jones

**UNBORN CHILD WHO IS NOT VIABLE**

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

**PENALTIES**

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

Any physician who pleads guilty to or is convicted of performing or inducing an abortion of an unborn child in violation of this act shall be subject to suspension or revocation of his or her license to practice medicine in the by the State Board of Registration for the Healing arts.

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

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

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

This act is identical to SS/HCS/HB 213 (2011).

ADRIANE CROUSE

SPONSOR: Mayer

HANDLER: Diehl

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

JIM ERTLE

SPONSOR: Schaefer

HANDLER: Franz

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

This act revises current law by:

SPONSOR: Schaefer

HANDLER: Franz

- (1) Amending the declaration of policy and intent; Adding the words "beneficiary", "co-trustee", "Missouri family trust", "remainder beneficiary", and "restricted account" as well as adding to the definitions of "board of trustees", "disability", and "trustees";
- (2) Adding a provision that the Board may establish and collect fees for administering trust accounts; and
- (3) Repealing sections 402.210 to 402.225 and enacting sections 402.201 to 402.208 in their place.

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

#### TRUST ACCOUNTS

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

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

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

#### REVOCABLE TRUST ACCOUNT

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

#### THE CHARITABLE TRUST ACCOUNT

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

#### RESTRICTED TRUST ACCOUNTS

SPONSOR: Schaefer

HANDLER: Franz

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

SECTION 402.208

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

ADRIANE CROUSE

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SPONSOR: Stouffer

HANDLER: Denison

HCS/SB 77 - Under current law, no outdoor advertising may be erected or maintained within 660 feet of certain federal highway right-of-ways. Directional signs, on premise signs, and outdoor advertising signs located in areas zoned commercial or industrial are exempt from this ban. This act would expand the types of directional signs which may be erected and maintained to include signs pertaining to cultural (including agricultural activities or attractions), scientific, educational, and religious sites (Section 226.520).

This act repeals the Rabbi Abraham Joshua Heschel Memorial Highway designation for a specified portion of Highway 160 in Greene County. In lieu of this designation, the act designates a different portion of U.S. Highway 160 in Green County as the "Rabbi Ernest I. Jacob Memorial Highway" (Section 227.410).

This act designates the portion of Interstate 40/64 in St. Louis County from the Boone's Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the "Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway" (Section 227.424).

This act designates the portion of Interstate 70 from the eastern city limits of Independence west to the Kansas state line as the "Truman/Eisenhower Presidential Highway." The designation is contingent upon the same designation being made by the State of Kansas of the portion of Interstate 70 in Kansas from the Missouri state line west to Abilene, Kansas. This language is contained in HB 814 (2011)(Section 227.425).

This act designates the portion of State Highway 25 in the counties of Dunklin and Stoddard as the "Representative Otto Bean Memorial Highway" (Section 227.429). This portion of the act is identical to HB 895 (2011).

This act designates the portion of State Highway 30 from State Route NN north three miles to 1/10 of a mile southwest of old State Highway 30 in Jefferson County as the "SFC Wm. Brian Woods, Jr. Memorial Highway" (Section 227.430). This portion of the act is identical to HB 912 (2011).

STEPHEN WITTE

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SPONSOR: Pearce

HANDLER: Frederick

CCS/SCS/SB 81 – This act modifies provisions relating to education.

NONRESIDENT ENTERTAINERS: The current law on nonresident entertainer taxes may not be construed to apply to any person who makes a presentation for professional or technical education purposes or to apply to any presentation that is part of a seminar, conference, convention, school, or similar program format designed to provide professional or technical education. (Section 143.183)

FINE ARTS EDUCATION: Beginning in fiscal year 2013, the Office of Quality Schools within the Department of Elementary and Secondary Education may ensure that each Regional Professional Development Center provide professional development educational assistance for fine arts.



SPONSOR: Pearce

HANDLER: Frederick

The emphasis for fine arts assistance may include the following: act as a resource for school districts, as described in the act; work with school districts in staff development and curriculum issues related to fine arts education; collaborate with the regional office and regional personnel; coordinate services available from other entities involved in fine arts education and fine arts integration; assist and support local school districts in providing fine arts education; and contribute to the development and implementation of in-service training that responds to the needs of arts specialists and other educators for the needs of Missouri students in the fine arts.

This provision is similar to the perfected version of SCS/SB 734 (2010), HB 1274 (2010), HB 870 (2009) and SB 854 (2008). (Section 162.1195)

**SCHOOL DISTRICT FUND TRANSFERS:** Currently, a school district may transfer unrestricted funds from the capital projects fund to the incidental fund when the fiscal year end balance in the combined incidental and teachers' funds would be less than ten percent without the transfer. This act provides that if the sum of the combined balances in a school's incidental fund and teachers' fund at the fiscal year end is less than twenty percent of the sum of the district's expenses from those funds for the fiscal year just ended, the school district may transfer to its incidental fund an amount up to and including the amount of the unrestricted balance in its capital projects fund on June 30. Any funds originating from a general obligation bond must be considered restricted funds and cannot be transferred to the school's incidental fund.

This provision is identical to HB 679 (2011). (Section 165.011)

**SUMMER SCHOOL:** This act repeals language that would trigger an increase in state funding if summer school attendance were to decrease by twenty-five percent as compared to the 2005-2006 school year summer school attendance.

This provision is identical to a provision contained in SCS/SB 253 (2011). (Section 163.037)

This act contains an emergency clause on Section 165.011 and the repeal of section 163.037.  
MICHAEL RUFF

SPONSOR: Pearce

HANDLER: Wells

**SB 83 -** This act specifically authorizes the sale of deficiency waiver addendums and guaranteed asset protection products with respect to certain consumer loans, second mortgage loans, and retail credit sales provided such products are purchased as part of a loan transaction with collateral, at the borrower's consent, and the cost of the product is disclosed in the loan contract. The borrower's consent to the purchase of the product shall be in writing and acknowledge receipt of the required disclosures by the borrower (Sections 408.140, 408.233, and 408.300). Each deficiency waiver addendum, guaranteed asset protection, or other similar product must provide that in the event of termination of the product prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for such product shall be paid or credited promptly to the debtor. No refund of less than \$1 need be made. The formula to be used in computing the refund shall be the pro rata method. The act also provides consumers a free look period with respect to deficiency waiver addendums and guaranteed asset protection products. A debtor may cancel the product within 15 days of its purchase and shall receive a complete refund or credit of premium. This right shall be set forth in the loan contract, or by separate written disclosure. This right shall be disclosed at the time the debt is incurred in ten-point type and in a manner reasonably calculated to inform the debtor of this right (Section 408.380).

Some of the provisions of this act are contained in the truly agreed to version of SB 777 (2010) and SB

SPONSOR: Pearce

HANDLER: Wells

243 (2009).

STEPHEN WITTE

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SPONSOR: Engler

HANDLER: Fitzwater

HCS#2/SB 96 - This act authorizes the governor to convey state property located in the city of Farmington to St. Francois County and to Habitat for Humanity of St. Francois County, Inc.

In addition, the Governor is authorized to convey property located at the following correctional centers: the Algoa and Central Missouri correctional centers in Jefferson City; the Boonville Correctional Center; the Western Reception and Diagnostic Correctional Center in St. Joseph; the Farmington Correctional Center; the Fulton Reception and Diagnostic Correctional Center; the Maryville Treatment Center; the Eastern Reception Diagnostic Correctional Center in Bonne Terre; the Missouri Eastern Correctional Center in Pacific; South Central Correctional Center in Licking; the Potosi Correctional Center; the Chillicothe Correctional Center; the Tipton Correctional Center; the Women's Eastern Reception and Diagnostic Correctional Center in Vandalia; the Moberly Correctional Center; and the St. Francois Correctional Facility.

Also, the board of regents of Southeast Missouri State University is authorized to convey property located in Cape Girardeau to the Cape Area Habitat for Humanity.

This act authorizes the governor to convey the following: a permanent sidewalk easement over, on, and under property located at the Adrians Island in Cole County to Jefferson City; a permanent levee easement over, on, and under property located at the Church Farm in Cole County to the Cole Junction Levee District; a permanent pipeline easement over, on, and under property located at the Moberly Correctional Center to the Panhandle Eastern Pipeline Company; property located at the South East Missouri Mental Health Center in Farmington; property located at the National Guard site in Centertown; and a permanent drainage easement over, on, and under property located at the Department of Mental Health Regional Office and the State School for the Severely Disabled in Joplin.

This act contains an emergency clause.

MEGHAN LUECKE

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SPONSOR: Engler

HANDLER: Fitzwater

HCS#2/SB 97 - This act authorizes the governor to convey certain state property located at the South East Missouri Mental Health Center to the city of Farmington and the Missouri Highways and Transportation Commission. The governor may also convey property in Callaway County to the City of Fulton.

The board of regents of Southeast Missouri State University is authorized to convey property located in Cape Girardeau to the Cape Area Habitat for Humanity.

MEGHAN LUECKE

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SPONSOR: Parson

HANDLER: Nance

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

SPONSOR: Parson

HANDLER: Nance

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

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

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

ERIKA JAKUES

SPONSOR: Schmitt

HANDLER: Diehl

SCS/SB 108 – Currently, provisions of law concerning the installation of fire sprinklers in certain home dwellings are set to expire on December 31, 2011. This act changes the expiration date to December 31, 2019.

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

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

MEGHAN LUECKE

SPONSOR: Parson

HANDLER: Loehner

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

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

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

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

The act removes the current criminal penalty provision under the the Puppy Mill Cruelty Prevention Act

SPONSOR: Parson

HANDLER: Loehner

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

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

The act contains an emergency clause.

ERIKA JAKUES

SPONSOR: Engler

HANDLER: Flanigan

CCS/HCS#2/SCS/SB 117 - Under current law, the Cities of Springfield, Joplin, and St. Joseph, as well as any cities in Jasper or Butler County may seek voter approval for the imposition of a sales tax of up to one-half of one percent for economic development purposes. Butler County and Buchanan County may also seek voter approval for the imposition of such a tax. Current law provides a non-inclusive list of economic development projects for which revenues derived from the tax may be used. This act would allow local economic development sales tax revenues to also be used for the construction of job training and educational facilities.

The allows the county collector for Boone County to add special assessments levied in a community improvement district to the annual real estate tax bills for the properties being benefitted by the district. Unpaid special assessments on the first day of January are considered delinquent and enforcement of the collection of delinquent bills will be governed by the laws concerning delinquent and back taxes. A lien may be foreclosed in the same manner as a tax upon real property by land tax sale.

The City of Excelsior Springs is authorized to impose, upon voter approval, a retail sales tax of up to one percent for the purpose of funding the construction, maintenance, operation, and equipping of a community center and for retiring any bonds issued for those purposes. The act also authorizes the City of St. Joseph, upon voter approval, to impose a sales tax not to exceed one-half of one percent to fund public safety improvements.

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

The act authorizes the City of Columbia, upon voter approval, to impose a sales tax of up to one percent to fund public safety capital improvements.

The act repeals provisions of law authorizing the State Tax Commission to decide all questions regarding delinquent taxes with reference to the powers and duties of county or township tax officers.

JASON ZAMKUS

SPONSOR: Stouffer

HANDLER: Sater

HCS/SS/SB 118 - This act modifies provisions relating to long-term care facilities.

Current law requires long-term care facilities to install and maintain an approved sprinkler system by December 31, 2012. This act extends the 2012 implementation date requirement to 2014. (Section 198.074)

This act removes a reference to a current state regulation regarding administrative, personnel and resident care requirements for new and existing residential care facilities in the definition of "appropriately trained and qualified individual" as it relates long-term care facilities and instead provides that such appropriately trained and qualified individual shall have received facility orientation training as required by Chapter 198, RSMo. (Section 198.006).

ADRIANE CROUSE

SPONSOR: Rupp

HANDLER: Richardson

HCS/SS/SCS/SB 132 - This act establishes a limited-lines insurance license to sell portable electronics insurance. This act also modifies the law with respect to motor vehicle extended service contracts and surplus lines insurance. The act also prohibits political subdivisions from imposing restrictions or enforcing local licensing or registration ordinances in certain emergency situations. The act also amends Missouri's retaliatory tax law provision.

MOTOR VEHICLE EXTENDED SERVICE CONTRACTS - This act modifies the law regarding motor vehicle extended service contracts.

DELIVERY OF MOTOR VEHICLE EXTENDED SERVICE CONTRACTS - This act makes it unlawful for a motor vehicle extended service contract provider to fail to deliver a fully executed motor vehicle extended service contract to the consumer within a commercially feasible time period (no more than 45 days), from the date the consumer's initial payment is processed. The act also makes it unlawful for any provider, administrator, or producer who sell such contracts to fail to deliver a copy of an unsigned copy of the written contract to the consumer, if requested, prior to the time the consumer's initial payment is processed. Offerors may also direct the consumer to a website containing an unsigned copy of the service contract. (Section 385.205).

LICENSING - The act also modifies who may sell motor vehicle extended service contracts. The authorized employees of motor vehicle dealers, motor vehicle manufacturers, lenders, and other entities may sell such contracts. Authorized employees of an administrator under contract to effect coverage, collect provider fees, and settle claims of a registered provider may sell motor vehicle extended service contracts provided that such administrators are licensed as business entities. Vehicle owners transferring an existing motor vehicle extended service contract to a subsequent owner of the same vehicle may legally sell or transfer motor vehicle extended service contracts (Section 385.206).

Business entity producers or individual producers licensed under the provisions of this act as may sell such contracts. Business entity producers must pay an initial and renewal licensure fee not to exceed \$100. Individual producers must pay an initial and renewal licensure fee not to exceed \$25. Examinations for individual producers are waived. Producer licenses issued under the act are valid for a period of 2 years and must be renewed biennially. Business entities must provide a list to the director of all of their locations at which they offer service contracts (Section 385.207).

FREE LOOK PERIOD - The act modifies the free look period provision for reviewing a motor vehicle extended service contract. Under the act, motor vehicle extended service contracts shall contain a free look period that allows the purchaser to return the contract to the provider within at least 20 business days

SPONSOR: Rupp

HANDLER: Richardson

of the mailing date of the contract or the purchase date if the contract is executed and delivered at the time of sale. A 10% penalty of the amount outstanding per month shall be added to the refund that is not paid within 45 days (current law 30 days) of return of the contract to the provider. If a claim is made under the contract during the free look period, the provider shall refund to the contract holder the full purchase price less any claims that have been paid (Section 385.206.14).

The act further provides that a motor vehicle extended service contract shall state that a service contract holder may cancel the contract after the free look period at any time and the provider must refund 100% of the unearned pro rata provider fee, less any claims paid. A reasonable administrative fee may be surcharged by the provider in an amount not to exceed \$50. The provider of the motor vehicle extended service contract must mail a written notice within 45 days of the date of termination (current law is 15 days) (Section 385.206.13).

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

- (1) An affiliation with a motor vehicle manufacturer or dealer;
- (2) Possession of information regarding a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;
- (3) The expiration of a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;
- (4) A requirement that such motor vehicle owner register for a new motor vehicle extended service contract with such provider in order to maintain coverage under the motor vehicle owner's current motor vehicle extended service contract or manufacturer's original equipment warranty; or
- (5) Any term or provision of a motor vehicle extended service contract.

The act also makes it unlawful for a person to use fraud in the connection with the offer or sale of a motor vehicle extended service contract. Employing fraud in connection with the sale of a motor vehicle extended service contract is a level 3 violation under the insurance code (civil penalties of \$5,000 per violation, etc.). In addition, persons engaged in fraud in connection with the sale of a service contract shall be guilty of a felony, be subject to imprisonment for a term not to exceed 10 years, and be ordered to pay restitution (Section 385.208).

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

REGISTRY OF MOTOR VEHICLE EXTENDED SERVICE PRODUCERS - Under the act, a provider registered to issue motor vehicle extended service contracts must maintain a register of business entity producers who are authorized to sell such contracts in this state. Within 30 days of a provider authorizing a producer to sell motor vehicle extended service contracts, the provider shall enter the name and license number of the producer in the company registry of appointed motor vehicle extended service contract producers. Within 30 days of a provider terminating a business entity producer's appointment to sell motor vehicle extended service contracts, the provider shall update the registry with the effective date of the termination. Under the act, providers having information relating to any cause for discipline under the act

SPONSOR: Rupp

HANDLER: Richardson

must notify the director of this information in writing (Section 385.211).

The motor vehicle extended service contract provisions have an effective date of January 1, 2012. These provisions may also be found in HB 523 (2011).

**MISSOURI SURPLUS LINES INSURANCE LAW** - This act adopts amendments to the insurance code to comply with the federal Nonadmitted and Reinsurance Reform Act of 2010 (NRRA) relating to surplus lines insurance. The NRRA will preempt certain state laws that are inconsistent with the act's provisions, which are designed to bring about a certain amount of uniformity in the areas of licensing of surplus lines insurance professionals, the standards under which surplus lines insurance may be sold, and the taxes that may be collected from the sale of surplus lines insurance.

The act adds definitions to "The Missouri Surplus Lines Law" (Sections 384.011 to 384.071). The act adds the terms "exempt commercial purchaser", "home state", "nonadmitted insurance" and "qualified risk manager" to the definition section of the Missouri Surplus Lines Law. The definitions for such terms are consistent with the NRRA (15 USC 8206)(Section 384.015).

Under the terms of the act, surplus lines insurance may be placed by a surplus lines licensee if the insurer is authorized to write the type of insurance in its domiciliary jurisdiction (Section 384.017).

The act modifies the requirements and qualifications for nonadmitted insurers to furnish coverage. A surplus lines licensee shall not place coverage with a nonadmitted insurer unless the licensee determines that the nonadmitted insurer:

- (1) Meets the capital and surplus requirements of Missouri or \$15 million (the director may waive the financial requirements if the nonadmitted insurer's capital and surplus is at least \$4.5 million and the director finds the insurer is acceptable); and
- (2) Appears on the most recent list or eligible surplus lines insurers published by the director or appears on the most recent quarterly listing of alien insurers maintained by the NAIC.

Under the terms of the act, a surplus lines licensee seeking to place nonadmitted insurance in Missouri for an exempt commercial purchaser shall not be required to satisfy any requirement to make a due diligence search to determine whether the full amount or type of insurance by the exempt commercial purchaser can be obtained from nonadmitted insurers if:

- (1) The surplus lines licensee placing the surplus lines insurance has disclosed to such exempt commercial purchaser that the insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and
- (2) The exempt commercial purchaser has subsequently requested in writing the surplus lines licensee to place such insurance from a nonadmitted insurer (Section 384.021).

This act modifies the licensing requirements for insurance producers in the surplus lines insurance market. Beginning on or before July 1, 2012, the director shall participate in the national insurer database of the NAIC for the licensure of surplus lines licensees and the renewal of such licensees. Under the act, a person selling nonadmitted insurance with respect to an insured shall be required to obtain or possess a current surplus lines insurance issued by the director only if this state is the insured's home state (Section 384.043).

Under this act, every insured or self-insurer whose home state is Missouri who procures surplus lines insurance, other than through a surplus lines broker, must file a report describing the names of the insureds, the subject of the insurance and other prescribed information (Section 384.051).

SPONSOR: Rupp

HANDLER: Richardson

Under the terms of this act, only the home state of the insured will have the authority to tax and regulate the placement of such policies, regardless of where portions of the risk is located. The act imposes the current 5% tax on insureds and self-insurers whose home state is this state on the gross amount of the premium (current law is net amount) (Section 384.051). The 5% tax shall be levied upon and only upon the entire gross premium for nonadmitted or surplus lines insurance policies for which the home state of the insured is Missouri. The placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements of Missouri law only if this state is the insured's home state. A surplus lines broker is required to be licensed as a surplus lines licensee under the provisions of this chapter only if this state is the insured's home state (Section 384.061).

The surplus lines provisions are subject to an emergency clause. The surplus lines provisions may also be found in SCS/SB 392 and HB 773 (2011).

PORTABLE ELECTRONIC INSURANCE - this act establishes a limited-lines insurance license to sell portable electronics insurance. The act prohibits issuance or sale of portable electronics insurance coverage without licensure by the department of insurance. The act creates a licensing framework under which vendors can offer this specialized insurance. The act requires vendors of portable electronics to make disclosures about portable electronics insurance coverage to prospective customers. The act authorizes the department to suspend or revoke a license, or impose a civil penalty, for violation of provisions of the act. The act also authorizes the department to adopt rules. For a more detailed summary of the portable electronic insurance provisions, the reader's attention to HB 523 (2011) (Sections 379.1500 to 379.1550).

POLITICAL SUBDIVISION AND LICENSING DURING EMERGENCIES - This act prohibits political subdivisions from imposing restrictions or enforcing local licensing or registration ordinances with respect to such insurer's claims handling operations at the time of any emergency, catastrophe, or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public (Section 44.114).

RETALIATORY TAX LAW- This act amends Missouri's retaliatory tax law (Section 375.916) by clarifying that an insurance company claiming a premium tax credit or deduction shall not be required to pay any additional retaliatory tax as a result of claiming such credit or deduction. The act also provides that operating assessments based upon workers compensation paid losses that are imposed upon an insurance company by the laws of its state or foreign country of domicile shall not be considered "any premium or income or other taxes or any fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions", provided that with respect to the tax year in question the insurance company has its principal place of business within this state and receives more than \$3,000,000 of direct insurance premiums on account of business done in this state (Section 375.916).

STEPHEN WITTE

SPONSOR: Schaefer

HANDLER: Jones

CCS/HCS/SS/SB 135 - This act modifies provisions pertaining to environmental protection.

#### SECTION 253.090 - STATE PARK EARNINGS FUND

The act exempts monies in the State Park Earnings Fund from being transferred to the General Revenue Fund in the biennial sweep.

This section is similar to HCS/HB 89 (2011), HB 823 (2011), and HB 191 (2011).

#### SECTION 260.262 - LEAD-ACID BATTERY FEE



SPONSOR: Schaefer

HANDLER: Jones

The act extends the expiration date from June 30, 2011 to December 31, 2013 for the fee assessed per lead-acid battery sold in the state.

This section is similar to HB 98 (2011) and HB 2086 (2010).

#### SECTION 260.269 - SCRAP TIRES

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

This section is similar to SCS/SB 230 (2011) and identical to TAT/SCS/HCS/HB 578 (2011).

#### SECTIONS 260.380 AND 260.475 - HAZARDOUS WASTE FEES

The expiration date for fees assessed to generators, transporters, and disposers of hazardous waste is extended from December 31, 2011 to December 31, 2013.

These sections are similar to HB 98 (2011).

#### SECTION 260.965 - DRY-CLEANING FACILITIES

Under current law, the state statutes regarding dry-cleaning facility environmental remediation, including payments into the Dry-Cleaning Environmental Response Trust Fund, expire on August 28, 2012. The act extends the expiration date to August 28, 2017.

#### SECTION 306.109 - EXPANDED POLYPROPYLENE COOLERS

Current law prohibits the possession of expanded polypropylene coolers on or within 50 feet of certain rivers in the state except in certain areas. The act removes this prohibition.

#### SECTIONS 319.130 & 319.132 - PETROLEUM STORAGE TANK INSURANCE FUND

By April 1, 2012, the Board of Trustees of the Petroleum Storage Tank Insurance Fund must hold at least one public hearing to determine if it should create an underground storage tank operator training program. In making its decision, the Board must consider: input from the Departments of Natural Resources and Agriculture, the Board's advisory committee, and relevant portions of the private sector; federal financial ramifications; and other training programs already in use.

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

#### SECTION 414.072 - MOTOR FUEL

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

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

#### SECTION 640.116 - EXEMPTION FOR WELL CONSTRUCTION REQUIREMENTS

Water systems that serve charitable or benevolent organizations that do not regularly serve an average of 100 persons or more for at least 60 days of the year and that are not used for a school or day-care are

SPONSOR: Schaefer

HANDLER: Jones

exempt from well construction rules unless the system is a threat to groundwater or public health. Such wells are not exempt from certain rules applicable to multi-family wells. The act lists certain actions that a well owner must take in the event of certain coliform contamination violations.

No charitable or benevolent organization that is exempt from the well construction rules will be required to replace, change, upgrade, or alter any well if the well was constructed before August 28, 2011, unless the well poses a threat to groundwater or public health or has certain coliform contamination violations.

This section is identical to HCS/HB 250 (2011).

**SECTION 640.905 - ENGINEERING WORK FOR PERMIT APPLICATIONS**

If certain technical engineering documents have been prepared by a registered professional engineer and are submitted to the Department of Natural Resources in conjunction with a permit application or permit modification, the documents must be sealed by the engineer and the permit application or modification must include a statement that the documents were prepared in accordance with all applicable requirements. The department must use the documents in addition to other relevant information to develop comments and render a permit decision. Only a registered professional engineer or engineering intern may review the sealed engineering documents. The act also provides procedures for supervisory review of engineering documents.

This section is similar to a provision in TAT/SS/SCS/HCS/HB 89 (2011).

**SECTION 1. - MOTOR FUEL VAPOR RECOVERY FEES**

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

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

The act contains an emergency clause for the sections relating to the State Park Earnings Fund (253.090), lead-acid battery fee (260.262), and hazardous waste fees (260.380 & 260.475).

ERIKA JAUQUES

SPONSOR: Munzlinger

HANDLER: Guernsey

HCS/SB 161 - This act modifies provisions relating to agriculture.

**SECTION 273.327 - LICENSE FEES FOR ANIMAL CARE FACILITIES**

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

**SECTION 273.345 - CANINE CRUELTY PREVENTION ACT**

The act changes the name of the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act.

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

The act modifies definitions for: "adequate rest between breeding cycles," necessary veterinary care," "pet," "regular exercise," "sufficient food and clean water," "sufficient housing, including protection from the elements," and "sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs."

SPONSOR: Munzlinger

HANDLER: Guernsey

Anyone subject to the Canine Cruelty Prevention Act must retain all veterinary and sales records for the most recent previous 2 years and make the records available upon request.

The act creates additional requirements for enclosure space size: between January 1, 2012 and December 31, 2015, enclosures that were constructed prior to April 15, 2011 must be at least 2 times the space allowed by the Department of Agriculture regulation that was in effect on April 15, 2011; and any enclosures constructed after April 15, 2011 and all enclosures as of January 1, 2016 must be at least 3 times the space allowed by the Department of Agriculture regulation that was in effect on April 15, 2011. Additionally, wire strand flooring is prohibited in any enclosure constructed after April 15, 2011 and for all enclosures, regardless of when constructed, after January 1, 2016.

#### SECTION 273.347 - PENALTIES FOR ANIMAL CARE VIOLATIONS

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

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

#### SECTIONS 348.400 TO 348.412 - AGRIBUSINESS LOAN GUARANTEES

Currently, the Missouri Agricultural and Small Business Development Authority may provide loan guarantees on loans for the purchase or improvement of agricultural property. This act allows the loan guarantees to also be provided on loans for the purchase, expansion, or improvement of an agribusiness.

The act contains an emergency clause for the animal care provisions of the act (sections 273.327, 273.345, 273.347, and Section 1).

The act repeals the provisions enacted in SS/SCS/SBs 113 & 95 (2011).

ERIKA JAKUES

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SPONSOR: Pearce

HANDLER: Thomson

HCS/SCS/SB 163 – This act modifies the composition of the Coordinating Board for Higher Education, the Board of Curators for the University of Missouri and the governing board of Missouri State University. For each board, current law provides that no more than one person will be appointed from each congressional district. This act provides that at least one but no more than two persons will be appointed from each congressional district. However, nothing relating to a change in the composition and configuration of congressional districts in this state will prohibit a member serving a term on August 28, 2011 from completing his or her term.

This act is identical to HCS/HB 174 (2011) and is similar to SB 255 (2009).

MICHAEL RUFF

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SB 165 - This act extends the expiration date on the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

This act is identical to SCS/HB 256 (2011) and a provision of SS/SCS/HCS/HB 111 (2011).  
EMILY KALMER

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

SPONSOR: Dixon

HANDLER: Cierpiot

CCS/HCS/SB 173 - This act modifies provisions relating to transportation and infrastructure.

JOINT COMMITTEE ON MISSOURI'S PROMISE - This act creates an additional area of study for the Joint Committee on Missouri's Promise. The Committee shall develop long-term strategies and plans for investing in, and maintaining, a modern infrastructure and transportation system and identifying potential sources of revenue to sustain such efforts.

MISSOURI STATE TRANSIT ASSISTANCE PROGRAM - The Missouri State Transit Assistance Program is established and shall be administered by the Department of Transportation to provide financial assistance to defray the operating and capital costs incurred by public mass transportation service providers. The distribution of any appropriated funds must be determined by evaluating certain factors of each service provider including population, ridership, cost and efficiency of the program, availability of alternative transportation in the area, and local effort or tax support. This provision is identical to HB 484 (2011).

HIGHWAY DESIGN-BUILD CONTRACTS - This act authorizes the state Highways and Transportation Commission to enter into an additional design-build contract for the improvement of the bridge on US40/I-64 located in St. Louis County and St. Charles County (Daniel Boone Bridge). The act also extends the sunset date for the commission to enter into design-build project contracts. Under current law, the commission's authority to enter into design-build projects expires on July 1, 2012. This act extends the date to July 1, 2018. This provision is similar to SCS/SB 133 (2011).

SEWER DESIGN-BUILD CONTRACTS - This act authorizes the Metropolitan St. Louis Sewer District to enter into a design-build contract for a construction project exceeding \$1 million. Under the terms of the act, the sewer district must establish written procedures for prequalifying design-build contractors. The sewer district is authorized to issue a request for proposals to a maximum of 5 prequalified design-build contractors.

The act establishes advertising requirements and procedures for submitting and opening proposals and for readvertising when necessary. The act also specifies that payment bonds shall apply to the sewer design-build projects. The act further provides that performance bonds for design-build contractors do not need to cover design services if the contractors or subcontractors providing design services carry professional liability insurance in the amount established by the district in the request for proposal.

The act requires architects, engineers, and land surveyors to be licensed or authorized in this state to provide such services as required by law.

The act prohibits architects or engineers retained by the sewer district from acting as design-build contractors, subcontractors, joint venturers, or partners for the project.

The sewer design-build contract provisions are similar to the ones found in HB 659 (2011) and HCS/SCS/SB 133 (2011).

EXCAVATION NOTIFICATION CENTERS - This act extends, from December 31, 2011, to December 31,

SPONSOR: Dixon

HANDLER: Cierpiot

2014, the requirement that the State Highways and Transportation Commission be a notification center participant regarding excavation involving underground facilities. The act removes a provision which requires the notification center to ask excavators, as part of the process to request the locating and marking of underground facilities, to identify whether or not the proposed excavation will be on a public right-of-way or easement dedicated to public use for vehicular traffic. These provisions are identical to HB 678 (2011).

**HIGHWAY NAMING PROVISIONS** - This act designates the portion of State Highway 30 from State Route NN north three miles to 1/10 of a mile southwest of Old State Highway 30 in Jefferson County as the "SFC Wm. Brian Woods, Jr. Memorial Highway" (section 227.430). This portion of the act is identical to HB 912 (2011) and HCS/SB 77 (2011).

This act repeals the Rabbi Abraham Joshua Heschel Memorial Highway designation for a specified portion of Highway 160 in Greene County. In lieu of this designation, the act designates a different portion of U.S. Highway 160 in Greene County as the "Rabbi Ernest I. Jacob Memorial Highway" (section 227.410). This provision is contained in HCS/SB 77 (2011).

This act designates the portion of Interstate 40/64 in St. Louis County from the Boone's Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the "Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway" (section 227.424). This provision is also contained in HCS/SB 77 (2011).

**MISSOURI TRANSPORTATION DEVELOPMENT DISTRICTS** - This act modifies the "Missouri Transportation Development District Act" to include public mass transportation projects (section 238.202). The act also allows transportation development districts located within Kansas City to include the operation of street cars or other rail-based or fixed guideway public mass transportation systems. The act further provides that districts formed for public mass transportation system projects shall not have to submit the proposed project to the state highways and transportation commission for its prior approval (section 238.225). In addition, the act provides that the sales taxes imposed by a district whose project is a public mass transportation system shall not be considered economic activity taxes as used in the TIF statutes and that the tax revenues are not subject to allocation by the TIF statutes (section 238.235). These provisions may also be found in HCS/SS/SCS/SB 58 (2011).

JIM ERTLE

SPONSOR: Kraus

HANDLER: Torpey

SB 180 - This act specifies that the month of October shall be designated as "Walk & Bike to School Month," the first Wednesday of October as "Walk and Bike to School Day," the month of May as "Missouri Bicycle Month," the third Friday in May as "Bike to Work Day," and the week of Bike to Work Day as "Bike to Work Week."

This act is similar to HB 1691 (2010).

JIM ERTLE

SPONSOR: Lager

HANDLER: Guernsey

HCS/SB 187 - This act modifies the laws regarding nuisances.

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

SPONSOR: Lager

HANDLER: Guernsey

under this act are not authorized to enact ordinances providing for the abatement of any condition related to agricultural structures or agricultural operations or governing any railroad company.

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

This act specifies what types of compensatory damages may be awarded in an action for private nuisance where the alleged nuisance emanates from property primarily used for crop or animal production purposes. If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the property. If the nuisance is a temporary nuisance, compensatory damages are measured by the decrease in the fair rental value of the property. The person who files the lawsuit may also recover compensatory damages for their medical condition, if there is objective and documented medical evidence that the medical condition was caused by the nuisance.

In an action for private nuisance where the alleged nuisance emanates from property primarily used for crop or animal production purposes, if a person or their successor brings any subsequent claim against another person or their successor for temporary nuisance, and the claims are related to a similar activity or use of the property, and that activity or use of property is deemed a nuisance, the activity or use of property shall be considered a permanent nuisance and the person and their successor shall be limited to the remedies available for permanent nuisance.

This act also requires that a nuisance be considered not capable of abatement, if the nuisance emanates from property used for crop or animal production purposes, if a defendant demonstrates a good faith effort to abate the nuisance, including substantial compliance with a court order.

Where the alleged nuisance emanates from property primarily used for crop or animal production purposes, no person has standing to bring an action for private nuisance unless they have an ownership interest in the property alleged to be affected by the nuisance.

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

The act does not prohibit the recovery of damages for crop destruction, crop damage, contamination of the seed supply, or a diminution of crop value resulting from contamination of the seed or grain supply, herbicide drift, or other diminution of crop value.

This act is similar to the truly agreed to SS/SCS/HB 209 (2011), and to SB 25 (2011), SB 194 (2011), HB 43 (2011), HB 188 (2011), HB 1003 (2011), and HB 1303 (2010).

EMILY KALMER

SPONSOR: Lager

HANDLER: Elmer

SCS/SB 188 - Currently, under the Missouri Human Rights Act (MHRA), a practice is unlawful when the protected trait is a contributing factor in the decision to discriminate. This act changes that standard to a motivating factor standard. The plaintiffs in employment discrimination cases have the burden of proving this standard.

SPONSOR: Lager

HANDLER: Elmer

Currently, persons acting in the interest of employers are considered employers under the MHRA and are liable for discriminatory practices. This act modifies the definition of employer to exclude those individuals. The act similarly excludes the United States government, corporations owned by the United States, individuals employed by employers, Indian tribes, certain departments or agencies of the District of Columbia, and private membership clubs from the definition.

In order to be unlawful, the employee's actions shall be a motivating factor leading to the discharge instead of a contributing factor, as is the case under current common law. Prevailing parties in such cases shall not be entitled to attorneys fees.

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

The Human Rights chapter is intended to be consistent with Title VIII of the Civil Rights Act and follow the work sharing agreement between the commission and the Equal Employment Opportunity Commission. The act directs the courts to rely heavily on judicial interpretations of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act when deciding MHRA employment discrimination cases.

The act abrogates *McBryde v. Ritenour School District* to require courts to allow a business judgment jury instruction whenever offered by the defendant.

The act recommends two methods to the courts for analyzing employment discrimination cases as a basis for granting summary judgment. The mixed motive and burden shifting analysis are based on court rulings interpreting federal law and the act abrogates numerous Missouri cases in urging the courts to consider the methods highly persuasive.

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

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

The act abrogates all Missouri case law relating to the public policy exceptions to the employment at-will doctrine. Employers are barred from discharging the following persons:

- a person who reports to an unlawful act of the employer or its agent to governmental or law enforcement agencies, officer, or the employee's human resources representative employed by the employer;
- a person who reports to an employer serious misconduct of the employer or its agent that violates a clear mandate of public policy as articulated in a constitutional provision, statute, regulation promulgated pursuant to statute, or a rule created by a governmental body;
- a person who refuses to carry out a directive issued by an employer or its agent that, if completed, would be a violation of the law;
- or a person who engages in conduct otherwise protected by statute or regulation.

This act is similar to HB 1456 (2006), SB 168 (2007), SB 1046 (2008), HB 799 (2009), HB 227 (2009), SB 374 (2009), HB 1488 (2010), SB 852 (2010), and HB 205 (2011).

CHRIS HOGERTY

SPONSOR: Schaefer

HANDLER: Barnes

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

Currently, the law sets out who may provide consent to have a doctor perform an autopsy and provides a list of the order in which relatives are consulted to obtain consent. This act allows a child, parent, brother or sister of a deceased individual to petition the court to order an autopsy, if the deceased individual was not capable of consenting to the autopsy before he or she died.

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

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

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

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

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

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

The provisions of the act regarding transferring guardianship or conservatorship proceedings from one state to another state and that deal with enforcement of guardianship and protective orders in other states



SPONSOR: Schaefer

HANDLER: Barnes

apply to proceedings begun before August 28, 2011.

This act is similar to HB 130 (2011) and provisions of HCS/HB 253 (2011), and identical to provisions of SS#2/SCS/HCS/HB 111 (2011), and CCS/HCS/SB 59 (2011).

EMILY KALMER

SPONSOR: Wasson

HANDLER: Diehl

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

This act changes the statute of limitations for actions against land surveyors from 5 years after the discovery of an error or omission to 10 years from the completion of the survey.

This act authorizes the establishment of a peer review process for architects, landscape architects, professional land surveyors, or professional engineers.

Peer reviewers and each person who testifies before them, provides information to them, acts upon their recommendation, or participates in the peer review process are immune from civil liability for these actions, as long as the actions are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review process.

Certain documents created during the peer review process are privileged and are prohibited from being released to any person. These documents are not admissible in any judicial or administrative action for failure to provide appropriate architectural, landscape architectural, land surveying, or engineering services. A person who participated in the peer review process shall not be permitted or required to disclose information they learned from the peer review process.

This act does not limit the authority of the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to obtain information from a peer reviewer.

This act is similar to SB 1074 (2008), SB 267 (2009), SB 867 (2010), SB 326 (2011), SB 29 (2011), and HB 568 (2011).

CHRIS HOGERTY

SPONSOR: Engler

HANDLER: Franz

CCS/HCS/SS/SB 226 - This act modifies provisions relating to emergency services.

#### AMBULANCE DISTRICT SALES TAX

This act allows for the organization of ambulance districts which may impose a sales tax not to exceed one-half of one percent.

If the sales tax is authorized, then the governing body of the ambulance district must reduce its tax rate by an amount which reduces property tax revenues by an amount equal to 50% of the amount of sales tax collected in the preceding year. All revenue received by a district from the tax must be deposited in a special trust fund, and used solely for the ambulance district, except one percent of the taxes must be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in Section 32.087.

SPONSOR: Engler

HANDLER: Franz

The Director of Revenue has certain responsibilities regarding the trust fund, but the moneys in the fund are not state funds and may not be commingled with any funds of the state. The director is to distribute money deposited into the fund no later than the tenth day of the next month to the board treasurer of the governing body of the district which levied the tax.

The ambulance district must notify the Director of Revenue at least 90 days prior to repealing the sales tax. Two percent of the amount collected after the notice is given may be kept to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year, the balance must be remitted to the district and the account must be closed.

Provisions of law governing local sales taxes apply to the ambulance district sales tax.

This provision is identical to SB 309 (2011), HB 542 (2011), and contains provisions that are identical to Senate Bill 826 (2010).

#### AMBULANCE DISTRICT RECALL ELECTIONS

Under this act, each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.

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

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

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

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

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

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

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

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

SPONSOR: Engler

HANDLER: Franz

**FIRE PROTECTION DISTRICT BOARDS**

This act repeals an obsolete provision regarding elections for fire protection district board members in St. Charles County.

**ORGAN DONOR PROGRAM PROGRAM**

Beginning January 1, 2011, this amendment authorizes a check-off box for the Organ Donor Program Fund to be added to the individual and corporate income tax forms. A taxpayer may donate to the fund by designating on the form at least \$2 on an individual return or \$4 on a combined return of his or her tax refund amount or by sending a separate check with the payment of his or her taxes.

The provisions of the bill will expire December 31 six years from the effective date.

This provision is identical to HB 151 (2011).

MEGHAN LUECKE

SPONSOR: Schaefer

HANDLER: Barnes

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

This act is identical to HB 165 (2011) and a provision of SS#2/SCS/HCS/HB 111 (2011).

EMILY KALMER

SPONSOR: Schmitt

SS/SB 238 - This act modifies provisions that affect claims by firefighters for disability or death benefits. If after five years of service a firefighter's health is impaired due to certain infectious diseases, it will be presumed that this infectious disease was suffered in the line of duty, unless there is evidence to the contrary. Firefighters are required to submit to an annual physical examination, at which a blood test is administered, in order to receive the presumption that the infectious disease was contracted in the line of duty.

This act is identical to provisions of SS/SCS/HCS/HB 664 (2011) and similar to HB 295 (2011) and provisions of SCS/HCS/HBs 600, 337 & 413 (2011).

EMILY KALMER

SPONSOR: Kehoe

HANDLER: Schad

CCS#2/HCS/SB 250 - Under current law, sexual assault offenders imprisoned by the department of corrections must complete all treatment, education, and rehabilitation programs provided by the department of corrections. This act requires the offender to complete such programs before being eligible for probation or conditional release.

Current law prohibits certain sex offenders from living within 1,000 feet of public and private schools, and child-care facilities as that term is defined under section 210.201. This act expands the list of places certain sex offenders may not live within 1,000 feet of to include any child-care facility that is licensed under chapter 210 and any license-exempt child-care facility that is subject to state regulations regarding fire, safety, health, and sanitation inspections.

SPONSOR: Kehoe

HANDLER: Schad

This act is similar to HB 384 (2011) and contains provisions identical to SS/SCS/HCS/HB 111 (2011).  
MEGHAN LUECKE

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SPONSOR: Engler

HANDLER: Dugger

CCS/HCS/SB 282 - This act modifies numerous laws relating to elections.

PUBLIC OFFICE VACANCIES (Sections 26.016, 27.015, 28.190, 29.280, 30.060, 30.080, 105.030, 105.040, 105.050)

Currently, the Governor has statutory authority to fill vacancies until successors are elected for the office of United States Senator; various state and county offices filled by election; circuit attorney, prosecuting attorney, and assistant prosecuting attorney offices; and all statewide offices excluding Lieutenant Governor. This act requires the Governor to fill all vacated statewide offices and the office of United States Senator by special election for the remainder of each respective term.

In the case of vacancies for Lieutenant Governor, Secretary of State, and Treasurer, the Governor shall take charge of the vacated office and superintend business until the successor is elected by special election. In the case of a vacancy in the office of Auditor and Attorney General, the Governor shall appoint an acting Auditor and Attorney General who shall take charge of the vacated office and superintend business until the successor is elected by special election.

If the Lieutenant Governor, Attorney General, Auditor, or Treasurer are impeached, such individuals shall be suspended until the impeachment is determined. If convicted, the Governor shall fill the vacancy by special election. Currently, in the case of the impeachment of the Secretary of State, the office shall be filled by appointment until impeachment is determined. If convicted, the Governor shall then fill the vacancy by special election.

#### LOCAL GOVERNMENT OFFICE REQUIREMENTS AND ELECTIONS

County collectors are required to be 21 years old, a resident of the county in which he or she is a candidate for at least one year prior to the election and remain a resident of the county in which he or she is elected throughout his or her term of office. Candidates for such office are required to present the election authority with a signed affidavit from a surety company indicating that the candidate meets the statutory bond requirements for the office. (Section 52.010)

Currently, the county commission is required to appoint an interim treasurer in the event of a vacancy of the office except in counties with a charter form of government. This act creates the same exception for counties having a township form of government for the office of collector-treasurer. (Section 54.033)

County collector-treasurers are required to be 21 years old, registered voters, current in the payment of all state income and personal and real property taxes, a resident of the county in which he or she is a candidate for at least one year prior to the election and remain a resident of the county in which he or she is elected throughout his or her term of office. Candidates for such office are required to present the election authority with a signed affidavit from a surety company indicating that the candidate meets the statutory bond requirements for the office. Collector-treasurers shall have the sole authority to appoint deputies. (Section 54.330)

Third class cities are allowed to eliminate primary elections for mayor and councilmen offices. (Section 78.090)

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

SPONSOR: Engler

HANDLER: Dugger

board of election commissioners or a county clerk with the powers and duties subject to any limitations set forth in the county's charter. (Section 115.015)

Currently, elections are not required to be held in nonpartisan elections in political subdivisions and special districts when the number of candidates equals the number of positions to be filled except in municipal elections. This act modifies that exception to only include municipal elections in cities, towns, or villages with more than 35,000 inhabitants. Election authorities are required to publish notice including the names of officials to be seated by April 1 of each year in at least one newspaper of general circulation in the political subdivision or district when those elections are not held. (Section 115.124)

The filing period for offices filled by elections on the general municipal election day shall be between the first Tuesday in December of the year prior to the election and the first Tuesday after the first Monday in January of the election year. Elections in counties with a charter form of government, except Jefferson county, are excluded from this provision. (Section 115.127)

#### ELECTION AND PRIMARY DATES

The date of the presidential primary is moved from the first Tuesday after the first Monday in February to the first Tuesday after the first Monday in March. (Sections 115.123, 115.755)

The first Tuesday after the first Monday in June is no longer available as a date for public elections. (Section 115.123)

#### ABSENTEE VOTERS

This act removes a provision that requires ballots of deceased absentee voters to be rejected when sufficient evidence is shown to the election authority that the voter has died prior to the opening of the polls on election day. (Section 115.293)

#### BONDING REQUIREMENTS FOR CANDIDATES

Candidates for public office (with the exception of those in special districts, townships, cities, towns, or villages) are required to declare under penalty of perjury that they are not aware of any information that would prohibit the candidate from fulfilling any bonding requirements. Such individuals filing for an election with a bonding requirement shall file an affidavit from a surety company indicating that the candidate meets the bonding requirements for the office with the department of revenue. (Section 115.342)

#### RECOUNT

Currently, candidates who are defeated by less than 1% and persons whose position on a question was defeated by less than 1% have the right to a recount. This act reduces those thresholds to less than ½ of 1%. (Section 115.601)

#### ELECTION OFFENSES

Discouraging, hampering, pressuring, or attempting to prevent another from filing for public office for the purpose of eliminating the requirement to hold special elections in certain instances is established as a class 4 election offense. (Section 115.637)

#### AMBULANCE DISTRICT BOARD RECALLS (190.056)

Each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.

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

SPONSOR: Engler

HANDLER: Dugger

of the recall.

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

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

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

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

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

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

#### BALLOT REQUIREMENTS

Party emblems shall not longer be printed on the ballot above the party caption. (Section 115.241)

#### PRESIDENTIAL CANDIDATE REQUIREMENTS

Raises the payment a potential presidential candidate shall pay the state committee for the party on whose ballot the candidate wishes to appear from \$1,000 to \$5,000 for elections held on or before December 1, 2012 and \$10,000 for any election thereafter. (115.761)

This act is similar to SCS/SB 84 (2005), SB 726 (2006), SB 138 (2007), SB 797 (2008), SB 70 (2009), SB 266 (2011), SB 292 (2011), SB 226 (2011), HB 187 (2011), HB 796 (2011), and HB 217 (2011), HCS/SCS/SB 270 (2011).

CHRIS HOGERTY

SPONSOR: Wasson

HANDLER: Sater

CCS/HCS/SB 284 - This act modifies the exemption from state and local sales tax for certain medical supplies, to include rentals of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories, ambulatory aids, wheelchairs, scooters, reading machines, electronic print enlargers, electronic communication devices, and items used to modify motor vehicles for individuals with disabilities. The act also creates a sales tax exemption for drugs that are required to meet the Food and Drug Administration's over-the-counter drug labeling requirements.

This act allows the Board of Pharmacy to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge,

SPONSOR: Wasson

HANDLER: Sater

manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed an act that would be grounds for discipline under the Board of Pharmacy's disciplinary statute.

This act defines the term "legend drug" for the purpose of certain pharmacy laws. Legend drugs will mean any drug or biological product that is subject to a certain federal law, is required to be labeled in certain ways, or is required to be dispensed by prescription only or is restricted to use by practitioners only. The act excludes certain drugs and drug products that are being used in clinical trials.

This act has an emergency clause for the section regarding legend drugs.

Provisions of this act are similar to HCS/SB 325 (2011), HB 55 (2011), and SCS/HCS/HB 412 (2011).

EMILY KALMER

SPONSOR: Wasson

HANDLER: Wells

SS/SB 306 - This act modifies and updates the law relating to credit unions.

The act updates the credit union statutes to designate the Department of Insurance, Financial Institutions and Professional Registration as the department overseeing credit unions and designates the Director of Credit Unions as the head of the Division of Credit Unions.

The director of the Division of Credit Unions and division employees and special agents shall take an oath of confidentiality and are barred from disclosing certain information. Certain exceptions are enumerated. Those individuals, other than the members of the credit union commission, who examine credit unions or make official decisions regarding credit unions shall not be an officer or director of, or receive payment from, a credit union the division regulates.

In the course of an investigation, the director may compel the production of documents and the attendance of persons having knowledge of pertinent issues, administer oaths, and seek enforcement of an administrative subpoena.

Officers, directors, and employees shall not be charged with libel, slander, or defamation for good faith communications with the director or employees of the division.

The act updates the process by which directors, officers, and employees may be removed from office or suspended by the director of the division of credit unions. The director of the division shall deliver a notice of intention to remove or prohibit the party from acting in connection with a credit union stating the grounds for such action and the time and place for a hearing for removal or prohibition. Those suspended or prohibited from participating in the affairs of the credit union may file a stay of such suspension or prohibition in circuit court.

If suspensions cause a lack of a quorum for a board of directors, the board may function under those not suspended. If all the directors are suspended, the director of the division shall appoint temporary directors to take their place.

This act removes a provision of law restricting credit unions from issuing certain loans to directors and credit and supervisory committee members exceeding \$25,000.

The act removes provisions establishing requirements for reserve funds and instead requires credit unions to maintain reserves sufficient to qualify for federal share insurance and satisfy regulations relating to reserve fund requirements.

SPONSOR: Wasson

HANDLER: Wells

Currently, notice of a meeting at which a plan for merger is to be submitted shall be as provided in the credit unions bylaws or by letter to shareholders. This act requires notice to be mailed to each member between 14 and 30 days before the meeting. Members may vote remotely by electronic ballot. The same procedures shall be allowed when a state-chartered credit union votes to convert to a federal credit union.

This act is similar to HB 465 (2011).

CHRIS HOGERTY

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SPONSOR: Lamping

HANDLER: Silvey

SS#2/SCS/SB 320 - This act modifies the provisions relating to domestic violence.

**DEFINITIONS**

This act provides the same definition for "domestic violence" and "family and household member" in various chapters and statutes relating to domestic violence and orders of protection. The definition sections pertaining to child orders of protection are repealed. Sections 43.545, 452.375, 455.010, 455.200, 455.501, 455.540, 527.290

**ALIGNING ADULT AND CHILD ABUSE ORDERS OF PROTECTION**

This act also provides consistency relating to adult and child orders of protection, including the definitions for "abuse", "adult", and "child". This act provides that the grounds for issuing ex parte or full orders of protection for both adults and children include stalking. In addition, adult and child orders now both prohibit communicating with the petitioner. This act also provides for enhanced penalties for violating child orders of protection as with repeated violations of adult orders. Sections 455.010; 455.035; 455.516; 455.520; 455.523; 455.538

**JUVENILE COURT JURISDICTION**

This act provides juvenile court jurisdiction for respondents to orders of protection under the age of 17. A guardian ad litem shall be appointed for respondents less than 17 years of age only if such respondent is not represented by a parent or guardian. This act addresses the confidentiality of the juvenile records and when such records may be open. Sections 211.031; 455.035; 455.513; 455.800

**AUTOMATIC ONE-YEAR RENEWAL**

The court may, upon a finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. Sections 455.040; 455.516

**OTHER CHANGES TO ORDERS OF PROTECTION PROCESS**

This act provides that terms of orders may reflect the individual circumstances of parties and allows for a judge to determine if a petitioner's dismissal of an order of protection proceeding is voluntary. Sections 455.050; 455.060; 455.520; 455.523

This act prescribes the types of violations that may result in criminal offenses. Section 455.085

This act prohibits a petitioner from being charged a filing fee in any action relating to adult orders of protection, including motions for contempt seeking to enforce an existing order of protection. Section 455.027

**BATTERER INTERVENTION PROGRAMS**

The Division of Probation and Parole shall promulgate rules to establish standards and to adopt a credentialing process for any court-ordered Batterer Intervention program. Section 455.549



SPONSOR: Lamping

HANDLER: Silvey

**REPEAT OFFENDERS AND MUNICIPAL OFFENSES**

This act limits municipal jurisdiction over offenders who repeatedly commit domestic assault or violate an order of protection. Also, municipal offenses are allowed to be used to enhance the level of criminal offense that is charged by the prosecutor. Sections 455.085; 455.538; 565.074

**SERVICES TO VICTIMS FUND**

This act amends the Services to Victims Fund to provide that public or private agencies shall use no more than ten percent of any funds received for administrative purposes. Section 595.100

**INFORMATION TO BE ENTERED IN MULES**

This act requires service of orders of protection to be entered into the Missouri Uniform Law Enforcement System("MULES") within 24 hours. Section 455.038

This provision is identical to HB 118 (2011).

Also, law enforcement agencies maintaining MULES shall include certain child custody and visitation information when entering an order of protection. Section 455.040

This provision is substantially similar to HB 234 (2011), HCS/HB 253 (2011), and HCS/HB 111 (2011).

**SAFE AT HOME ADDRESS CONFIDENTIALITY PROGRAM**

This act repeals the sunset provision to the Safe at Home confidentiality program, which is a program that provides victims of sexual assault, rape, stalking and domestic violence a substitute mailing address through the Secretary of State's Office. SECTION 589.683

**SAFE EXAMS**

This act requires the Department of Public Safety to establish maximum reimbursement rates for SAFE exam charges. Section 595.220

This act is substantially similar to HCS/HBs 504, 505 & 874 (2011).

ADRIANE CROUSE

SPONSOR: Wasson

HANDLER: Smith

HCS/SB 325 - This act modifies and enacts various provisions relating to professional registration.

**NOTIFYING EMPLOYERS REGARDING THE LICENSING STATUS OF EMPLOYEES**

(Section 324.014)

This act requires any board, commission, committee, council, or office within the Division of Professional Registration to notify a licensee's current employer, if the employer is known, of a change in the licensee's license or disciplinary status. Employers may also provide a list of current licensed employees and make a written request to the appropriate board to be notified when there is a change in the licensing status of any of those employees.

This provision is identical to a provision of SS/SCS/HCS/HB 265 (2011).

**LIMITED TEACHING LICENSE FOR DENTAL INSTRUCTORS**

(Section 332.425)

This act allows the Missouri Dental Board to issue a limited teaching license to an instructor at an accredited dental school. This limited teaching license only allows the licensee to practice within the accredited dental school programs. Individuals who receive a limited teaching license must meet specified requirements, including successful passage of an examination of spoken and written proficiency in the

SPONSOR: Wasson

HANDLER: Smith

English language, but will not be required to have graduated from an accredited dental school.

This provision is identical to SCS/HB 591 (2011).

#### BOARD OF EMBALMERS AND FUNERAL DIRECTORS

(Sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 436.405, 436.412, 436.445, 436.450, 436.455, and 436.456)

This act modifies licensing requirements for funeral directors, embalmers, and funeral establishments and certain requirements for preneed funeral contracts.

The act modifies the requirements for applicants for funeral director and embalmer licenses. A general equivalency diploma, or equivalent education, as determined by the board of embalmers and funeral directors, will satisfy the requirement that a person seeking a funeral director or embalmer license have a high school diploma. An applicant for a license to practice funeral directing or embalming is no longer required to be a Missouri citizen or a resident of a county bordering Missouri. An applicant for an embalmer's license is required to complete a funeral service education program, rather than graduate from an institute of mortuary science education. An applicant for a funeral director's license is required to complete the apprenticeship in twelve consecutive months, rather than twelve months.

Also, funeral establishments will no longer be required to keep their register book or log in the preparation or embalming room. The log book must contain the name of each body that has been in the establishment, the date the body arrived, if applicable, the place the body was embalmed, and if the body was embalmed at the establishment, the date and time of the embalming and the name, signature, and license number of the embalmer.

The act changes the requirements for membership on the board of embalmers and funeral directors, reduces the number of members on the board from ten to six members, and allows a majority of the members of the board to constitute a quorum at meetings.

The act also modifies provisions that regulate preneed funeral contracts. Among other changes, the act modifies requirements for insurance-funded preneed contracts, so that these provisions apply to preneed contracts designated to be funded by deferred annuity contracts that are not classified as variable annuities and have death benefit proceeds that are never less than the sum of premiums paid. The amendment specifies that a trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider and allows preneed sellers and purchasers to agree to put the funds for the preneed contract in an account titled in the beneficiary's name and payable on the beneficiary's death to the seller. The act also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who want to cancel a preneed contract funded by a joint account.

These provisions are similar to SCS/SB 340 (2011) and identical to provisions of SS/SCS/HCS/HB 265 (2011).

#### NURSING EDUCATION INCENTIVE PROGRAM

(Sections 335.036, 335.200, 335.203, 335.206, 335.209)

This act creates the Nursing Education Incentive Program within the Department of Higher Education for the awarding of grants. This program will allow grants not to exceed \$150,000 to be awarded to Missouri institutions of higher education accredited by the Higher Learning Commission of the North Central Association that offer a nursing education program. No campus may receive more than one grant per year.

SPONSOR: Wasson

HANDLER: Smith

To be considered for a grant, an institution must offer a nursing program that meets a predetermined category and area of need as established by the Department of Higher Education and the State Board of Nursing. When establishing categories and areas of need, the Department and Board may consider: data from licensure renewal and from the Department of Health and Senior Services and national nursing statistical data and trends for nursing shortages.

The State Board of Nursing is authorized to provide funding to the program.

This act also repeals the obsolete Nurse Training Incentive Fund.

These provisions are identical to provisions of HCS/HB 223 & 231 (2011) and similar to SB 191 (2011).

#### LICENSED PRACTICAL NURSES

(Section 335.099)

This act specifies that a licensed practical nurse is qualified to teach an insulin administration course, if the nurse is an approved instructor for the level 1 medication aid program, and is qualified to perform diabetic nail care, onsite reviews of basic personal care recipients and dietary oversight of residents of residential care facilities or assisted living facilities.

#### VETERINARY LEGEND DRUGS

(Section 338.010, 338.140, 338.150, 338.210, 338.220, 338.240, 338.315)

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

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

Businesses that only hold a class L pharmacy permit will not be required to have a pharmacist on site, except for when noncontrolled drugs for use in animals are being compounded. A pharmacist is responsible for reviewing the activities and records of class L pharmacies.

These provisions are similar to SB 29 (2011), HB 496 (2011), and HB 1814 (2010).

#### LEGEND DRUGS

(Section 338.330)

This act defines the term "legend drug" for the purpose of certain pharmacy laws. Legend drugs will mean any drug or biological product that is subject to a certain federal law, is required to be labeled in certain ways, or is required to be dispensed by prescription only or is restricted to use by practitioners only. The act excludes certain drugs and drug products that are being used in clinical trials.

This provision has an emergency clause.

This provision is similar to CCS/HCS/SB 284 (2011) and SCS/HCS/HB 412 (2011).

#### REAL ESTATE LICENSEES

(Section 339.190)

Currently, licensed real estate brokers and salespersons have immunity from liability for statements made by certain individuals, such as an inspector, unless the individual was employed by the real estate licensee, selected by and engaged by the licensee, or the licensee knew the statement was false or acted in reckless disregard as to whether the statement was true or false. This act specifies that if the real estate broker or salesperson only orders a report or inspection, that does not mean the licensee selected

SPONSOR: Wasson

HANDLER: Smith

or engaged the individual, so the real estate licensee would still have immunity from liability for the statements the individual made.

This provision is identical to HCS/HB 220 (2011) and a provision of HCS/SCS/SB 29 (2011).

#### LIENS FOR ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS, AND LAND SURVEYORS (Section 429.015)

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

This provision is identical to a provision of HB 402 (2011) HCS/SCS/SB 60 (2011) and HCS/SB 220 (2011) and similar to SB 1074 (2008), SB 267 (2009), and SB 867 (2010).

#### STATUTE OF LIMITATIONS FOR ACTIONS AGAINST LAND SURVEYORS (Section 516.098)

Under current law, a person must file a lawsuit based on errors in a land survey within five years of discovering the error. This act modifies this deadline to require that the lawsuit against the land surveyor be filed within ten years from the completion of the survey.

This provision is identical to a provision of HB 402 (2011).

EMILY KALMER

SPONSOR: Lamping

HANDLER: Barnes

HCS/SS/SCS/SB 351 - This act modifies provisions regarding adoption records.

Current law allows for nonidentifying information, if known, concerning undisclosed biological parents or siblings to be furnished by the child placing agency or the juvenile court to the adoptive parents, legal guardians or adopted adult upon request. This act allows such nonidentifying information to also be furnished to the adopted adult's lineal descendants if the adopted adult is deceased. SECTION 453.121.3

This act modifies the provisions regarding adopted adults obtaining identifying information of the undisclosed biological parents by making a request to the circuit court having original jurisdiction. This act provides that such identifying information shall also be furnished to the adopted adult's lineal descendants if the adopted adult is deceased. SECTION 453.121.4

Current law allows the adopted adult to make a request and prescribes a procedure for obtaining consent from both the adoptive and biological parents if prior consent has not been given either through the adoption information registry or through contact by the child-placing agency or juvenile court personnel. This act modifies current law by requiring just the biological parents to be notified about the request for identifying information. SECTION 453.121.4 AND 5

If a biological parent authorizes the release of information or if a biological parent is found to be deceased, the court shall disclose the identifying information as to that biological parent to the adopted adult so long as the other biological parent either:

- Is unknown
- Is known but cannot be found and notified
- Is deceased or
- Has filed with the court an affidavit authorizing the release of information. SECTION 453.121.7

SPONSOR: Lamping

HANDLER: Barnes

This act provides that adopted adults may obtain identifying information on adult siblings with the sibling's consent without the court having to find that such information is necessary for health-related purposes. SECTION 453.121.8

Provisions of this act are similar to HB 427 (2011).

ADRIANE CROUSE

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SPONSOR: Munzlinger

HANDLER: Loehner

CCS#2/HCS/SCS/SB 356 - This act modifies provisions pertaining to agriculture.

**SECTION 21.801 - JOINT COMMITTEE ON URBAN AGRICULTURE**

This act changes the name of the Joint Committee on Urban Farming to the "Joint Committee on Urban Agriculture" and extends the date, from December 31, 2010 to December 31, 2012, by which the committee's final report must be submitted. Under current law, this section expired on January 1, 2011 but the act extends the expiration date until January 1, 2013.

**SECTION 143.1014 - PUPPY PROTECTION TRUST FUND**

The act allows individuals and corporations to donate a minimum of \$1, or \$2 for a combined return, of any tax refund owed to them by the state of Missouri for the purpose of making a donation to the Puppy Protection Trust Fund. The act creates the trust fund and designates all monies in the fund to be used by the Department of Agriculture for the administration of the Canine Cruelty Prevention Act. All interest accrued remains in the fund and the fund is exempt from the biennial sweep. The provisions of the act sunset after 6 years, unless reauthorized for another 6 years by the General Assembly.

This section is similar to HB 746 (2011).

**SECTIONS 144.010 TO 144.070 - SALES TAX EXEMPTIONS**

This act creates state and local sales and use tax exemptions for sales of captive wildlife. The act also: adds freight charges to the sales and use tax exemptions for agricultural-related items; includes "accessories" for farm machinery and equipment in the definition of "farm machinery and equipment"; and provides a sales and use tax exemption for rotary mowers that are used exclusively for agricultural purposes.

The act also repeals two incorrect intersectional references contained in Chapter 144.

These sections are similar to TAT/CCS/SS/HB 458 (2011), SB 241 (2011) and HB 346 (2011).

**SECTION 262.815 - MISSOURI FARMLAND TRUST ACT**

The act creates the Missouri Farmland Trust. The Department of Agriculture is authorized to accept or acquire farmland in the state for the purpose of leasing the land to beginning farmers.

The act creates the Missouri Farmland Trust Advisory Board, which is made up of 5 persons appointed by the director of the Department of Agriculture. The board will provide recommendations to the Department of Agriculture on the farmland trust program, including applicants for land to be placed within the trust program and applicants to lease the farmland.

The Department of Agriculture shall administer a fund called the Missouri Farmland Trust Fund, created by the act. Monies from the fund may be used to make payments to counties in lieu of property taxes and to improve or maintain the land in the farmland trust.

Persons who donate land to the trust or who lease land from the trust must release the state and its

SPONSOR: Munzlinger

HANDLER: Loehner

employees from liability for injury, death or property damage that may result from participation in the program.

This section is identical to the same section in TAT/CCS/SS/HB 458 (2011).

#### SECTIONS 263.190 - 263.240 - NOXIOUS WEEDS

Under current law, all landowners are required to control the growth and spread of the plants musk thistle, scotch thistle, and canada thistle. Additionally under current law, where a landowner does not control the thistle, the county commission has a duty to enter upon the property in order to control the thistle. This act expands these requirements to apply not only to the thistles, but to all plants that are designated by rule as a "noxious weed" by the Department of Agriculture. The act requires the department to maintain a list of all noxious weeds and make the list available to the public.

The act prohibits the sale of noxious weeds.

The act repeals the provisions of law that apply specifically to the following plants: multiflora rose, field bindweed, cut-leaved teasel, common teasel, kudzu, spotted knapweed, purple loosestrife, and johnson grass.

These sections are similar to TAT/CCS/SS/HB 458 (2011), SB 336 (2011) and HB 653 (2011).

#### SECTION 268.121 - LIVESTOCK BRAND BOOK

Under current law, the Department of Agriculture must publish a book of all livestock brands on record and must send copies of the book to all county recorders of deeds, livestock markets, and slaughter plants. This act removes the requirement that the Department must publish the list of brands in book form, and instead requires the Department to make the list available to the public on the Internet. The act also removes the requirement that the Department send a book to the counties, livestock markets, and slaughter plants.

This section is identical to TAT/CCS/SS/HB 458 (2011) and SB 337 (2011).

#### SECTION 275.360 - COMMODITY MERCHANDISING FEES FOR RICE

Current law allows agricultural producers or growers to request a refund of his or her commodity merchandising fees from the director of the Department of Agriculture. The act exempts rice producers and growers from this provision.

#### SECTIONS 276.401 TO 276.441 - GRAIN DEALERS

Under current law, a farmer who purchases less than \$100,000 worth of grain for his or her own farming purposes is not considered a grain dealer. The act modifies the threshold to 50,000 bushels of grain instead of \$100,000 worth of grain.

The act requires that all licensed grain dealers or applicants for a grain dealer license must maintain a minimum net worth of 5% of the total amount of grain purchased in the previous fiscal year. Additionally, all licensed grain dealers and applicants must maintain current assets at least equal to current liabilities and the act specifies certain requirements related to the determination of assets and liabilities.

The act raises the minimum surety bond requirement for licensed grain dealers from \$20,000 to \$50,000 and raises the maximum from \$300,000 to \$600,000. The act modifies the formula for determining the amount of surety bond required by specifying that the amount shall be equal to 2% of the dealer's previous year's grain purchases, instead of within a range of between 1% and 5% of such purchases. The act repeals the section of law that allows a grain dealer who has purchased less than \$400,000 of grain the previous year to satisfy the bond requirement by filing bonds at the rate of \$1,000 per \$20,000 worth of grain purchased.

SPONSOR: Munzlinger

HANDLER: Loehner

These sections are similar to TAT/CCS/SS/HB 458 (2011).

#### SECTION 411.280 - GRAIN WAREHOUSES

Under current law, the owner of a licensed grain warehouse must maintain a net worth equal to 15 cents per bushel of storage capacity. The act increases the multiplication factor from 15 cents to 25 cents.

This section is identical to TAT/CCS/SS/HB 458 (2011).

The act contains an emergency clause for the Joint Committee on Urban Agriculture (section 21.801).

ERIKA JAQUES

SPONSOR: Goodman

HANDLER: Diehl

HCS/SCS/SB 366 - This act creates cooperative associations and modifies the law relating to the conversion of certain business organizations.

Limited liability companies, statutory trusts, business trusts or associations, real estate investment trusts, common-law trusts, and any other unincorporated businesses may convert to a corporation upon executing a certificate of conversion. Corporations are also allowed to convert to the aforementioned business organization in the same manner and upon the adoption of a resolution approving the conversion and approval of the shareholders.

All property, obligations, and liabilities shall follow the converting entity to the business organization into which it is converting. The converting entity shall not be required to wind up affairs, pay liabilities, or distribute assets and such conversion shall not constitute a dissolution.

Nonprofit corporations shall not be allowed to convert into another entity.

This act creates cooperative associations as a new type of business organization formed for any lawful purpose to conduct business in the state of Missouri. The association shall be comprised of members and governed by a board of directors. Members may be patron or nonpatron members. Patron members are those that conduct business through or with the cooperative. The cooperative may elect to be taxed as a corporation or as a partnership.

The articles of association may limit a director's liability except for a breach of the duty of loyalty, intentional misconduct, illegal distributions, and improper benefits. Cooperatives may indemnify persons in certain situations.

The act provides requirements for the organization of associations such as defining organizational purpose, who may organize, cooperative names, elements to be included in articles of organization and bylaws and requirements for amending both and the members right to inspect the cooperative's documents.

The act provides requirements governing the actions and liabilities of directors and officers including the number and election procedures for directors, quorum requirements, removal procedures for directors and officers, meeting requirements, limitation of liability and indemnification procedures.

The requirements governing members are enumerated including membership interests, member meeting requirements, voting rights, sale of assets, and contribution agreements.

The act sets forth the method for merger, consolidation, and dissolution.

SPONSOR: Goodman

HANDLER: Diehl

This act is similar to HB 1983 (2008).  
CHRIS HOGERTY

\*\*\* SCR 1 \*\*\*

SPONSOR: Ridgeway

HANDLER: Smith

SCR 1 - This resolution disapproves a final order of rule making by the Public Service Commission with regards to the Electric Utility Renewable Energy requirements.  
JIM ERTLE

\*\*\* SCR 11 \*\*\*

SPONSOR: Wright-Jones

SCR 11 - This resolution asks the Governor to recognize every third week in June as Diabetic Peripheral Neuropathy Week in Missouri.  
ADRIANE CROUSE

\*\*\* SJR 2 \*\*\*

SPONSOR: Stouffer

HANDLER: Cox

HCS#2/SJR 2 - Upon voter approval, this constitutional amendment provides that a voter seeking to vote in person may be required by general law to identify himself or herself as a United States Citizen and a resident of the state by producing valid, government-issued photo identification. Exceptions may be provided for by general law.

Advance voting may be established by general law from the third Saturday before an election until the first Tuesday before an election excluding Sundays.

This resolution is similar to HJR 64 (2010).  
CHRIS HOGERTY

\*\*\* HB 1 \*\*\*

SPONSOR: Silvey

HANDLER: Schaefer

HB 1 - Public Debt

	Governor	House
GR	\$ 75,335,644	\$ 75,335,664
FEDERAL	0	0
OTHER	2,030,806	2,030,806
TOTAL	\$ 77,366,450	\$ 77,366,450

	Senate	Final
GR	\$ 75,335,664	\$ 75,335,664
FEDERAL	0	0
OTHER	2,030,806	2,030,806



**\*\*\* HB 1 \*\*\*****(Cont'd)**

SPONSOR: Silvey

HANDLER: Schaefer

TOTAL       \$ 77,366,450                       \$ 77,366,450  
DAN HAUG

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**\*\*\* HB 2 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

## CCS/SCS/HCS/HB 2 - Elementary and Secondary Education

.	Governor	House
GR	\$2,727,052,010	\$2,743,887,010
FEDERAL	981,586,860	981,586,860
FEDERAL		
STABILIZATION	64,918,743	64,918,743
OTHER	1,373,084,270	1,469,872,553
.		
TOTAL	<u>\$5,146,641,883</u>	<u>\$5,260,265,166</u>

.	Senate	Final
GR	\$2,757,372,141	\$2,749,599,010
FEDERAL	981,586,860	981,586,860
FEDERAL		
STABILIZATION	64,918,743	64,918,743
OTHER	1,470,010,553	1,470,310,553
.		
TOTAL	<u>\$5,273,888,297</u>	<u>\$5,266,415,166</u>

DAN HAUG

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**\*\*\* HB 3 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

## CCS/SCS/HCS/HB 3 - Higher Education

.	Governor	House
GR	\$ 821,542,370	\$ 833,552,030
FEDERAL	7,268,774	7,268,774
OTHER	283,974,913	314,921,077
.		
TOTAL	<u>\$1,112,786,057</u>	<u>\$1,155,741,881</u>

.	Senate	Final
GR	\$ 841,554,422	\$ 834,133,784
FEDERAL	7,268,774	7,268,774
OTHER	314,074,913	313,921,077
.		
TOTAL	<u>\$1,162,898,109</u>	<u>\$1,155,323,635</u>

DAN HAUG

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**\*\*\* HB 4 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

SPONSOR: Silvey

HANDLER: Schaefer

## CCS/SCS/HCS/HB 4 - Revenue &amp; Transportation

REVENUE			
	Governor		House
GR	\$	80,539,880	\$ 77,478,230
FEDERAL		6,865,545	6,865,545
OTHER		353,097,010	344,925,010
TOTAL	\$	440,502,435	\$ 429,268,785
TRANSPORTATION			
	Governor		House
GR	\$	9,294,129	\$ 9,094,129
FEDERAL		100,164,748	102,164,748
OTHER		2,131,752,017	2,131,752,017
TOTAL	\$	2,241,210,894	\$2,243,010,894
	Senate		Final
GR	\$	9,294,129	\$ 9,094,129
FEDERAL		114,946,746	116,946,746
OTHER		2,131,752,017	2,131,752,017
TOTAL	\$	2,255,992,892	\$2,257,792,892

DAN HAUG

SPONSOR: Silvey

HANDLER: Schaefer

## CCS/SCS/HCS/HB 5 - Office of Administration

OFFICE OF ADMINISTRATION			
	Governor		House
GR	\$	118,246,897	\$113,677,858
FEDERAL		72,030,935	72,104,464
OTHER		60,328,550	55,428,550
TOTAL	\$	250,606,382	\$241,210,872

SPONSOR: Silvey

HANDLER: Schaefer

.	Senate	Final
GR	\$116,058,476	\$116,167,198
FEDERAL	74,104,464	74,104,464
OTHER	56,045,301	56,145,301
.		
TOTAL	<u>\$246,208,241</u>	<u>\$246,416,963</u>

## EMPLOYEE BENEFITS

.	Governor	House
GR	\$497,956,215	\$ 497,806,215
FEDERAL	177,358,959	177,358,959
OTHER	145,573,725	145,573,725
.		
TOTAL	<u>\$820,888,899</u>	<u>\$ 820,738,899</u>

.	Senate	Final
GR	\$494,438,215	\$ 494,438,215
FEDERAL	175,358,959	175,358,959
OTHER	144,573,725	144,573,725
.		
TOTAL	<u>\$814,370,889</u>	<u>\$ 814,370,899</u>

DAN HAUG

SPONSOR: Silvey

HANDLER: Schaefer

## CCS/SCS/HCS/HB 6 - Agriculture, Natural Resources &amp; Conservation

.	AGRICULTURE	
.	Governor	House
GR	\$ 25,037,319	\$ 25,027,940
FEDERAL	4,475,585	4,475,585
OTHER	19,563,633	19,643,886
.		
TOTAL	<u>\$ 49,076,537</u>	<u>\$ 49,147,411</u>

.	Senate	Final
GR	\$ 26,253,828	\$ 26,244,449
FEDERAL	4,475,585	4,475,585
OTHER	19,640,134	19,616,014
.		
TOTAL	<u>\$ 50,369,547</u>	<u>\$ 50,336,048</u>

## NATURAL RESOURCES

.	Governor	House
.		

SPONSOR: Silvey

HANDLER: Schaefer

GR	\$ 9,304,428	\$ 9,098,158
FEDERAL	44,529,253	44,513,863
OTHER	256,231,161	255,750,101
.		
TOTAL	\$310,064,842	\$309,362,122

.	Senate	Final
GR	\$ 9,104,428	\$ 9,098,158
FEDERAL	50,029,253	44,513,863
OTHER	256,231,161	256,195,821
.		
TOTAL	\$315,364,842	\$309,807,842

.	CONSERVATION	
.	Governor	House
GR	\$ 0	\$ 0
FEDERAL	0	0
OTHER	145,534,841	145,534,841
.		
TOTAL	\$145,534,841	\$145,534,841

.	Senate	Final
GR	\$ 0	\$ 0
FEDERAL	0	0
OTHER	145,534,841	145,467,841
.		
TOTAL	\$145,534,841	\$145,467,841

DAN HAUG

SPONSOR: Silvey

HANDLER: Schaefer

CCS/SCS/HCS/HB 7 - Economic Development, Insurance & Labor and Industrial Relations

.	ECONOMIC DEVELOPMENT	
.	Governor	House
GR	\$ 41,000,983	\$ 40,091,603
FEDERAL	164,124,647	164,105,100
OTHER	53,157,678	52,953,105
.		
TOTAL	\$258,283,308	\$257,149,808

.	Senate	Final
GR	\$ 39,674,482	\$ 39,690,102
FEDERAL	174,124,647	174,105,100
OTHER	48,707,678	51,028,105

SPONSOR: Silvey

HANDLER: Schaefer

.			
TOTAL	\$262,506,807		\$264,823,307

## INSURANCE

.		Governor		House
GR	\$	0		\$ 0
FEDERAL		3,112,803		3,112,803
OTHER		37,079,977		37,022,977
.				
TOTAL	\$	40,192,780		\$ 40,135,780

.		Senate		Final
GR	\$	0		\$ 0
FEDERAL		3,112,803		3,112,803
OTHER		36,996,873		36,991,595
.				
TOTAL	\$	40,109,676		\$ 40,104,398

## LABOR AND INDUSTRIAL RELATIONS

.		Governor		House
GR	\$	1,893,302		\$ 1,513,519
FEDERAL		48,189,442		48,189,442
OTHER		62,269,681		62,269,681
.				
TOTAL	\$	112,352,425		\$111,972,672

.		Senate		Final
GR	\$	1,893,302		\$ 1,822,336
FEDERAL		48,189,442		48,189,442
OTHER		62,269,681		62,269,681
.				
TOTAL	\$	112,352,425		\$112,281,459

DAN HAUG

SPONSOR: Silvey

HANDLER: Schaefer

## CCS/SCS/HCS/HB 8 - Public Safety

.		Governor		House
GR	\$	56,463,293		\$ 56,769,789
FEDERAL		115,503,598		115,503,598
OTHER		370,272,188		370,272,190
.				
TOTAL	\$	542,239,079		\$542,545,577

.		Senate		Final
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**\*\*\* HB 8 \*\*\*****(Cont'd)**

SPONSOR: Silvey

HANDLER: Schaefer

GR	\$ 54,703,289	\$ 55,697,789
FEDERAL	115,503,598	115,503,598
OTHER	365,872,190	371,272,190
.		
TOTAL	<u>\$536,079,077</u>	<u>\$542,473,577</u>
DAN HAUG		

**\*\*\* HB 9 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

CCS/SCS/HCS/HB 9 - Corrections

.	Governor	House
GR	\$596,333,121	\$593,281,878
FEDERAL	10,003,791	10,003,791
OTHER	54,441,661	54,441,661
.		
TOTAL	<u>\$660,778,573</u>	<u>\$657,727,330</u>

.	Senate	Final
GR	\$598,333,121	\$595,281,878
FEDERAL	10,003,791	10,003,791
OTHER	54,441,661	54,441,661
.		
TOTAL	<u>\$662,778,573</u>	<u>\$659,727,330</u>
DAN HAUG		

**\*\*\* HB 10 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

CCS/SCS/HCS/HB 10 - Mental Health &amp; Health

. MENTAL HEALTH

.	Governor	House
GR	\$ 562,326,162	\$ 564,897,361
FEDERAL	633,713,469	633,935,672
OTHER	42,948,339	42,469,399
.		
TOTAL	<u>\$1,238,987,970</u>	<u>\$1,241,302,432</u>

.	Senate	Final
GR	\$ 561,298,059	\$ 563,509,258
FEDERAL	632,094,832	632,094,832
OTHER	42,469,399	42,469,399
.		
TOTAL	<u>\$1,235,862,290</u>	<u>\$1,238,073,489</u>

SPONSOR: Silvey

HANDLER: Schaefer

.	HEALTH	
.	Governor	House
GR	\$252,977,240	\$ 262,429,639
FEDERAL	683,546,632	697,909,684
OTHER	18,676,450	18,676,450
.		
TOTAL	\$955,200,322	\$ 979,015,773
.	Senate	Final
GR	\$250,925,057	\$ 260,631,836
FEDERAL	682,434,710	697,909,685
OTHER	18,476,450	18,676,450
.		
TOTAL	\$951,836,217	\$ 977,217,971
DAN HAUG		

SPONSOR: Silvey

HANDLER: Schaefer

CCS/SCS/HCS/HB 11 - Social Services

.	Governor	House
GR	\$1,632,483,265	\$1,595,651,784
FEDERAL	4,344,786,997	4,341,198,617
OTHER	2,196,073,575	2,201,696,597
.		
TOTAL	\$8,173,343,837	\$8,138,546,998
.	Senate	Final
GR	\$1,579,102,035	\$1,594,286,317
FEDERAL	4,324,448,967	4,326,035,467
OTHER	2,210,030,740	2,203,530,740
.		
TOTAL	\$8,113,581,742	\$8,123,852,524
DAN HAUG		

SPONSOR: Silvey

HANDLER: Schaefer

SCS/HCS/HB 12 - Elected Officials, Judiciary, Public Defender & General Assembly

.	ELECTED OFFICIALS	
.	Governor	House
GR	\$ 44,810,381	\$ 44,261,351
FEDERAL	19,639,231	23,562,611
OTHER	42,304,463	43,105,931

SPONSOR: Silvey

HANDLER: Schaefer

.		
TOTAL	\$106,754,075	\$110,929,893

.	Senate	Final
GR	\$ 45,160,381	\$ 44,296,948
FEDERAL	19,974,231	19,974,231
OTHER	42,304,463	42,282,788
.		
TOTAL	\$107,439,075	\$106,553,967

.	JUDICIARY	
.	Governor	House
GR	\$169,074,144	\$172,074,144
FEDERAL	10,474,989	10,474,989
OTHER	10,292,942	10,292,942
.		
TOTAL	\$189,842,075	\$192,842,075

.	Senate	Final
GR	\$170,074,144	\$170,074,144
FEDERAL	10,474,989	10,474,989
OTHER	10,292,942	10,292,942
.		
TOTAL	\$190,842,075	\$190,842,075

.	PUBLIC DEFENDER	
.	Governor	House
GR	\$34,707,100	\$34,707,100
FEDERAL	125,001	125,000
OTHER	2,980,263	2,980,263
.		
TOTAL	\$37,812,363	\$37,812,363

.	Senate	Final
GR	\$34,707,100	\$34,707,100
FEDERAL	125,000	125,000
OTHER	2,980,263	2,980,263
.		
TOTAL	\$37,812,363	\$37,812,363

.	GENERAL ASSEMBLY	
.	Governor	House
GR	\$33,063,211	\$ 33,537,841
FEDERAL	0	0



**\*\*\* HB 12 \*\*\*****(Cont'd)**

SPONSOR: Silvey

HANDLER: Schaefer

OTHER	292,255	292,255
.		
TOTAL	<u>\$33,355,466</u>	<u>\$ 32,830,096</u>
.		
	Senate	Final
GR	\$32,681,341	\$ 32,645,341
FEDERAL	0	0
OTHER	292,255	292,255
.		
TOTAL	<u>\$32,973,596</u>	<u>\$ 32,937,596</u>
DAN HAUG		

**\*\*\* HB 13 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

CCS/SCS/HCS/HB 13 - Statewide Leasing

.	Governor	House
GR	\$115,307,171	\$115,307,171
FEDERAL	22,111,571	22,022,899
OTHER	12,457,475	12,457,475
.		
TOTAL	<u>\$149,876,217</u>	<u>\$149,787,545</u>
.		
	Senate	Final
GR	\$115,307,171	\$115,307,171
FEDERAL	22,022,899	22,022,899
OTHER	12,457,475	12,457,475
.		
TOTAL	<u>\$149,787,545</u>	<u>\$149,787,545</u>
DAN HAUG		

**\*\*\* HB 14 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

SS/SCS/HCS/HB 14 - Supplemental Appropriations

.	Governor	House
GR	\$106,332,610	\$103,445,300
FEDERAL	306,731,141	108,125,234
OTHER	21,094,723	21,846,723
.		
TOTAL	<u>\$434,158,474</u>	<u>\$233,417,257</u>
.		
	Senate	Final
GR	\$103,445,300	\$103,445,300
FEDERAL	108,125,234	108,125,234

**\*\*\* HB 14 \*\*\*****(Cont'd)**

SPONSOR: Silvey

HANDLER: Schaefer

OTHER	15,446,723	15,446,723
.		
TOTAL	\$227,017,257	\$227,017,257

DAN HAUG

**\*\*\* HB 15 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

HB 15 - Supplemental appropriations for various state departments

.	Governor	House
GR	\$ 0	\$ 0
FEDERAL	0	189,727,725
OTHER	0	0
.		
TOTAL	\$ 0	\$189,727,725

.	Senate	Final
GR	\$ 0	\$ 0
FEDERAL	189,727,725	189,727,725
OTHER	0	0
.		
TOTAL	\$189,727,725	\$189,727,725

DAN HAUG

**\*\*\* HB 17 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

SCS/HCS/HB 17 - This act appropriates money for capital improvement and other purposes as provided in Article IV, Section 28.

DAN HAUG

**\*\*\* HB 18 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

SCS/HCS/HB 18 - This act appropriates money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities.

DAN HAUG

**\*\*\* HB 21 \*\*\***

SPONSOR: Silvey

HANDLER: Schaefer

SCS/HCS/HB 21 - Appropriates money for capital improvement projects involving maintenance, repair, replacement, and improvement of state buildings and facilities

YEAR 1 (2012)

.	Governor	House
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SPONSOR: Silvey

HANDLER: Schaefer

GR	\$ 70,882,154	\$ 70,882,154
FEDERAL	163,246	163,246
OTHER	9,947,209	9,947,210
.		
TOTAL	\$ 80,992,609	\$ 80,992,610

.	Senate	Final
GR	\$ 70,882,154,	\$ 70,882,154
FEDERAL	163,246	163,246
OTHER	10,997,210	10,997,210
.		
TOTAL	\$ 82,042,610	\$ 82,042,610

YEAR 2 (2013)

.	Governor	House
GR	\$70,000,000	\$ 70,000,000
FEDERAL	163,243	163,243
OTHER	3,790,000	3,790,000
.		
TOTAL	\$73,953,243	\$ 73,953,243

.	Senate	Final
GR	\$ 70,000,000	\$ 70,000,000
FEDERAL	163,243	163,243,
OTHER	3,790,000	3,790,000
.		
TOTAL	\$ 73,953,243	\$ 73,953,243

DAN HAUG

SPONSOR: Silvey

HANDLER: Schaefer

SCS/HCS/HB 22 - Money for capital improvement projects, for grants, land acquisition, planning, expenses, and to transfer money among certain funds

YEAR 1 (2012)

.	Governor	House
GR	\$ 250,000	\$ 18,750,000
FEDERAL	25,002	25,002
OTHER	28,800,600	29,300,600
.		
TOTAL	\$ 29,075,602	\$ 48,075,602

.	Senate	Final
GR	\$ 17,750,000	\$ 18,750,000
FEDERAL	25,002	25,002
OTHER	31,350,600	31,350,600
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SPONSOR: Silvey

HANDLER: Schaefer

TOTAL	\$ 49,125,602	\$ 50,125,602
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YEAR 2 (2013)

.	Governor	House
GR	\$ 0	\$ 0
FEDERAL	25,000	0
OTHER	27,725,000	0
.		
TOTAL	\$27,750,000	\$ 0

.	Senate	Final
GR	\$ 0	\$ 0
FEDERAL	25,000	25,000
OTHER	26,225,000	26,225,000
.		
TOTAL	\$ 26,250,000	\$26,250,000

DAN HAUG

SPONSOR: Pace

HANDLER: Wright-Jones

SCS/HCS/HB 38 - Under current law, a city, town, or village may require a person convicted of an ordinance violation who has not paid a fine imposed as punishment to work one day for every \$10 owed.

This act allows the city, town, or village to require one day of work for the greater of: the actual daily cost of incarcerating the prisoner; or the amount the state reimburses for incarcerating the prisoner.

This act requires jail administrators to notify the Missouri uniform law enforcement system (MULES) when certain dangerous felons escape no more than five hours after the escape.

This act contains provisions identical to HCS/HB 889 (2011).

MEGHAN LUECKE

SPONSOR: Hoskins

HANDLER: Pearce

SS/SCS/HCS/HB 45 - Under current law, the Big Government Get Off My Back Act prohibits user fees imposed by the state from increasing for the four-year period beginning on August 28, 2009, unless the fee increase is to implement a federal program administered by the state or is a result of an act of the General Assembly. For the same four-year period, any state agency proposing a rule must certify that: it does not have an adverse impact on small businesses with fewer than twenty-five employees; it is necessary to protect the life, health, or safety of the public; or small businesses with fewer than twenty-five employees are exempt from such rule. This act increases the time period of the prohibition on user fee increases and the rule making requirements to a five year-period beginning on August 28, 2009. During the five-year period beginning August 28, 2009, any state agency proposing a rule must certify that: it does not have an adverse impact on small businesses with fewer than fifty employees; it is necessary to protect the life, health, or safety of the public; or small businesses with fewer than fifty employees are exempt from such rule. The act also provides that any federal mandate compelling the state to enact, enforce, or administer a federal regulatory program will be subject to authorization through appropriation or statutory enactment.

SPONSOR: Hoskins

HANDLER: Pearce

The act creates an income tax deduction for tax years 2011 through 2014 for small businesses that create new full-time jobs paying wages equal to, or greater than, the county average wage. A small business will be able to deduct ten thousand dollars for each full-time job created or twenty thousand dollars per new job if the employer offers health insurance for the new employees and pays at least half of the premiums for such insurance.

The provisions of the act creating the income tax deduction for small business job creation will automatically sunset on December 31st three years from the effective date of the act unless reauthorized.  
JASON ZAMKUS

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SPONSOR: Scharnhorst

HANDLER: Nieves

HB 68 - The act prohibits a political subdivision from assessing a fine or penalty on the owner of a pay phone or the owner of property upon which a pay phone is located for calls made to 911 from the pay phone.

The act is similar to HB 1372 (2010), HB 1770 (2010), HCS/HB 495 (2009), HB 878 (2009), and HB 2269 (2008).  
ERIKA JAKUES

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SPONSOR: Phillips

HANDLER: Goodman

HCS/HB 70 - This act changes the compensation for members of the county highway commission who are not also members of the county's governing body from \$15 per day for the first meeting of each month and \$5 for each additional meeting during the month to an amount per meeting not to exceed \$100 as established by the county's governing body. The mileage allowance for members of the county highway commission is also changed from eight cents per mile actually and necessarily traveled in the performance of their duties to the same amount per mile received by the members of the county's governing body. Under the terms of the act, a member of the commission who is also a member of the county's governing body will not receive any compensation or mileage allowance for his or her service to the commission.

STEPHEN WITTE

SPONSOR: Brandom

HANDLER: Crowell

SS/SCS/HCS/HBs 73 & 47 - This act requires the Department of Social Services to develop a program to screen each applicant or recipient of temporary assistance for needy families (TANF) benefits, and then test, using a urine dipstick five panel test, each one who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance after an administrative hearing shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. However, such person shall continue to receive benefits if such person successfully completes a substance abuse treatment program and does not test positive for illegal use of a controlled substance in the 6 month period beginning on the date the individual enters such treatment program. The individual shall receive benefits while in treatment. If the individual tests positive for the use of illegal drugs a second time, then such individual shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision.

SPONSOR: Brandom

HANDLER: Crowell

Case workers of applicants or recipients shall be required to report or cause a report to be made to the Children's Division in instances where the case worker has reasonable suspicion to believe that such individual is engaging in illegal use of a controlled substance, such individual has tested positive for the illegal use of a controlled substance or has refused to be tested.

Other members of a household which includes a person who has been declared ineligible for TANF shall, if otherwise eligible, continue to receive TANF benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

The department shall promulgate rules to develop the screening and testing provisions of this act.

This act provides that all electronic benefits cards distributed to TANF recipients shall have imprinted on the card a photograph of the recipient or protective payee authorized to use the card. The card shall not be accepted for use by a retail establishment if the photograph of the recipient does not match the person presenting the card. Such card shall expire and be subject to renewal after a period of three years.

This act is substantially similar to SCS/SBs 7,5, 74 &169 (2011).

ADRIANE CROUSE

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SPONSOR: Nolte

HANDLER: Wasson

HCS/HB 83 - Agreements to operate or share automated teller machines shall not prohibit owners from charging access fees or surcharges to users with bank accounts in foreign countries.

This act is similar to SB 773 (2010), and SB 219 (2011).

CHRIS HOGERTY

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SPONSOR: Pollock

HANDLER: Lager

SS/SCS/HCS/HB 89 - This act modifies provisions pertaining to natural resources.

**SECTION 37.970 - TRANSPARENCY POLICY**

Each state department must carry out its duties with full transparency to the public and the public must be able to access any of the department's data or information in a timely fashion. Each department must take a broad interpretation of the Missouri Sunshine Law and must respond accordingly to any request for information, regardless of the format in which the request is made.

**SECTIONS 67.4500-67.4520 - DRINKING WATER SUPPLY LAKE AUTHORITY**

This act creates a county drinking water supply lake authority in Sullivan County to promote a safe drinking water supply through the construction, operation, and maintenance of a drinking water supply lake. The authority shall be a body corporate and politic and a political subdivision of the state. Its income and property shall be exempt from state and local taxation.

The authority shall have power over the reservoir encompassing a drinking water supply lake and within the lake's watershed to acquire or build recreational, water quality, and infrastructure improvement projects; acquire personal and real property; enter contracts; sue and be sued; accept money from and enter into agreements with private and public entities; hire employees and fix their wages; spend money; adopt rules; fix fees; issue revenue bonds; sell and supply water; adopt tax increment financing; and exercise the powers of planning and zoning.

SPONSOR: Pollock

HANDLER: Lager

Members of the North Central Missouri Regional Water Commission shall appoint members to the county drinking water supply lake authority for staggered six year terms. The appointees must, for more than five years, be registered voters in Missouri and residents of Sullivan County, and the appointees must be over the age of 25.

The water commission shall also establish the date and time for the lake authority's first meeting where a chairman, vice chairmen, secretary and treasurer are to be elected or appointed. An executive director who is not a member of the lake authority may also be appointed who will be compensated or the secretary may be designated to act as executive director.

Surety bonds in the penal sum of \$50,000 or a blanket bond covering the members of the authority, shall be purchased and conditioned upon the faithful performance of the duties of the offices covered.

Authority members are barred from participating in any deliberations or decisions in which the member has a direct financial interest. Such members are subject to the limitations regarding the conduct of public officials provided in chapter 105.

These sections are identical to the perfected SB 360 (2011).

#### SECTION 192.1250 - REAL-TIME WATER QUALITY TESTING

The Department of Health and Senior Services must examine the feasibility of implementing a real-time water quality testing system for measuring the bacterial water quality at state-owned public beaches and report to the General Assembly by December 31, 2011.

#### SECTION 247.060 - PUBLIC WATER SUPPLY DISTRICTS

The act removes the provision in current law that requires members of the board of directors of a public water supply district to serve without pay. Board members are allowed up to \$100 for attending a board meeting or special meeting and must be reimbursed for their actual expenditures in the course of their duties. The president of the board may receive an additional \$50 per meeting. The act provides limitations on the number of meetings for which board members may receive compensation and requires the completion of certain training prior to receipt of such compensation.

The act additionally provides the circuit court in the jurisdiction of the district certain authorities to suspend or remove board members from office for cause or to prevent a board member from acting against the interests of the district.

This section is similar to HB 210 (2011).

#### SECTION 253.090 - STATE PARK EARNINGS FUND

The act exempts monies in the State Park Earnings Fund from being transferred to the General Revenue Fund in the biennial sweep.

This section is similar to HB 823 (2011) and HB 191 (2011).

#### SECTION 442.014 - CONSERVATION EASEMENTS

The act creates the Private Landowner Protection Act.

Conservation easements, which are easements designed to preserve open space or to protect natural or cultural resources on land, may be created, conveyed, terminated, and modified in the same manner as other types of easements. Conservation easements must be accepted and recorded by the holder before any right or duty arises from the easement. Conservation easements shall exist in perpetuity unless the easement specifies otherwise.

SPONSOR: Pollock

HANDLER: Lager

Conservation easements do not affect an interest in real property unless the real property owner is a party to the easement or otherwise consents.

Actions affecting a conservation easement may be brought by a landowner, the easement holder, a third-party that holds a right of enforcement as designated in the easement, or by any other person authorized by law. The act does not affect the power of a court to modify or terminate a conservation easement.

Conservation easements are valid even though they may have certain characteristics as specified in the act. The act does not invalidate any other type of lawful interest as a covenant, equitable servitude, restriction, or other easement.

This section is similar to HCS/HB 597 (2011) and SB 119 (2011).

#### SECTION 444.771 - PERMITS FOR MINING NEAR SCHOOLS

No surface mining permits or air or water quality permits shall be issued to any person for mining activity when the mine plan boundary for the activity is within 1,000 feet of an accredited school that has been in that location for at least 5 years, except this prohibition does not apply to requests to expand existing mines or to underground mining activities.

#### SECTION 444.773 - SURFACE MINING PERMITS

Under current law, if the Land Reclamation Commission holds a public hearing regarding the issuance of a surface mining permit, the burden of proof is on the permit applicant to prove that the permit would not unduly impair the health, safety, or livelihood of any person. This act removes this burden of proof provision.

This section is identical to HB 686 (2011).

#### SECTION 537.292 - MOTOR VEHICLES AND NUISANCE

Under this act, the use of motor vehicles on a public street or highway in a manner which is legal under state and local law shall not constitute a public or private nuisance, and shall not be the basis of a civil action for public or private nuisance. No individual or business entity shall be subject to any civil action in law or equity for a public or private nuisance on the basis of such individual or business entity legally using motor vehicles on a public street. Any actions by a court to enjoin the use of a public street or highway and any damages awarded or imposed by a court, or assessed by a jury, against an individual or business entity for public or private nuisance in violation of this act shall be null and void.

This section is identical to the same section in SB 277 (2011).

#### SECTION 621.250 - ADMINISTRATIVE HEARING COMMISSION

Under current law, any party who is affected by a decision made by a state regulatory environmental commission may file an appeal with the Administrative Hearing Commission (AHC). The act modifies this provision by placing the condition that the party must be "aggrieved" or "adversely" affected by the decision in order to be able to file the appeal.

Under current law, the AHC has discretion as to whether or not it holds hearings on an appeal request. This act removes the discretion and, instead, requires the AHC to either hold hearings and make a recommended decision within 60 days of the date of the request or else make a recommended decision within the 60-day period based on stipulation of the parties, consent order, agreed settlement, disposition in the nature of default judgment, judgment on the pleadings, or summary determination.

The act requires the environmental commission for which an appeal has been made to the AHC to render its final decision on the matter within 90 days of the date of the appeal request.



SPONSOR: Pollock

HANDLER: Lager

The act prohibits a cause of action or court appeal of a decision made by an regulatory environmental commission unless the party has already filed an administrative appeal with the AHC and received a final decision on the appeal from the environmental commission.

This section contains provisions similar to SB 403 (2011).

#### SECTION 640.018 - ADDITIONAL PERMIT REQUIREMENTS

A permit shall be automatically issued by the Department of Natural Resources if the department has not rendered a permit decision by the expiration of a statutorily-required permit application processing timeframe and the department has been in possession of all necessary application information throughout that time.

If certain technical engineering documents have been prepared by a registered professional engineer and are submitted to the Department of Natural Resources in conjunction with a permit application or permit modification, the documents must be sealed by the engineer and the permit application or modification must include a statement that the documents were prepared in accordance with all applicable requirements. The department must use the documents in addition to other relevant information to develop comments and render a permit decision. Only a registered professional engineer or engineering intern may review the sealed engineering documents. The act also provides procedures for supervisory review of engineering documents.

#### SECTION 640.128 - NOTIFICATION OF PUBLIC HEALTH RISK

The Department of Natural Resources must immediately notify the local public health authority and the Department of Health and Senior Services if it receives water quality test results voluntarily submitted by a permitted entity that indicate a risk to public health.

#### SECTION 640.850 - CONSOLIDATION OF SERVICES

The Governor must convene a committee made up of representatives from the departments of Agriculture, Conservation, Economic Development, Health & Senior Services, and Natural Resources to evaluate ways to consolidate services. The committee must provide recommendations to the Governor and the General Assembly by December 31, 2011. In its evaluation, the committee must review the transfer of the division of energy from the Department of Natural Resources to the Department of Economic Development and the consolidation of laboratory testing for water quality under the Department of Health & Senior Services.

#### SECTIONS 643.020 TO 643.250 (except not 643.130) - ASBESTOS AND AIR QUALITY

The act modifies several definitions pertaining to asbestos. The minimum project dimensions for "asbestos abatement projects" are increased. The act removes the "by weight" requirement for the percentage of asbestos in the definition of "asbestos containing material." A reference to federal law is modified in the definition of "competent person." The definition of "friable asbestos containing material" is modified. The act removes a reference to the Asbestos Hazard Emergency Response Act of 1986 in the definition of "inspector" and the act adds definitions for "grinding," "nonfriable asbestos-containing material," and "regulated asbestos-containing material."

The act expands the citation range of statutes in Chapter 643 that refer to the regulation of air quality and responsibilities of the Air Conservation Commission and makes this change in numerous places. In several places the act modifies an incorrect federal law reference for asbestos requirements under Occupational Safety and Health Administration (OSHA) regulations.

Under current law, the Air Conservation Commission or its authorized representative may enter upon public or private property believed to be an air contaminant source. The act also allows these entities to enter upon public or private property deemed to have material information relevant to an air contaminant source.

SPONSOR: Pollock

HANDLER: Lager

Currently, in order to qualify for a renewal of an asbestos-related certificate, an individual must complete an annual refresher course that is accredited by either the U.S. Environmental Protection Agency (USEPA) or the state of Missouri. The act removes the USEPA option. The act reduces from 24 months to 12 months, the amount of time after expiration of a certificate in which an individual must complete the annual refresher course or else is required to retake the original training course.

Under current law, certain persons who are subject to USEPA and OSHA asbestos regulations are eligible to apply for an exemption from certain state asbestos requirements for asbestos certification and registration. The act removes this exemption.

The act reduces from 20 working days to 10 working days, the number of days in advance of an asbestos abatement project that a person must submit an application to the Department of Natural Resources. The application must include a copy of an asbestos inspection survey for the structure.

The act removes the notification requirements for asbestos abatement projects that are between 10 square feet and 160 square feet or between 16 linear feet and 260 linear feet.

Current law requires analysis of asbestos air samples to be conducted according to OSHA standards. The act allows the analysis to meet USEPA standards as an alternative.

The act removes the current requirement that civil penalties paid for asbestos-related violations be deposited in the Natural Resources Protection Fund.

These sections are similar to SB 958 (2010) and HB 2355 (2010).

#### SECTIONS 643.130 & 644.071 - JUDICIAL REVIEW

The act specifies that any action seeking judicial review of a decision made by the Missouri Air Conservation Commission or the Clean Water Commission must be filed in a court of appeals instead of a circuit court.

These sections are identical to the same sections in SB 403 (2011).

#### SECTION 644.036 - 303(d) LIST

The act removes the expiration date (which was August 28, 2010) for the public notification requirements for the Clean Water Commission's development of the list of impaired waters required by Section 303(d) of the federal Clean Water Act.

This section is similar to SB 158 (2011), HB 441 (2011), HB 97 (2011), and HB 2109 (2010).

#### SECTION 644.051 - CLEAN WATER COMMISSION PERMITS & APPEALS

The act allows potential permit applicants to appeal the terms and conditions of a water pollution control general permit template to the Clean Water Commission within 30 days of issuance of the template by the Department of Natural Resources.

Under current law, the burden of proof in any appeal hearing regarding the issuance of a water pollution control permit is on the permit applicant. The act modifies the requirement such that the permit applicant has the burden of proof only for appeals relating to the denial of a permit, license, or registration, but for all other appeals, the Clean Water Commission shall have the burden of proof.

The act allows the Department of Natural Resources to modify, reissue, or terminate a water pollution control permit at the request of the permit holder. Any such request must be made in writing and must contain facts or reasons in support of the request.

SPONSOR: Pollock

HANDLER: Lager

The Department of Natural Resources must implement permit shield provisions that are equivalent to what is required under federal law and guidance.

#### SECTION 644.054 - CLEAN WATER PERMIT FEES

Under current law, the authority expired on December 31, 2010 for the Clean Water Commission to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control. This act extends the expiration date to September 1, 2013.

The act requires the Department of Natural Resources to study the fees and present a plan for the fees to the General Assembly by December 31, 2012. The department must conduct stakeholder meetings and the plan must include timelines for permit issuance, expedited permits, and recommendations for improved services.

#### SECTION 644.145 - AFFORDABILITY DETERMINATIONS

The act requires the Department of Natural Resources to study and make a determination regarding the affordability to communities and their residents of permit requirements and other department decisions related to combined or separate sanitary sewer systems or publicly-owned treatment works. The affordability determination must be made prior to issuing a permit or rendering a decision or else the permit or decision is void and unenforceable.

The act lists criteria the department must use in developing its procedures for determining affordability. The criteria include: a community's financial resources; affordability of pollution control options; an evaluation of the overall costs and environmental benefits of the control technologies; ways to reduce economic impacts on distressed populations in the community; an assessment of other community investments relating to environmental improvements; an assessment of factors in certain federal guidance; and other relevant local community economic conditions. Affordability determinations must be made in the context of all relevant factors and indicators, and should not be based on the achievement of one single economic or social factor or measure.

#### SECTION 701.033 - PRIVATE SEPTIC SYSTEMS

The act allows the Department of Health and Senior Services to provide technical assistance and guidance to local authorities that administer and enforce individual on-site sewage disposal system standards. The Department may provide such assistance at the request of the local government or in any case where the Department determines that its intervention is necessary to prevent a violation of state law.

#### SECTION 701.058 - STUDY AND REPORT ON PRIVATE SEPTIC SYSTEMS

The Departments of Natural Resources and Health & Senior Services must jointly hold stakeholder meetings and study the issues of permits and inspections for on-site sewage disposal systems and submit a report to the General Assembly by December 31, 2011.

#### SECTION 1. - NONSEVERABILITY CLAUSE

All of the sections in the act are nonseverable.

#### REPEALED SECTIONS

##### 386.850 - MISSOURI ENERGY TASK FORCE

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

This section is identical to SB 207 (2011).

##### 643.253 & 643.260 - ASBESTOS-RELATED DEFINITIONS

SPONSOR: Pollock

HANDLER: Lager

These sections repeal definitions related to asbestos.

#### 701.332 - ASBESTOS

The act repeals section 701.332, which provides an exemption to certain requirements for state asbestos abatement projects for single-family owner-occupied dwellings and vacant public or privately owned residential buildings of four units or less that are being demolished for public health or welfare reasons. The repealed section also provides an exemption for similar dwelling structures in the City of St. Louis.

The act contains an emergency clause for certain sections.

Various provisions of the act are similar to provisions in SB 423 (2011) and SS/SCS/HB 2109 (2010).  
ERIKA JAQUES

SSA 1 for SA 1: REMOVES SECTION 537.292 FROM THE BILL RELATING TO LEGAL USE OF MOTOR VEHICLES AND NUISANCE PROTECTION.

SA 2: EXPANDS ELIGIBILITY TO SERVE ON A PUBLIC WATER SUPPLY DISTRICT BOARD TO INCLUDE PERSONS WHO HAVE BEEN SERVED BY THE DISTRICT FOR AT LEAST THE PREVIOUS YEAR AT HIS OR HER PRIMARY RESIDENCE.

SA 3: ADDS SECTION 620.2300 TO THE BILL RELATING TO CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PROJECTS

SPONSOR: Loehner

HANDLER: Cunningham

CCS/SCS/HB 101 - This act modifies provisions relating to liquor control.

#### TASTING SAMPLES

This act allows any winery, distiller, manufacturer, wholesaler or brewer to provide tasting samples on a licensed retail premises so long as the sample provider has certain permits, permission from the retailer and no money is given to the retailers for the tasting.

The samples may be dispensed by an employee of the sample provider or a sampling service. The sampling service employees must complete a server training program approved by the Division of Alcohol and Tobacco Control.

Any remaining samples after the tasting must be returned to the retailer, winery, distiller, manufacturer, wholesaler or brewer.

This provision is identical to SB 160 (2011) and a provision of HCS/HB 889 (2011).

#### SUNDAY HOURS FOR WINE SHOPS

In addition, this act creates a special liquor license for wine shops to allow them to serve alcohol on Sundays from 10 a.m. to 10 p.m. A wine shop is defined by the act as an establishment that serves wine tastings by the glass out of automated dispensing equipment. There is a \$200 fee for the special license.

This provision is identical to SB 287 (2011).

#### KANSAS CITY LICENSES FOR LIQUOR BY THE DRINK

This act allows licensed establishments in Kansas City to apply for a special license to serve liquor until 3 a.m. The license only covers one day and a person can receive up to six such licenses a year.

SPONSOR: Loehner

HANDLER: Cunningham

**ORIGINAL PACKAGE SALES BY CATERERS**

Under current law, certain clubs or organizations, caterers, and others who hold a permit to sell liquor at events may sell intoxicating liquor that is not in its original package.

This act allows the permit holders to sell all kinds of liquor in its original package.

MEGHAN LUECKE

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SPONSOR: Wells

HANDLER: Wasson

HB 109 - Under current law the Treasurer is prohibited from investing in linked deposits the value of which is to be lent to recipients other than eligible water supply systems or eligible student borrowers after December 31, 2015 and investing in linked deposits the value of which is to be lent to any new eligible facility borrower after January 1, 2020. This act repeals those provisions.

The act contains an emergency clause.

CHRIS HOGERTY

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SPONSOR: Cox

HANDLER: Goodman

SS#2/SCS/HCS/HB 111 - This act enacts and modifies various provisions of law relating to the judiciary.

**CONTINGENCY FEE CONTRACTS**

(Sections 34.376, 34.378, and 34.380)

This act prohibits the state and any of its agents from entering into a contingency fee contract with a private attorney, unless the Attorney General makes specific written findings. The Attorney General is required to request written proposals from private attorneys, unless the Attorney General makes a written determination that requesting proposals is not feasible. If the Attorney General requests proposals from private attorneys, the Attorney General is required to choose the lowest and best bid or request the office of administration establish an independent panel to evaluate the proposals and choose the lowest and best bid.

A private attorney who is representing the state on a contingency fee basis is required to maintain records about their expenses for at least four years after the contract terminates. The attorney general's office is required to respond to requests to make these records available to the public under the sunshine law.

The Attorney General is required to post certain information about the contingency fee arrangement on their website. The Attorney General is also required to submit an annual report regarding the use of contingency fee contracts.

These provisions are similar to SCS/SB 432 (2011) and HB 872 (2011).

**HOSPITAL DISTRICT SALES TAX**

(Sections 144.032 and 205.205)

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

SPONSOR: Cox

HANDLER: Goodman

These sections contain an emergency clause.

This act is identical to SCS/SB 117 (2011).

#### ELECTRONIC MONITORING OF CERTAIN OFFENDERS

(Sections 221.025, 544.455, 544.470, and 557.011)

This act allows a judge to release a person before trial on electronic monitoring or order a person serve part or all of a sentence of confinement on electronic monitoring unless the judge finds that the person cannot afford to pay the costs associated with the electronic monitoring. All costs associated with the electronic monitoring shall be charged to the person on house arrest.

The judge may, in his or her discretion, credit any period on electronic monitoring, against any period of confinement or incarceration ordered, except that those who have committed multiple intoxication-related traffic offenses may not be placed on electronic monitoring as an alternative to confinement, community service, or a court-ordered treatment program involving community service. A period of electronic monitoring will not be considered confinement in a correctional center, private or county jail for purposes of determining responsibility for the health care of the individual.

The circuit court may adopt a local rule allowing for the pretrial release on electronic monitoring in lieu of confinement for anyone charged with a crime who can afford to pay the costs of electronic monitoring.

This section is substantially similar to SCS/SB 387 (2011).

#### PUNISHMENTS FOR CERTAIN CRIMES

(Sections 302.020, 302.321, 303.025, and 311.325)

These provisions modify the punishments for several crimes, including operating a vehicle without a valid license, operating a motorcycle without passing an examination for the operation of a motorcycle, operating a vehicle with another person's license, driving while revoked, failing to maintain financial responsibility, and purchasing, possessing, or being intoxicated when a person is under twenty-one. These provisions also specify that prior guilty pleas and findings of guilt in criminal cases for these crimes must be plead and proved in the same way that prior convictions are plead and proved when a criminal defendant is found to be a prior offender, persistent offender, dangerous offender, persistent sexual offender, or predatory sexual offender.

These provisions are similar to HCS/HB 253 (2011).

#### BOARD MEETINGS OF CORPORATIONS

(Section 351.340)

This act allows actions required to be taken at corporate committee meetings to be taken without a meeting of the board or committee members if after setting forth the action to be taken, all the board or committee members consent by electronic transmission. Such transmissions shall be filed with the minutes of the corporate meetings.

This act is similar to HB 1741 (2009), and SB 833 (2010).

#### FULL ORDERS OF PROTECTION

(Section 455.007)

This provision allows appeals of expired orders of protection, by requiring that the public interest exception to the mootness doctrine be applied to these appeals.

This section is similar to HCS/HB 253 (2011), and HB 1406 (2010).

SPONSOR: Cox

HANDLER: Goodman

## GUARDIANSHIP

(Sections 475.060, 475.061, 475.501, 475.502, 475.503, 475.504, 475.505, 475.506, 475.521, 475.522, 475.523, 475.524, 475.525, 475.526, 475.527, 475.528, 475.529, 475.531, 475.532, 475.541, 475.542, 475.543, 475.544, 475.551, 475.552, 475.555)

These provisions modify what information is required in a petition for guardianship for a minor or an incapacitated person and adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA).

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

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

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

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

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

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

SPONSOR: Cox

HANDLER: Goodman

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

These provisions are identical to SCS/SB 213 (2011), and similar to HB 130 (2011), and HCS/HB 253 (2011).

#### PUBLIC ADMINISTRATORS

(Section 475.115)

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

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

This act is identical to HB 88 (2011), SCS/HB 142 (2011), HCS/HB 253 (2011), HCS/HB 889 (2011), HCS/SB 145 (2011), and substantially similar to HCS/SCS/SB 57 (2011) and similar to HB 1676 (2010).

#### BASIC CIVIL LEGAL SERVICES FUND

(Section 477.650)

This act extends the expiration date on the Basic Civil Legal Services Fund from December 31, 2012 to December 31, 2018.

This provision is identical to SB 165 (2011) and SCS/HB 256 (2011).

#### EQUAL PARENTING/CHILD SUPPORT

(Section 452.340)

The court shall award child support in amount that provides up to a fifty percent adjustment below the basic child support amount for custody awards of joint physical custody where the child or children spend equal or substantially equal time with both parents. Section 452.340.11

The Missouri Supreme Court is directed to amend the child support guidelines, to address instances where there is an award of equal or substantially equal joint physical custody. The directions, comments and any tabular representations of the directions and comments shall reflect the ability to obtain up to a fifty percent adjustment or credit below the basic child support amount for joint physical custody or visitation in accordance with the act. 452.340.8

This provision is similar to SB 35 (2011).

#### GUARDIAN AD LITEM STANDARDS

(Section 484.350)

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

This act is identical to SB 237 (2011) and HB 165 (2011).

#### CONDEMNATION COMMISSIONERS

(Section 523.040)

This act requires that in St. Louis City, St. Louis County, and Jackson County at least one of the three



SPONSOR: Cox

HANDLER: Goodman

commissioners appointed by the court in condemnation proceedings be either a licensed real estate broker, or a licensed or certified real estate appraiser.

This act is identical to the perfected SB 61 (2011) and similar to HB 625 (2011), SB 776 (2010), and HB 1973 (2010)

#### SEXUAL CONTACT WITH A STUDENT (Section 566.086)

Under current law, a person commits the crime of sexual contact with a student while on public school property if he or she is affiliated in certain ways with the school and he or she has sexual contact with a student while on any public school property.

This act removes the requirement that the contact occur on public school property and adds elected and appointed officials of the public school district to the types of people who may not have sexual contact with a student.

Under current law, volunteers of the school or an organization working with the school may not have sexual contact with a student. This act provides that the law only applies to volunteers who are not also students at the school.

This section is identical to SCS/SB 400 (2011) and similar to HB 599 (2011) and HB 743 (2011).

#### REQUIREMENTS FOR PERSONS CONVICTED OF SEXUAL OFFENSES (Sections 566.147 and 589.040)

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

Current law prohibits certain sex offenders from living within 1,000 feet of public and private schools, and child-care facilities as that term is defined under section 210.201. This amendment provides that the prohibition applies to any child-care facility that is licensed under chapter 210. Also added to the prohibition is any license-exempt child-care facility that is subject to state regulations regarding fire, safety, health, and sanitation inspections that holds itself out to be a child-care facility.

These provisions are identical to provisions of CCS#2/HCS/SB 250 (2011) and HB 384 (2011).

#### CRIMINAL NONSUPPORT (Section 568.040)

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

This section is identical to SB 261 (2011).

#### RECEIVING STOLEN PROPERTY (Section 570.080)

This act specifies that receiving stolen property is a Class A misdemeanor unless the value of the property or services exceeds \$500, the property has been physically taken from the person of the victim, or if the property is of a certain description. In those cases, the offense is a Class C felony. Receiving stolen property is a Class B felony if the value of the property or services equals or exceeds \$25,000.

SPONSOR: Cox

HANDLER: Goodman

The receipt of any item, property, or services which exceeds \$500 may be considered a separate felony and be charged in separate counts.

A person who commits the crime of receiving stolen property who has a prior conviction involving livestock or captive wildlife, when the value of the stolen property exceeds \$3,000, is guilty of a Class B felony. Such a person must serve a minimum prison term of not less than 80 percent of his or her sentence before being eligible for probation, parole, conditional release, or other early release.

This section is identical to SCS/SB 425 (2011) and similar to HB 693 (2011).

#### FAILURE TO RETURN LEASED OR RENTED PROPERTY (Section 578.150)

This act modifies the crime of failing to return leased or rented property and changes the name of the crime to stealing leased or rented property.

The following actions are added to the list of offenses that constitute the crime if the person commits the offense with the intent to deprive the owner of the property: aiding or abetting the concealment of leased or rented property; selling, encumbering, conveying, pawning, loaning, abandoning, or giving away the leased or rented property or any part thereof, without the written consent of the lessor or informing the person who receives the property that it is subject to a lease; and failing to pay lease charges after returning the property with the intent to deprive the lessor of the agreed upon charges.

Current law provides that it is evidence of the crime when a person who has leased or rented property, other than a motor vehicle, fails to return the property ten days after the owner has sent written demand by certified or registered mail to the address provided in the lease agreement. Such demand must include a statement that the failure to return the property may subject the person to criminal prosecution.

Under this act, evidence of intent to commit the crime is established if the lessee uses a false, fictitious, or not current name, address, or place of employment in obtaining the property or if the lessee fails to return the property or pay the lease charges within seven days after written demand sent by certified mail, return receipt requested, to the address provided in the lease agreement or the person's last known address.

Currently, failure to return leased or rented property is a Class A misdemeanor unless the property is valued at \$500 or more, in which case it is a Class C felony. This act increases the property value cutoff so that the crime becomes a Class C felony if the property is valued at \$1,000 or more.

This act is similar to SB 399 (2011) and HB 1448 (2010).

#### REIMBURSEMENT FOR TRANSPORT TO AND FROM MENTAL HEALTH FACILITIES (Section 632.312)

This act allows a sheriff to receive reimbursement for the actual costs of transporting a person to and from a mental health facility from a public or private hospital, a non-profit charitable organization, the state, or a political subdivision. Reimbursement from the state for actual costs, except for allowable mileage shall be subject to appropriations.

This section is similar to SB 428 (2011) and HB 775 (2011).

EMILY KALMER

SPONSOR: Day

HANDLER: Brown

HCS/HB 136 - This act allows certain spouses of members of the military who leave employment to

SPONSOR: Day

HANDLER: Brown

relocate with their spouse and qualify for unemployment compensation.

This act also requires that state agencies or boards that regulate professional licenses grant temporary courtesy licenses to certain military spouses under certain conditions. These temporary courtesy licenses are valid for one hundred and eighty days and may be extended for another one hundred and eighty days. Attorneys are not eligible for these temporary courtesy licenses.

Provisions of this act are similar to SB 27 (2011), SB 34 (2011), HB 238 (2011), and HCS/HB 303 (2011).

EMILY KALMER

SPONSOR: Thomson

HANDLER: Pearce

SS/SCS/HB 137 – This act modifies provisions relating to the transfer of property.

Section 37.005: Current law provides that the boards of governors of certain state institutions of higher education may convey or transfer, except in fee simple, the title to certain real property without authorization from the General Assembly until August 28, 2011. This act limits this authorization to Missouri Western State University only. In addition, this act requires that such a conveyance or transfer of title be for fair market value and extends the expiration date until August 28, 2014.

This provision is similar to SB 82 (2011), SB 88 (2011), SB 778 (2010) and HB 1494 (2010).

Section 1: This authorizes the Governor to convey the Algoa Correctional Center in Jefferson City, Cole County, Missouri.

Section 2: This authorizes the Governor to convey the Boonville Correctional Center in Boonville, Cooper County, Missouri.

Section 3: This authorizes the Governor to convey the Western Reception and Diagnostic Correctional Center in St. Joseph, Buchanan County, Missouri.

Section 4: This authorizes the Governor to convey the Central Missouri Correctional Center in Jefferson City, Cole County, Missouri.

Section 5: This authorizes the Governor to convey the Farmington Correctional Center in Farmington, St. Francois County, Missouri.

Section 6: This authorizes the Governor to convey property in Farmington, St. Francois County, Missouri.

Section 7: This authorizes the Governor to convey the Fulton Reception and Diagnostic Correctional Center in Fulton, Callaway County, Missouri.

Section 8: This authorizes the Governor to convey the Maryville Treatment Center in Maryville, Nodaway County, Missouri.

Section 9: This authorizes the Governor to convey the Eastern Reception Diagnostic Correctional Center in Bonne Terre, St. Francois County, Missouri.

Section 10: This authorizes the Governor to convey the Missouri Eastern Correctional Center in Pacific, St. Louis County, Missouri.

SPONSOR: Thomson

HANDLER: Pearce

Section 11: This authorizes the Governor to convey the South Central Correctional Center in Licking, Texas County, Missouri.

Section 12: This authorizes the Governor to convey the Potosi Correctional Center in Potosi, Washington County, Missouri.

Section 13: This authorizes the Governor to convey the Chillicothe Correctional Center in Chillicothe, Livingston County, Missouri.

Section 14: This authorizes the Governor to convey the Tipton Correctional Center in Tipton, Moniteau County, Missouri.

Section 15: This authorizes the Governor to convey the Women's Eastern Reception and Diagnostic Correctional Center in Vandalia, Audrain County, Missouri.

Section 16: This authorizes the Governor to convey the Moberly Correctional Center in Moberly, Randolph County, Missouri.

Section 17: This authorizes the Governor to convey the St. Francois County Correctional Facility in Farmington, St. Francois County, Missouri to St. Francois County.

Section 18: This authorizes the Governor to convey a permanent sidewalk easement at the Adrians Island, Cole County, Missouri to Jefferson City.

Section 19: This authorizes the Governor to convey a permanent levee easement at the Church Farm in Cole County, Missouri to the Cole Junction Levee District.

Section 20: This authorizes the Governor to convey a permanent pipeline easement to the Moberly Correctional Center in Randolph County, Missouri to the Panhandle Eastern Pipeline Company.

Section 21: This authorizes the Governor to convey the South East Missouri Mental Health Center in Farmington, St. Francois County to the Missouri Highways and Transportation Commission.

Section 22: This authorizes the Governor to convey the South East Missouri Mental Health Center located in Farmington, St. Francois County.

Section 23: This authorizes the Governor to convey the National Guard site located in Centertown, Cole County, Missouri.

Section 24: This authorizes the Governor to convey a permanent drainage easement at the Department of Mental Health Regional Office and the Department of Elementary and Secondary Education State School for the Severely Disabled located in Joplin, Jasper County, Missouri.

This act contains an emergency clause.

MICHAEL RUFF

SPONSOR: Gatschenberger

HANDLER: Dempsey

CCS/SCS/HB 142 - This act modifies provisions relating to political subdivisions.

COUNTY AUDITOR (55.030)

This act requires the auditor of any county with a charter form of government to annually take an

SPONSOR: Gatschenberger

HANDLER: Dempsey

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

This provision is identical to SB 145 (2011) and a provision of HCS/HB 889 (2011).

#### TRANSFER OF GUARDIANSHIP AND CONSERVATORSHIP CASES (475.115)

Under this act, a public administrator may request the court to transfer any guardianship or conservatorship case to another county. If the other county meets the venue requirements and the public administrator of the other county consents to the transfer, the court is required to transfer the case. The court with jurisdiction over the other county is required to appoint the public administrator of that county as the person's new guardian or conservator.

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

This provision is identical to SB 57 (2011) and HB 88 (2011) and is identical to a provision of SS/SCS/HCS/HB 111 (2011), HCS/SCS/SB 60 (2011), and HCS/SB 145 (2011).

#### WATER LINE REPAIR PROGRAM (67.319)

This amendment authorizes cities, towns, and villages located in any county of the state to seek voter approval for the imposition of a fee on residential property to fund the repair or replacement of water lines on that property. The fee would be imposed for the repair or replacement of water service lines providing water service to residential properties having four or fewer dwelling units located within the city, town, or village. The fee cannot exceed one dollar per month.

Any city, town, or village which imposes the water service line fee may, by ordinance, provide for the administration of the program and define the terms "repair" and "water service line".

This provision is identical to SB 174 (2011) and HB 369 (2011) and a provision of HCS/HB 889 (2011) and HCS/SB 145 (2011).

#### SPECIAL TAX BILL (67.451)

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

This provision is identical to a provision in HCS/HB 889 (2011) and SB 25 (2011).

#### ADMINISTRATIVE ADJUDICATION SYSTEMS (479.011)

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

This provision is identical to a provision in HCS/HB 889 (2011) and SB 25 (2011).

#### SPECIAL ASSESSMENT COLLECTION IN BOONE COUNTY (67.1521)

This act allows the Boone County Collector to add special assessments levied in a community improvement district to the annual real estate tax bills for the properties being benefitted by the district. Unpaid special assessments on the first day of January are considered delinquent and enforcement of the

SPONSOR: Gatschenberger

HANDLER: Dempsey

collection of delinquent bills will be governed by the laws concerning delinquent and back taxes. A lien may be foreclosed in the same manner as a tax upon real property by land tax sale.

This provision is identical to a provision in HCS/HB 889 (2011), HCS/SB 61 (2011), CCS/HCS/SCS/SB 117 (2011), and HCS/SB 174 (2011).

TOWER GROVE PARK (90.101)

This act allows the Board of Commissioners of Tower Grove Park to change the size of the board by a majority vote of the board members.

MEGHAN LUECKE

SPONSOR: Day

HANDLER: Brown

SCS/HB 149 - This act eliminates the expiration date on the provision that allows an individual or corporation to credit part of a tax refund to the Missouri Military Family Relief Fund.

This act is similar to SB 78 (2011) and a provision of HCS/HB 303.

EMILY KALMER

SPONSOR: Kelly

HANDLER: Schaefer

HB 151 - This act creates a check-off on the Missouri individual and corporate income tax forms for contributions to the Organ Donor Program Fund. A taxpayer may donate to the fund by designating on the form at least \$2 on an individual return or \$4 on a combined return of his or her tax refund amount or by sending a separate check with the payment of his or her taxes.

The provisions of this act will automatically sunset December 31, six years from the effective date of the act.

This act is identical to a provision in CCS/HCS/SS/SB 226 (2011).

ADRIANE CROUSE

SPONSOR: Cox

HANDLER: Parson

SS/SCS/HCS/HB 161 - This act modifies the definition of the term "transient guests", for purposes of collecting transient guest taxes authorized under sections 67.1000 and 67.1002, by providing that such term means a person or persons who occupy a room in a hotel or motel for 31 days or less during any calendar quarter with the exception of Pulaski County where the term means a person or persons who occupy a room in a hotel or motel for 90 days or less during any calendar quarter. Under current law the transient guest tax is imposed solely for the promotion of tourism, this act would allow the imposition of the tax to fund a convention and visitors bureau as well as the promotion of tourism.

Any city or county that already imposes a tax on transient guest room charges of a hotel or motel located wholly or partially within the city or county under any other provision of law will be prohibited from imposing an additional transient guest tax pursuant to Section 67.1000 or Section 67.1002. The act prohibits any city that does not already impose a transient guest tax pursuant to Section 67.1000 or Section 67.1002 from imposing a transient guest tax under those provisions if the city is located wholly or partially within a county that already imposes a tax on transient guest room charges of a hotel or motel located wholly or partially within the county under these sections or any other section of law. In addition,

SPONSOR: Cox

HANDLER: Parson

any county that has a city located in whole or in part within its boundaries that already imposes a transient guest tax is prohibited from also imposing a transient guest tax.

The City of St. Peters may adopt a transient guest tax of up to 2% for the promotion of tourism. Such a tax is not subject to the provisions preventing cities and counties to both impose a transient guest tax.

A current law provision that allows cities and counties that have more than 350 hotel and motel rooms to adopt a transient guest tax for the purpose of funding a convention and visitors bureau is merged with a provision under current law allowing certain other cities and counties to adopt such a tax.

The act allows Pettis County, upon voter approval, to change its transient guest tax from \$2 per room, per night to up to 5% per occupied room, per night. The number of members on the Pettis County Tourism Commission is increased from five to seven and the way appointments are made to the commission is modified.

Under current law, the Cities of Springfield, Joplin, and St. Joseph, as well as any cities in Jasper or Butler County may seek voter approval for the imposition of a sales tax of up to one-half of one percent for economic development purposes. Butler County and Buchanan County may also seek voter approval for the imposition of such a tax. Current law provides a non-inclusive list of economic development projects for which revenues derived from the tax may be used. This act would allow local economic development sales tax revenues to also be used for the construction of job training and educational facilities.

This act exempts the City of Riverside from current law that requires a member of a board of directors for a tourism community enhancement district to meet one of the following requirements: reside in the district; own real property within the district; or work in, or operate, a business in the district.

The act also authorizes the City of St. Joseph, upon voter approval, to impose a sales tax not to exceed one-half of one percent to fund public safety improvements.

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

This act contains provisions identical to those contained in the SS/SCS/HCS/HB 545 (2011) and Senate Bill 223 (2011).

JASON ZAMKUS

SPONSOR: Fisher

HANDLER: Pearce

SS/SCS/HCS/HB 163 - This act allows the state to continue to receive extended federal unemployment benefit funds until August 28, 2013.

Currently, the maximum total amount of benefits payable to worker during a benefit year shall not exceed the lesser of 26 times the weekly benefit amount or 33 1/3% of his or her wage credits. This act changes that threshold to the lesser of 20 times the weekly benefit amount or 33 1/3% of his or her wage credits.

SPONSOR: Fisher

HANDLER: Pearce

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

This act contains an emergency clause.

This act is similar to SB 1026 (2010), and SB 10 (2011).

CHRIS HOGERTY

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SPONSOR: Thomson

HANDLER: Pearce

HCS/HB 174 – This act modifies the composition of the Coordinating Board for Higher Education, the Board of Curators for the University of Missouri and the governing board of Missouri State University. For each board, current law provides that no more than one person will be appointed from each congressional district. This act provides that at least one but no more than two persons will be appointed from each congressional district. However, nothing relating to a change in the composition and configuration of congressional districts in this state will prohibit a member serving a term on August 28, 2011 from completing his or her term.

This act is substantially similar to SCS/SB 163 (2011) and is similar to SB 255 (2009).

MICHAEL RUFF

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SPONSOR: Gray

HANDLER: Chappelle-Nadal

HB 182 - This act designates the first Friday in March of each year as "Dress in Blue for Colon Cancer Awareness Day."

This act is similar to HB 1677 (2010).

JIM ERTLE

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SPONSOR: Silvey

HANDLER: Kraus

HB 183 - This act modifies laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City.

**POLICE RETIREMENT SYSTEM OF KANSAS CITY**

This act specifies that the retirement benefits of members who retire after August 28, 2011 start on the first day of the month after the member retires. The member will not receive a prorated payment for the month in which the member retires.

The act also requires that all benefit payments will be paid on the last day of the month. When a member dies, certain benefits will be prorated for the portion of the month in which the member was alive, other benefits will not be prorated. The retirement system is required to withhold payment of benefits until the required documentation is filed to prove that a person is entitled to the payment.

Members are no longer able to receive credit toward retirement for unpaid leaves of absence of less than thirty days, except for leaves of absence for certain military service. If a member is on a leave of absence, to receive credit towards retirement for their leave, the person must return to active service and pay the actuarial cost of the service.



SPONSOR: Silvey

HANDLER: Kraus

A person who has at least five years of service and returns to membership in the retirement system can purchase credit for prior service, but must pay the actuarial cost of the service, rather than repaying the amount of their accumulated contributions with interest.

If a person leaves the police department before retirement after at least fifteen years of service, the pension the person receives will start on the first day of the month after the person turns fifty-five, rather than the day the person turns fifty-five.

#### CIVILIAN EMPLOYEES' RETIREMENT SYSTEM OF THE POLICE DEPARTMENT OF KANSAS CITY

This act prohibits membership in the Civilian Employees' Retirement System of the Police Department of Kansas City by any employee appointed after August 28, 2011 who is eligible to receive a pension from any other Kansas City retirement system.

The act specifies that the retirement benefits of members who retire after August 28, 2011 start on the first day of the month after the member retires. The member will not receive a prorated payment for the month in which the member retires.

The act also requires that all benefit payments will be paid on the first day of the month. When a member dies, benefits to the surviving spouse will not be prorated. The retirement system is required to withhold payment of benefits until the required documentation is filed to prove that a person is entitled to the payment.

Members are prohibited from receiving credit toward retirement for unpaid leaves of absence, except for leaves of absence for certain military service. If a member is on a leave of absence, to receive credit towards retirement for their leave, the person must return to active service and pay the actuarial cost of the service.

A person who has at least three years of service and returns to membership in the retirement system can purchase credit for prior service, but must pay the actuarial cost of the service, rather than repaying the amount of their accumulated contributions with interest.

This act is identical to provisions of SS/SCS/HB 282 (2011) and similar to SB 271 (2011).

EMILY KALMER

SPONSOR: Dugger

HANDLER: Purgason

SS/SCS/HB 184 - Under this act, road district commissioners may receive compensation for their services of up to \$100 per month. The compensation of a commissioner shall not change during the time of his or her term of office. Under current law, road district commissioners are not authorized to receive compensation for their services (only the payment of expenses is authorized)(Section 233.280).

This act specifies that risk coverages procured by certain political subdivision associations shall not require the solicitation of competitive bids. This portion of the act is identical to SB 151 (2011) and HB 2098 (2010)(Section 537.620).

This act allows political subdivisions that form an association to provide insurance coverage for their members to close meetings, records and votes pursuant to the Sunshine Law to the extent such votes, records, and meetings pertain to actuarial analysis, loss history, claims, data, reports, and similar information relating to the determination of member rates and contributions (Section 537.635).

STEPHEN WITTE

SPONSOR: Entlicher

HANDLER: Parson

SCS/HB 186 - Under current law, the clerk of a county commission must live in the county for six months prior to election. This act requires the clerk to live in the county for one year prior to election.

In addition, this act establishes qualifications and appointment procedures for county recorders where the offices of the court clerk and recorder of deeds are separate. These provisions do not apply in the City of St. Louis or charter counties.

The county recorder must be at least 21, a registered voter, and a resident of the state and county in which he or she is a candidate for a least one year prior to the general election. If elected, the recorder must continue to be a resident while in office.

The county commission is to appoint a recorder in the event of a vacancy in the office due to resignation or death until the Governor appoints someone to the office pursuant to Section 105.030, RSMo.

This act is similar to SB 374 (2011).

MEGHAN LUECKE

SPONSOR: Ruzicka

HANDLER: Brown

HB 190 - The act allows the director of the Department of Natural Resources to request the Commissioner of the Office of Administration to provide up to \$500 to any division director in the department to be used as a revolving fund for cash transactions for the sale of items by the division. All cash transactions must be made in accordance with rules established by the Commissioner.

ERIKA JAQUES

SPONSOR: Diehl

HANDLER: Rupp

CCS/SS/HCS/HB 193 - This act establishes that the state will consist of eight congressional districts effective with the election for the 113th Congress. The current congressional districts will remain in effect for any elections to the 112th Congress.

The act describes the congressional districts based on the results of the 2010 Census.

EMILY KALMER

SPONSOR: Jones

HANDLER: Lembke

HCS/HB 197 - This act requires the Department of Health and Senior Services to make publicly available on its website, resources relating to umbilical cord blood that have been developed by the Parent's Guide to Cord Blood Foundation. Such resources include an explanation of the potential value and uses of umbilical cord blood, including cord blood cells and stem cells, and the various options for storing cord blood. The full details of the information to be included are listed in the act.

Beginning October 1, 2011, every licensed physician who provides obstetrical or gynecological care to a pregnant woman may, prior to the third trimester of pregnancy or, if later, at the first visit of such pregnant woman to the physician, make available to the patient information developed by the Parent's Guide to Cord Blood Foundation required to be posted on the Department of Health and Senior Services website.

SPONSOR: Jones

HANDLER: Lembke

This act is substantially similar to SB 17 (2011).  
ADRIANE CROUSE

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SPONSOR: Kelley

HANDLER: Parson

HB 199 - Under current law, a prior offender of an intoxication-related traffic offense must perform at least 30 days of community service and a persistent offender must perform at least 60 days of service before being eligible for parole or probation.

This act requires a prior offender perform at least 240 hours of service during those 30 days and a persistent offender perform at least 480 hours in 60 days.

This provision is identical to a provision in CCS/SS/SCS/HCS/HB 430 (2011) and CCS/HCS/SS/SCS/SB 254 (2011).  
MEGHAN LUECKE

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SPONSOR: Hoskins

HANDLER: Stouffer

HB 204 - Notwithstanding contrary provisions of law, this act requires that if the driver's license of a member of the armed forces expires while the person is on active duty, the license is renewable without examination up to six months after the person's discharge from the armed forces, or within ninety days of reestablishing residence in Missouri, whichever occurs first. Missouri residents on active duty and any of their dependents who are twenty-one or older who reside out-of-state may renew their driver's license by mail.  
EMILY KALMER

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SPONSOR: Guernsey

HANDLER: Lager

SS/SCS/HB 209 - This act modifies the laws regarding nuisances.

This act adds Andrew County, Buchanan County, Cass County, Dade County, Jasper County, Livingston County, and Newton County to the list of counties that may enact nuisance abatement ordinances regarding the condition of real property. Counties enacting nuisance abatement ordinances under this act are not authorized to enact ordinances providing for the abatement of any condition related to agricultural structures or agricultural operations or governing any railroad company.

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

This act specifies what types of damages may be awarded in a action for private nuisance where the alleged nuisance emanates from property primarily used for crop or animal production purposes. If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the property. If the nuisance is a temporary nuisance, damages are measured by the decrease in the fair rental value of the property. The person who files the lawsuit may also recover

SPONSOR: Guernsey

HANDLER: Lager

damages for their medical condition, if there is objective and documented medical evidence that the medical condition was caused by the nuisance.

If a person or their successor brings any subsequent claim against another person or their successor for temporary nuisance, and the claims are related to a similar activity or use of the property, and that activity or use of property is deemed a nuisance, the activity or use of property shall be considered a permanent nuisance and the person and their successor shall be limited to the remedies available for permanent nuisance.

This act also requires that a nuisance be considered not capable of abatement, if the nuisance emanates from property used for crop or animal production purposes, if a defendant demonstrates a good faith effort to abate the nuisance, including substantial compliance with a court order.

No person has standing to bring an action for private nuisance unless they have an ownership interest in the property alleged to be affected by the nuisance.

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

The act does not prohibit the recovery of damages for crop destruction, crop damage, contamination of the seed supply, or a diminution of crop value resulting from contamination of the seed or grain supply, herbicide drift, or other diminution of crop value.

This act is similar to the perfected version of SB 187(2011), SB 25 (2011), and HB 1303 (2010).

EMILY KALMER

SPONSOR: Jones

HANDLER: Mayer

SS/HCS/HB 213 - This act modifies provisions relating to abortion.

The definition of "abortion" is amended to include the act of using or prescribing any medicine, instruments or devices with the intent to destroy the life of the unborn child. Abortion shall also be the act of terminating a pregnancy with an intent other than to increase the probability of a live birth, to remove a dead or dying unborn child. The act adds a definition for "reasonable medical judgment" which is one made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

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

#### GESTATIONAL AGE AND VIABILITY

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

SPONSOR: Jones

HANDLER: Mayer

prescribed under the act.

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

#### UNBORN CHILD WHO IS VIABLE

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

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

#### UNBORN CHILD WHO IS NOT VIABLE

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

#### PENALTIES

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

Any physician who pleads guilty to or is convicted of performing or inducing an abortion of an unborn child in violation of this act shall be subject to suspension or revocation of his or her license to practice medicine in the by the State Board of Registration for the Healing arts.

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

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

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

SPONSOR: Jones

HANDLER: Mayer

This act is identical to SS/SCS/SB 65 (2011).

ADRIANE CROUSE

SPONSOR: Zerr

HANDLER: Goodman

SCS/HCS/HB 214 - This act modifies provisions relating to human trafficking. The act adds definitions for "blackmail", "coercion", "financial harm", "nudity", "sexual conduct", "sexual performance" and "victim of trafficking."

This act adds the elements of blackmail to the crime of abusing an individual through forced labor. Blackmail, causing or threatening to cause financial harm as well as using force, abduction, coercion and deception were also added as elements to the crimes of trafficking for the purposes of slavery, trafficking for the purposes of sexual exploitation, sexual trafficking of a child, and sexual trafficking of a child under the age of twelve. This act also adds the elements of sexual performance and production of explicit sexual material to the crimes of trafficking for the purposes of sexual exploitation, sexual trafficking of a child and sexual trafficking of a child under the age of twelve.

This act increases the penalties and adds a monetary fine not to exceed \$250,000 for all of the human trafficking crimes except sexual trafficking of a child under the age of 12.

This act enhances the penalty for the crimes of abuse through forced labor and trafficking for purposes of slavery if death results, if the human trafficking act includes kidnapping, an attempt to kidnap, sexual abuse when punishable as a class B felony, or an attempt to kill.

This act also enhances the penalty for the crimes of trafficking for the purposes of sexual exploitation and sexual trafficking of a child if the crimes were effected by force, abduction, or coercion.

A court sentencing a defendant under the human trafficking provisions shall order the defendant to pay restitution to the victim in the amount the court finds necessary to compensate the victim for the value of the victim's labor and for the mental and physical rehabilitation of the victim and any child of the victim.

It shall be an affirmative defense under any prosecution for prostitution that the defendant engaged in the conduct charged to constitute an offense because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person, which force or threatened force a person of reasonable firmness in his or her situation would have been unable to resist.

This act also authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking. The department may establish training programs as well as standard protocols for appropriate agencies to educate officials and employees on state statutes and federal laws regulating human trafficking and with the identification and assistance of victims of human trafficking. Such agencies may include but not be limited to state employees and contractors, including the children's division of the department of social services, juvenile courts, state law enforcement agencies, health care professionals, and runaway and homeless youth shelter administrators.

Law enforcement officers shall notify the Department of Social Services and, where applicable, juvenile justice authorities, of persons who reasonably appear to be a victim of trafficking in order that such agencies may determine whether the person may be eligible for state or federal services, programs, or assistance. The department may coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking.

State agencies may implement programs and enter into contracts with nonprofit agencies, domestic and sexual violence shelters and other nongovernment organizations to provide services to confirmed

SPONSOR: Zerr

HANDLER: Goodman

victims of trafficking, insofar as funds are available for that purpose. The list of possible services is prescribed under the act.

A victim of trafficking may bring a civil action against a person or persons who plead guilty to or are found guilty of a violation of human trafficking to recover the actual damages sustained by the victim, court costs, including reasonable attorney's fees, and punitive damages, when determined to be appropriate by the court. Any such action must be commenced within ten years after the later of (1) the final order in the related criminal case;(2) the victim's emancipation from the defendant; or(3) the victim's eighteenth birthday.

The Attorney General may bring a civil action, in the circuit court in which the victim of trafficking was found, to recover from any person or entity that benefits, financially or by receiving anything of value, from violations of human trafficking, a civil penalty of not more than fifty thousand dollars for each violation of human trafficking, and injunctive and other equitable relief as the court may, in its discretion, order. The first priority of any money or property collected under such an action shall be to pay restitution to the victims of trafficking on whose behalf the civil action was brought.

This act is identical to SCS/SBs 394 and 331 (2011).

ADRIANE CROUSE

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SPONSOR: Dugger

HANDLER: Wasson

HB 217 - Election authorities may use electronic voter identification systems or an electronic signature pad to verify a voter's address, registration status, and signature information at a polling place. The system shall be able to read information from drivers and non-drivers licenses and allow an election authority to manually enter voter information.

CHRIS HOGERTY

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SPONSOR: Smith

HANDLER: Brown

HCS/HB 220 - Currently, licensed real estate brokers and salespersons have immunity from liability for statements made by certain individuals, such as an inspector, unless the individual was employed by the real estate licensee, selected by and engaged by the licensee, or the licensee knew the statement was false or acted in reckless disregard as to whether the statement was true or false. This act specifies that if the real estate broker or salesperson only orders a report or inspection, that does not mean the licensee selected or engaged the individual, so the real estate licensee would still have immunity from liability for the statements the individual made.

This act is identical to a provision of HCS/SB 325 (2011) and HCS/SCS/SB 29 (2011).

EMILY KALMER

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SPONSOR: Wallingford

HANDLER: Crowell

HCS/HBs 223 & 231 – This act modifies provisions relating to higher education financial assistance programs.

ADVANCED PLACEMENT INCENTIVE GRANT: This act creates the "Advanced Placement Incentive Grant." Any student who receives an Access Missouri award or receives funds under the A+ Schools Program and has also received a score of 3 or higher on two or more Advanced Placement tests in math

SPONSOR: Wallingford

HANDLER: Crowell

or science will receive a \$500 grant. In addition, a student must have earned the AP scores while attending a Missouri public high school.

This provision is identical to SB 265 (2011) and is similar to a provision contained in SS/SCS/SB 130 (2011). (Section 173.1350)

**NURSING EDUCATION INCENTIVE PROGRAM:** This act creates the Nursing Education Incentive Program within the Department of Higher Education for the awarding of grants. This program will allow grants not to exceed \$150,000 to be awarded to Missouri institutions of higher education accredited by the Higher Learning Commission of the North Central Association that offer a nursing education program. No campus may receive more than one grant per year.

To be considered for a grant, an institution must offer a nursing program that meets a predetermined category and area of need as established by the Department of Higher Education and the State Board of Nursing. When establishing categories and areas of need, the Department and Board may consider: data from licensure renewal and from the Department of Health and Senior Services and national nursing statistical data and trends for nursing shortages.

The State Board of Nursing is authorized to provide funding to the program.

This act also repeals the obsolete Nurse Training Incentive Fund.

These provisions are identical to provisions contained in HCS/SB 325 (2011) and are similar to SB 191 (2011). (Sections 335.036 - 335.209).

MICHAEL RUFF

SPONSOR: Curls

HANDLER: Curls

HB 229 – This act modifies provisions relating to the Public School Retirement System of Kansas City.

This act requires that any formulas and tables in effect upon which the computation of actuarial equivalent is based be maintained as part of a written document and treated as part of the plan document. The formulas and tables may be changed if recommended by the system's actuary and upon approval of the board of trustees. (Section 169.270)

This act provides that the retirement system is intended to be a qualified plan. The Board of Trustees must interpret statutes governing the system and administer the system consistent with a qualified plan. The system's assets must be held in trust for the exclusive benefit of the members and beneficiaries and for defraying reasonable administrative costs. No part of the system's assets may be used or diverted to any purpose other than benefits or purpose of the system. (Section 169.280)

If the retirement system is completely terminated or contributions to the system are discontinued, the rights of all members to benefits accrued to such date, to the extent funded, will be fully vested and non-forfeitable.

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

A retired member of the system who performs substitute, part-time, or temporary employment for an employer in the system cannot earn more than fifty percent of the annual salary or wages he or she was



SPONSOR: Curls

HANDLER: Curls

last paid by the employer prior to retirement and receiving a retirement allowance. If a person exceeds these limits, his or her retirement allowance will be suspended for the month in which the limit was exceeded and any subsequent month in the school year the person receives remuneration from any employer in the retirement system. (Section 169.324)

Any member or beneficiary who is entitled to receive a distribution that is an eligible rollover distribution under federal law may elect to have that distribution transferred to another eligible retirement plan. An eligible rollover distribution will include a distribution to a nonspouse beneficiary that is treated as an eligible rollover distribution. These transfers must be made in compliance with the Internal Revenue Code. (Section 169.328)

This act is substantially similar to SB 115 (2011), SB 938 (2010), HB 2221 (2010) and is similar to provisions also contained in SS/HCS/HB 2357 (2010), HCS/SS/SCS/SB 580 (2010), and SS/SB 714 (2010).

MICHAEL RUFF

SPONSOR: Cox

HANDLER: Stouffer

HCS/HB 250 - Water systems that serve charitable or benevolent organizations that do not regularly serve an average of 100 persons or more for at least 60 days of the year and that are not used for a school or day-care are exempt from well construction rules unless the system is a threat to groundwater or public health. Such wells are not exempt from certain rules applicable to multi-family wells. The act lists certain actions that a well owner must take in the event of certain coliform contamination violations.

No charitable or benevolent organization that is exempt from the well construction rules will be required to replace, change, upgrade, or alter any well if the well was constructed before August 28, 2011, unless the well poses a threat to groundwater or public health or has certain coliform contamination violations.

ERIKA JAQUES

SPONSOR: Cox

HANDLER: Goodman

SCS/HB 256 - This act extends the expiration date on the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

This act is identical to SB 165 (2011) and a provision of SS/SCS/HCS/HB 111 (2011).

EMILY KALMER

SPONSOR: Cox

HANDLER: Justus

HB 260 - This act updates the Uniform Interstate Family Support Act (UIFSA). Whenever more than one state is involved in establishing, enforcing, or modifying a child or spousal support order, the act is implemented to determine the jurisdiction and power of the courts in the different states. This act also establishes which state's law will be applied in the proceeding under the act.

This act establishes rules requiring every state to defer to child support orders entered by the courts of the child's home state. The place where the order was originally entered holds continuing exclusive jurisdiction, and only the law of that state can be applied to requests to modify the order of child support, unless the original tribunal loses the continuing exclusive jurisdiction. This act also provides various direct interstate enforcement mechanisms.

SPONSOR: Cox

HANDLER: Justus

This act also incorporates changes required by the Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance to establish uniform procedures for the processing of international child support cases. This act provides for guidelines and procedures for registration, recognition, enforcement and modification of foreign support orders from countries that are parties to the Convention.

The provisions of the updated UIFSA shall become effective and the repeal of the current UIFSA shall become effective upon the United States filing its instrument of ratification of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, adopted at The Hague Conference on Private International Law on November 23, 2007.

This act is identical to SB 116 (2011).

ADRIANE CROUSE

SPONSOR: Smith

HANDLER: Wasson

SS/SCS/HCS/HB 265 - This act modifies the law regarding the licensure of certain professions.

(Section 324.014)

This act requires any board, commission, committee, council, or office within the Division of Professional Registration to notify a licensee's current employer, if the employer is known, of a change in the licensee's license or disciplinary status. Employers may also provide a list of current licensed employees and make a written request to the appropriate board to be notified when there is a change in the licensing status of any of those employees.

(Sections 324.043, 324.045, 334.001, 334.040, 334.070, 334.090, 334.099, 334.100, 334.102, 334.103, 334.108, 334.715, 536.063, 536.067, 536.070, 621.045, 621.100, and 621.110)

This act modifies disciplinary and administrative procedure provisions that apply to professions and businesses licensed by the Division of Professional Registration or by any board committee, commission or office within the Division of Professional Registration. The act also modifies the licensing requirements and disciplinary powers of the Board of Registration for the Healing Arts.

If a person who is licensed by any board, committee, commission, or office under the Division of Professional Registration does not defend against a disciplinary proceeding, the appropriate board or the Administrative Hearing Commission is required to enter a default decision against the person. The board or the Administrative Hearing Commission may set aside the default decision for good cause if the person files a motion within thirty days after the default decision.

The Administrative Hearing Commission is required to deliver the findings of fact and conclusions of law in disciplinary cases to the appropriate agency within one hundred and twenty days of the date the case became ready for decision.

#### BOARD OF REGISTRATION FOR THE HEALING ARTS

The Board of Registration for the Healing Arts is authorized to list certain information about individuals who are licensed by the board and applicants for licenses from the board on its website. The board is also required to disclose confidential information to applicants for licenses and licensees without a fee, if the information is less than five years old.

The board is no longer authorized to require doctors licensed in other states to take certain examinations prior to waiving the Missouri examination requirement. The board is authorized to require

SPONSOR: Smith

HANDLER: Wasson

another examination, more education, or further training before issuing a permanent medical license to applicants who have not actively practiced clinical medicine or held a teaching position for two of the three years before their application.

Doctors are no longer required to display their certificate of registration in the office.

The board is required to make individuals applying for a license or holding a license submit to an evaluation of their skills, a multi-disciplinary evaluation, or a substance abuse evaluation, after a contested hearing, if there is reasonable cause to believe that the individual is incompetent about the medical or osteopathic profession, mentally or physically incapacitated, or excessively uses or abuses alcohol or controlled substances. The board is required to issue rules to provide for the procedures for implementing these procedures.

The disciplinary authority of the board is modified to allow the board to discipline licensees for prescribing drugs through the internet without a valid physician-patient relationship, for being listed on a sex offender registry, any conduct that is unethical or unprofessional involving a minor, for knowingly making a false statement to the board, for violating a settlement agreement with the board, and for failing to comply with a treatment program.

The board's authority to issue an emergency suspension or restriction of a licensee's license is modified to change the reasons for an emergency suspension or restriction, including: sexual conduct with a patient, sexual misconduct with a minor, possession of a controlled substance, except for record keeping violations, use of a controlled substance without a prescription, a court finding that the licensee is incapacitated, habitual intoxication or dependence on alcohol or a controlled substance or failing to comply with a treatment program, a report from a facility or professional health program that the licensee is not fit to practice, or conduct which violates the disciplinary provisions and is a serious danger to a patient or the public. The procedure for issuing emergency restrictions or suspensions is also modified. Emergency suspensions will take effect upon service to the licensee after the Administrative Hearing Commission finds that there is probable cause, rather than after a preliminary hearing before the Administrative Hearing Commission. The Administrative Hearing Commission is then required to hold a hearing within forty-five days of the board's filing of a complaint to determine if cause for discipline exists.

The board is also authorized to initiate hearings before itself when disciplining a licensee's license for certain actions. The board's disciplinary decision is appealable to the circuit court.

Doctors who prescribe any drug, controlled substance, or other treatment through the internet are required to meet certain requirements to establish that there is a valid physician-patient relationship. These requirements may be met by the prescribing physician's designee when treatment is provided in a hospital, in a hospice program, in home health services provided by a home health agency, in accordance with a collaborative practice agreement, in conjunction with a physician assistant, in consultation with another physician who has an ongoing physician-patient relationship with the patient, or in on-call or cross-coverage situations.

The board's authority to discipline athletic trainers is also modified.

(Sections 333.041, 333.042, 333.051, 333.061, 333.091, 333.151, 333.171, 436.405, 436.412, 436.445, 436.450, 436.455, and 436.456)

This act also modifies licensing requirements for funeral directors, embalmers, and funeral establishments and certain requirements for preneed funeral contracts.

The act modifies the requirements for applicants for funeral director and embalmer licenses. A general equivalency diploma, or equivalent education, as determined by the board of embalmers and funeral

SPONSOR: Smith

HANDLER: Wasson

directors, will satisfy the requirement that a person seeking a funeral director or embalmer license have a high school diploma. An applicant for a license to practice funeral directing or embalming is no longer required to be a Missouri citizen or a resident of a county bordering Missouri. An applicant for an embalmer's license is required to complete a funeral service education program, rather than graduate from an institute of mortuary science education. An applicant for a funeral director's license is required to complete the apprenticeship in twelve consecutive months, rather than twelve months.

Also, funeral establishments will no longer be required to keep their register book or log in the preparation or embalming room. The log book must contain the name of each body that has been in the establishment, the date the body arrived, if applicable, the place the body was embalmed, and if the body was embalmed at the establishment, the date and time of the embalming and the name, signature, and license number of the embalmer.

The act changes the requirements for membership on the board of embalmers and funeral directors, reduces the number of members on the board from ten to six members, and allows a majority of the members of the board to constitute a quorum at meetings.

The act also modifies provisions that regulate preneed funeral contracts. Among other changes, the act modifies requirements for insurance-funded preneed contracts, so that these provisions apply to preneed contracts designated to be funded by deferred annuity contracts that are not classified as variable annuities and have death benefit proceeds that are never less than the sum of premiums paid. The act specifies that a trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider and allows preneed sellers and purchasers to agree to put the funds for the preneed contract in an account titled in the beneficiary's name and payable on the beneficiary's death to the seller. The act also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who want to cancel a preneed contract funded by a joint account.

This act is similar to provisions of HCS/SB 325 (2011), SCS/SB 340 (2011), HCS/HB 732 (2011), HB 668 (2011), and SCS/SB 303 (2011).

EMILY KALMER

SPONSOR: Burlison

HANDLER: Dempsey

SCS/HB 270 - Under this act, Missouri Consolidated Health Care Plan participants who are eligible for Medicare benefits and who are not eligible for their state employee health care coverage to be their primary plan of coverage shall be provided substantially similar benefits provided to participants who are not eligible for Medicare benefits. Under current law, a participant in the state employee health care plan who is eligible for Medicare, and whose state employee coverage is not primary, must be provided the same benefits provided to participants who are not eligible for Medicare benefits. This portion of the act is substantially similar to SB 894 (2010) and SB 90 (2011)(Section 103.089).

Under this act, beginning with the open enrollment period for the 2012 plan year, the high deductible health plan offered by the Missouri Consolidated Health Care Plan shall have monthly subscriber premiums that are materially lower than non-high deductible health plan monthly subscriber premiums with a goal of monthly subscriber premiums being at least 50% lower than non-high deductible health plan premiums. The amount of the annual deductible for the high deductible health plan shall be no greater than 200% of the minimum annual deductible for self-only coverage and family coverage as established by the Internal Revenue Service for the current tax year. The coverage afforded by the high deductible health plan, after the deductible has been met, shall be substantially similar to the coverage provided by the non-high deductible health plan chosen by a plurality of qualified employees. If, after the completion of the open enrollment period for the 2012 plan year, fewer than 10% of Missouri's active state employees

SPONSOR: Burlison

HANDLER: Dempsey

have enrolled in a high deductible health plan described in the act, then the board shall offer a more competitive high deductible health plan with increased financial and coverage incentives, including but not limited to alternative annual deductibles, out-of-pocket expenses, and other health plan design features, all within the federal guidelines, with the goal of having 40% of Missouri's active state employees enrolling in a health savings account compatible high deductible health plan by the open enrollment period for the 2015 plan year. This portion of the act is substantially similar to SCS/SB 2 and SB 90 (2011)(Section 103.080).

STEPHEN WITTE

SPONSOR: Franz

HANDLER: Crowell

SS/SCS/HB 282 - This act modifies provisions regarding public employee retirement.

#### DUTY-RELATED DEATH BENEFITS IN LAGERS

This act specifies how duty-related death benefits will be funded for the Missouri Local Government Employees' Retirement System (LAGERS). In the same way as when a disability benefit is due to a member of the LAGERS system, when a duty-related death benefit is due to a beneficiary, the accrued service pension reserve will be calculated, as of the effective date of the disability benefit. Contributions from political subdivisions for duty-related death benefits will be held in the Casualty Reserve Fund. Political subdivisions that participate in LAGERS will have a portion of their contributions for duty-related death benefits determined on a one-year term basis in the same way that their contribution for a portion of disability benefits is determined. (Sections 70.710, 70.720, and 70.730)

#### POLICE RETIREMENT SYSTEM OF KANSAS CITY AND THE CIVILIAN EMPLOYEES' RETIREMENT SYSTEM OF THE POLICE DEPARTMENT OF KANSAS CITY

This act modifies laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City.

#### POLICE RETIREMENT SYSTEM OF KANSAS CITY

This act specifies that the retirement benefits of members who retire after August 28, 2011 start on the first day of the month after the member retires. The member will not receive a prorated payment for the month in which the member retires.

The act also requires that all benefit payments will be paid on the last day of the month. When a member dies, certain benefits will be prorated for the portion of the month in which the member was alive, other benefits will not be prorated. The retirement system is required to withhold payment of benefits until the required documentation is filed to prove that a person is entitled to the payment. (Sections 86.900, 86.1230, 86.1240, 86.1250, 86.1030)

Members are no longer able to receive credit toward retirement for unpaid leaves of absence of less than thirty days, except for leaves of absence for certain military service. If a member is on a leave of absence, to receive credit towards retirement for their leave, the person must return to active service and pay the actuarial cost of the service. (Sections 86.1100 and 86.1140)

A person who has at least five years of service and returns to membership in the retirement system can purchase credit for prior service, but must pay the actuarial cost of the service, rather than repaying the amount of their accumulated contributions with interest. (Section 86.1120)

If a person leaves the police department before retirement after at least fifteen years of service, the pension the person receives will start on the first day of the month after the person turns fifty-five, rather than the day the person turns fifty-five. (Section 86.1150)

SPONSOR: Franz

HANDLER: Crowell

**CIVILIAN EMPLOYEES' RETIREMENT SYSTEM OF THE POLICE DEPARTMENT OF KANSAS CITY**

This act prohibits membership in the Civilian Employees' Retirement System of the Police Department of Kansas City by any employee appointed after August 28, 2011 who is eligible to receive a pension from any other Kansas City retirement system. (Section 86.1310)

The act specifies that the retirement benefits of members who retire after August 28, 2011 start on the first day of the month after the member retires. The member will not receive a prorated payment for the month in which the member retires.

The act also requires that all benefit payments will be paid on the first day of the month. When a member dies, benefits to the surviving spouse will not be prorated. The retirement system is required to withhold payment of benefits until the required documentation is filed to prove that a person is entitled to the payment. (Section 86.1420, 86.1540, 86.1560, 86.1600, 86.1610, 86.1620)

Members are prohibited from receiving credit toward retirement for unpaid leaves of absence, except for leaves of absence for certain military service. If a member is on a leave of absence, to receive credit towards retirement for their leave, the person must return to active service and pay the actuarial cost of the service. (Sections 86.1490, 86.1500)

A person who has at least three years of service and returns to membership in the retirement system can purchase credit for prior service, but must pay the actuarial cost of the service, rather than repaying the amount of their accumulated contributions with interest. (Section 86.1510)

**FIREMEN'S RETIREMENT SYSTEM OF ST. LOUIS**

The act specifies that the retirement plan of the Firemen's Retirement System of St. Louis is intended to be a qualified governmental plan under federal tax law. The benefits and conditions of the plan shall be interpreted and the system shall be operated to ensure that the system meets the federal qualification requirements. (Section 87.127)

This act also modifies the service-connected disability benefits for St. Louis City firefighters who retire on or after August 28, 2011. Currently, the service-connected disability benefit is 75 percent of the top pay of the rank the firefighter is at when they are retired. This act makes the service-connected disability benefit vary based on the number of years a person has served as a firefighter. Firefighters will receive a base pension of 25 percent of the compensation provided for the step in the range of salary they hold at the time the firefighter is retired. Those firefighters with 10 or more years of service, but less than 25 years of service, will receive an additional accidental retirement pension benefit calculated by multiplying their years of service by 2 3/4 percent of the step in the range of salary received by the firefighter at the time of their retirement. Those firefighters with more than 20 years of service, but less than 25 years of service have the option to waive the other benefits and receive a benefit that combined with their base pension will equal 65 percent of the compensation then provided for the step in the range of salary received by the firefighter at the time of their retirement. If a firefighter has more than 25 years of service, or is retired based on conditions of the heart, lungs, or cancer, or is unable to perform any other work, as determined by Board of Trustees based on medical evidence, the firefighter will receive a benefit that is equal to 75 percent of the compensation provided for the step in the range of salary they receive at the time of their retirement.

St. Louis City firefighters who are retired based on a service-connected disability on or after August 28, 2011, will have the option at retirement to be reimbursed for tuition at a college, community college, or vocational or technical school. These firefighters must enroll in school at the first opportunity after their retirement. These firefighters will also receive a supplemental disability retirement pension, if they have twenty-five years or less of service, so that their total accidental disability retirement pension will equal the total compensation provided for the step in the range of salary they received at the time they were retired. This educational reimbursement benefit and the supplemental disability retirement pension benefit shall

SPONSOR: Franz

HANDLER: Crowell

end when the firefighter is not a full-time student, fails to provide proof of a grade point average of two on a four point scale for each academic term, or returns to service as a firefighter, and will only be available for five years after the firefighter's retirement. (Section 87.205)

The cost-of-living adjustment for firefighters who are retired based on a service-connected disability on or after August 28, 2011 will be either one percent a year or 2 1/4 percent per year, based on the number of years of service, rather than three percent a year, up to age sixty. (Section 87.207)

#### MISSOURI DEVELOPMENT FINANCE BOARD EMPLOYEES

This act makes any full-time employee of the Missouri Development Finance Board (MDFB) on September 1, 2011 a state employee and member of the Missouri State Employee's Retirement System (MOSERS). However, these employees will not be covered under the Missouri consolidated health care plan (MCHCP), unless the board requests coverage and MCHCP's board approves the request. These employees may purchase credited service toward retirement for their employment with the board retroactive to the employees' start dates with MDFB, except these employees will not be required to vest before they may purchase the service. (Section 100.273)

#### TRANSFERS OF SERVICE BETWEEN MPERS AND MOSERS

This act also requires that the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) and the Missouri State Employees' Retirement System (MOSERS) transfer money between the two systems when an employee transfers service between the two systems on or after September 1, 2011. The act specifies the method that the systems are required to use to calculate the amount of the transfer payment. The amount of the money transferred shall be the present value of the accrued benefit. (Section 104.603)

#### QUARTERLY REPORTING TO THE JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

This act specifies that each public retirement system that provides a defined benefit retirement plan shall be required to submit a quarterly report about the plan's investment performance to the Joint Committee on Public Employee Retirement. If the plan fails to submit this report, the committee may subpoena witnesses, take testimony under oath, and compel the production of records regarding this information according to the committee's statutory authority. (Section 105.661)

#### DEFERRED COMPENSATION PROGRAM

This act makes enrollment in the state deferred compensation program automatic for those state employees eligible for the plan hired on or after July 1, 2012. These employees will automatically have one percent of eligible compensation contributed to the deferred compensation plan. Employees who do not want to contribute to the program may opt out of the plan within the first thirty days of employment, and at a later date decide to participate. Employees who are automatically enrolled can change the amount of contribution. Employees of state colleges or universities would not be automatically enrolled.

On or after September 1, 2011, if a participant in the deferred compensation plan or the 401(a) plan established in Section 105.927 is married, their surviving spouse will be automatically designated as their primary beneficiary, unless the surviving spouse consented in writing to allow the participant to designate someone else as their beneficiary. This automatic beneficiary designation does not apply to designations made prior to September 1, 2011.

The Missouri State Employees Retirement System Board is also authorized to adopt and amend plan documents to change terms and conditions of the deferred compensation plan that are consistent with federal law.

If the General Assembly appropriated money for a state match, each participant in the deferred compensation plan would be eligible, rather than only state employees who have been employees for at

SPONSOR: Franz

HANDLER: Crowell

least twelve consecutive months before the match and contribute at least twenty-five dollars a month.

The act also allows a state agency to credit funds directly to a participant in the deferred compensation plan if that agency's payroll is not issued through the State Treasurer. (Sections 105.915 and 105.927)

This act is similar to HB 183 (2011), SB 170 (2011), SB 271 (2011), SS/SCS/HCS/HB 664 (2011), SB 121 (2011), HB 448 (2011), SB 201 (2011), SB 290 (2009), and SB 410 (2011).

EMILY KALMER

SPONSOR: Riddle

HANDLER: Munzlinger

SS#2/SCS/HCS/HBs 294, 123, 125, 113, 271 & 215 - This act specifies that the county sheriff's revolving fund may be used to pay for information and data exchange.

This act prohibits the sales tax on any firearms or ammunition from being levied at a higher rate than taxes on other goods or any other excise tax levied on sporting goods.

Under current law, a person commits a crime if he or she possesses, manufactures, transports, repairs, or sells a machine gun, short barreled rifle or shotgun, or firearm silencer. This act provides that a person commits the crime if he or she is engaging in the above activities in violation of federal law.

A person does not commit a crime under current law if his or her conduct with the weapons listed above and other specified weapons was incident to certain activities. This act adds an additional requirement that the weapon must also be possessed in conformity with federal law for the conduct to be lawful. In addition, this act repeals provisions allowing for certain activities if the weapon is a curio, ornament, keepsake and provisions relating to the use of certain weapons in a dramatic performance.

This act removes a requirement that certain otherwise unlawful uses of a firearm be reasonably associated with, or necessary to, the person's official duties in order to be lawful. Other such uses must be reasonably associated with, or necessary to, the person's official duties. This act also allows a full-time fire investigator who has a concealed carry endorsement to engage in the otherwise unlawful uses when such uses are reasonably associated with, or necessary to, the person's official duties. Federal probation and flight deck officers may engage in the otherwise unlawful uses regardless of whether the officers are on duty or within the law enforcement agency's jurisdiction. In addition, club events are added to the exemption that allows certain uses of firearms at schools.

No one who has received a suspended imposition of sentence for any felony firearms- or weapons-related offense may receive a suspended imposition of sentence for a felony violation of unlawful use of weapons.

Under this act, a person commits the Class D felony of fraudulent purchase of a firearm if he or she knowingly: entices a firearms dealer or seller to transfer a firearm or ammunition under circumstances which the person knows would violate the law; provides materially false information with the intent to deceive a dealer or seller about the legality of such a transfer; or willfully procures another to engage in those activities. The statute prohibiting fraudulent purchase of firearms does not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), ATF agents, or law enforcement officers acting under the direction of ATF.

Under current law, a Missouri resident conforming to all applicable state and federal gun laws may purchase rifles and shotguns in states contiguous to Missouri. Also, residents of the contiguous states who conform to applicable state and federal gun laws may purchase rifles and shotguns in Missouri.



SPONSOR: Riddle

HANDLER: Munzlinger

This act allows Missouri residents to purchase rifles and shotguns in any state so long as the resident follows all applicable provisions of the Federal Gun Control Act of 1968, Missouri law and the law of the state in which the purchase occurs. A resident of any state who abides by the applicable federal laws, Missouri laws and laws of the resident's home state may purchase rifles and shotguns in Missouri.

In addition, the current provisions regarding such gun purchases are moved from the merchandising practices chapter to the chapter on weapons offenses. As a result, certain provisions governing the entire merchandising practices chapter will no longer apply, including provisions that detail the power of the Attorney General to investigate violations of the law.

This act lowers the age at which a person can obtain a concealed carry endorsement from 23 to 21 years of age.

This act also provides that a nondriver's license with a concealed carry endorsement expires three years from the date the certificate of qualification was issued by a sheriffs. This provision is not effective until the earlier of January 1, 2013 or whenever the Department of Revenue begins issuing nondriver's licenses with concealed carry endorsements.

Legislators, full time and legislative employees of the General Assembly, statewide elected officials and their employees may carry concealed firearms in the state capitol building, or at any meeting in the building, if they have a concealed carry endorsement.

Under this act, the training for a concealed carry endorsement must include live firings from both a revolver and a semiautomatic pistol. In order to pass, the applicant must hit targets with both types of handguns. Also, a firearms safety instructor who provides false information on any portion of the training is guilty of a crime rather than just certain portions of the training.

This act allows municipalities to regulate the shooting of pneumatic guns.

This act contains provisions similar to provisions of HCS/SB 61 (2011), HCS/SCS/SB 60 (2011), HB 123 (2011), HB 596 (2011), HB 430 (2011), HB 594 (2011), SB 87 (2011), HB 725 (2011), HB 760 (2011), HB 125 (2011), HB 215 (2011), SB 297 (2011), HB 113 (2011), HB 271 (2011), SB 298 (2011), SB 330 (2011), and HB 778 (2011).

MEGHAN LUECKE

SPONSOR: Gatschenberger

HANDLER: Mayer

SCS/HCS/HBs 300, 334 & 387 – This act establishes the "Interscholastic Youth Sports Brain Injury Prevention Act." By December 31, 2011, the Department of Health and Senior Services shall promulgate rules which develop guidelines, forms, and to provide education on the nature and risk of concussion and brain injury with the following entities: a statewide association of school boards; a statewide activities association that provides oversight for athletic or activity eligibility for students and school districts; and an organization named by the Department of Health and Senior Services that specializes in support services, education, and advocacy of those with brain injuries. The primary focus of the rules shall be the safety and protection against long-term injury to the youth athlete.

Annually, each school district must distribute a concussion and brain injury information sheet to each youth athlete participating in the district's athletic program. The sheet must be signed by the youth athlete's parent or guardian and submitted to the school district prior to the youth athlete's participation in any athletic practice or competition.

A youth athlete who is suspected of sustaining a concussion or brain injury must be removed from

SPONSOR: Gatschenberger

HANDLER: Mayer

competition for no less than twenty-four hours. The youth athlete must not return to competition until he or she has been evaluated by a licensed health care provider trained in the evaluation and management of concussions and receives written clearance to return to competition from that provider.

Any statewide athletic organization with a public school district as a member must publish an annual report relating to the impact of concussions and head injuries on student athletes. No public school shall be a member of a statewide athletic organization that fails to comply with this requirement.

This act is similar to HB 588 (2011) and SB 216 (2011).

MICHAEL RUFF

SPONSOR: Gatschenberger

HANDLER: Nieves

SCS/HB 307 & HB 812 - This act authorizes the Department of Revenue to issue specified special license plates.

DON'T TREAD ON ME SPECIAL LICENSE PLATES - This act authorizes the Department of Revenue to issue "Don't Tread on Me" special license plates. The terms of the act delineate the application process and the design of such plates (Section 301.4035).

CASS COUNTY - THE BURNT DISTRICT SPECIAL LICENSE PLATES - This act allows the Department of Revenue to issue "Cass County - The Burnt District" special license plates. In order to obtain one of these specialized licensed plates, the motorist must pay regular registration fees, an additional \$15 fee to the Department of Revenue, and a \$25 emblem-use authorization fee to Cass County. Under the terms of the act, 80% of the \$25 emblem-use authorization fee will be distributed within Cass County to public safety with the remaining 20% of the emblem-use authorization fee to be distributed to the Cass County parks and recreation department (Section 301.3161).

NIXA EDUCATION FOUNDATION SPECIAL LICENSE PLATES - This act allows members of the Nixa Education Foundation to obtain special license plates bearing their organization's name and emblem. To obtain this plate, a person must submit an application to the Director of the Department of Revenue accompanied by an emblem-use authorization statement along with an additional \$15 fee. Any person who was previously issued a foundation plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the foundation's emblem. This portion of the act is identical to SCS/SB 26 & 106 (2011)(Section 301.4006).

COMBAT ACTION SPECIAL LICENSE PLATES - This act also allows persons who have been awarded the combat action badge to obtain specialized license plates bearing the words "COMBAT ACTION" and an image of the combat action badge. This portion of the act is similar to SCS/SB 26 & 106 (2011) and SB 909 (2010).

STEPHEN WITTE

SPONSOR: McNary

HANDLER: Cunningham

HCS/HB 315 - This act repeals certain versions of doubly enacted statutes. As a result, modifications have been made to the remaining effective statute for certain doubly enacted statutes.

JIM ERTLE

SPONSOR: Pollock

HANDLER: Lager

SPONSOR: Pollock

HANDLER: Lager

SS/HCS/HB 338 - The act allows telecommunications companies to exempt themselves from complying with certain rules promulgated by the Public Service Commission (PSC) when such companies are already subject to federal laws on the same subject under the Federal Communications Commission, except companies must still comply with PSC rules related to number pooling, number conservation efforts, universal service funds, interconnection or intercarrier issues, and where any authority is expressly delegated to the PSC by the Federal Communications Commission.

The act also allows telecommunications companies to exempt themselves from filing or maintaining with the PSC tariffs or schedules of rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract for retail services offered to end user customers, provided that the company posts its retail prices on a publicly-accessible website. Nothing in the act affects rights and obligations of any party established under federal law, including interconnection agreements, unbundling, the PSC's authority to settle interconnection disputes, wholesale rights, or tariffs and schedules filed and maintained by the PSC.

This act is similar to SB 208 (2011).

ERIKA JAQUES

SPONSOR: Pollock

HANDLER: Lager

SS/HB 339 - The act waives the carrier of last resort obligation for incumbent local exchange carriers (ILECs) in 3 situations involving an owner of newly developed property who gives certain preferential treatment to an alternative local phone service provider. Any such ILEC must notify the Public Service Commission (PSC) of the waiver within 120 days.

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

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

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

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

The act allows an ILEC to meet its carrier of last resort obligation using any form of technology, but if using a wireless technology, it must meet or exceed the federal wireless Phase II enhanced 911 requirements for 911 service. A waiver of carrier of last resort obligation under the act does not apply to an ILEC's same obligation in other locations. The carrier of last resort obligation does not extend to any other company providing service to a newly developed property for which the ILEC's obligation has been waived.

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

SPONSOR: Pollock

HANDLER: Lager

The act allows the residents in an area served by an exclusive contract to petition the original carrier of last resort ILEC to provide service to the area if the contract with the alternative provider changes or if service is no longer being provided by the alternative provider. The ILEC must respond to a petition within 30 days.

The act disallows a telecommunications company from receiving high-cost universal service funds in high-cost areas if the company has been relieved of its carrier of last resort duty in those areas under the act. This provision does not render the company ineligible for universal service funds in other areas where it retains the carrier of last resort obligation.

This act is similar to SB 209 (2011) and contains provisions similar to provisions in HB 495 (2009), HB 1372 (2010), and SB 698 (2010).

ERIKA JAQUES

SPONSOR: Klippenstein

HANDLER: Schaaf

HB 340 - This act allows any county to build a jail outside the county seat. The act contains an emergency clause for this provision.

Also, it makes it optional for the circuit court in Cape Girardeau county to hold court and maintain an office of the probate division in both the courthouses in Jackson and in Cape Girardeau. Likewise, the circuit clerk may maintain offices in both the courthouses in Jackson and in Cape Girardeau.

This act contains provisions identical to HB 327 (2011), SB 186 (2011) and a provision of HCS/HB 889 (2011).

MEGHAN LUECKE

SPONSOR: Guernsey

HANDLER: Munzlinger

SCS/HCS/HB 344 - The act creates the Farm-to-Table Advisory Board, which shall be made up of the following 7 people: one person actively engaged in small agribusiness appointed by the director of the Department of Agriculture, and one representative from each of the following entities: the University of Missouri Extension Service, the Office of Administration, and the Departments of Agriculture, Corrections, Elementary and Secondary Education, and Economic Development. The board must meet at least twice, but may meet more often as needed.

The mission of the board is to develop recommendations for ways that allow schools and state facilities to more easily purchase products directly from local farms for use in their cafeterias and ways to increase public awareness about locally-produced food and its relationship to healthy communities and people. The act requires the board to investigate existing public and private resources that may be used to accomplish the mission objectives as well as identify barriers to the objectives.

The act requires the board to produce and deliver a report, containing its findings and recommendations, to the Governor, the General Assembly, and the directors of the represented agencies by August 31, 2012. This section expires on August 31, 2012.

The act exempts rice producers from being able to independently request a refund of their commodity fees from the director of the Department of Agriculture.

The act contains provisions similar to SB 162 (2011).

ERIKA JAQUES

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**\*\*\* HB 354 \*\*\***

SPONSOR: Faith

HANDLER: Rupp

HCS/HB 354 - This act exempts qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program. The act defines a qualified plug-in electric drive vehicle as a plug-in electric drive vehicle that is made by a manufacturer, has not been modified from original manufacturer specifications, and can operate solely on electric power and is capable of recharging its battery from an on-board generation source and an off-board electricity source.

This act is identical to SCS/SB 131 (2011).  
STEPHEN WITTE

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**\*\*\* HB 358 \*\*\***

SPONSOR: Leara

HANDLER: Schmitt

HB 358 - This act modifies provisions of the retirement plan of the Police Retirement System of St. Louis to refer to federal tax law requirements, including provisions regarding annuity distributions, rollovers to individuals' retirement accounts and from other retirement plans and accounts, and the annual amount allowed to be distributed to a member.

The act also requires that if a member of the retirement system dies in qualified military service, then the member's surviving spouse or other dependents will be entitled to the benefits that would have been provided if the member had died while a police officer.

This act is similar to SB 152 (2011) and SA 1 to HB 2357 (2010).  
EMILY KALMER

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**\*\*\* HB 388 \*\*\***

SPONSOR: Burlison

HANDLER: Ridgeway

SCS/HCS/HB 38 - Under current law, a city, town, or village may require a person convicted of an ordinance violation who has not paid a fine imposed as punishment to work one day for every \$10 owed.

This act allows the city, town, or village to require one day of work for the greater of: the actual daily cost of incarcerating the prisoner; or the amount the state reimburses for incarcerating the prisoner.

This act requires jail administrators to notify the Missouri uniform law enforcement system (MULES) when certain dangerous felons escape no more than five hours after the escape.

MEGHAN LUECKE

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**\*\*\* HB 407 \*\*\***

SPONSOR: Wieland

HANDLER: Parson

HCS/HB 407 - This act prohibits a person from preparing, issuing, or requesting the issuance of a certificate of insurance form relating to property and casualty insurance unless it has been filed with the director of the Department of Insurance. In addition, no person shall alter or modify a filed certificate of insurance form.

Under the terms of the act, certificates of insurance must contain certain statements. The certificate of insurance must contain a statement to the effect that it confers no rights upon the certificate holder and that it does not amend or alter the coverage terms or other conditions contained in the actual policies referenced in the certificate.

SPONSOR: Wieland

HANDLER: Parson

The act prohibits persons from preparing or issuing certificates of insurance that contain false or misleading statements.

Under the act, a certificate of insurance is not a policy of insurance and does not affirmatively or negatively amend, extend, or alter coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance shall not confer to a certificate holder new or additional rights beyond what the referenced policy of insurance expressly provides.

No certificate of insurance shall contain references or opinions on the effect of any contracts, including construction or service contracts, other than the referenced contract of insurance.

Under the act, a certificate holder shall only have a legal right to notice of cancellation, nonrenewal, or any material change, or any similar notice concerning a policy of insurance if the person is named within the policy or any endorsement or rider and the policy or endorsement or rider requires notice to be provided. The terms and conditions of the notice, including the required timing of the notice, are governed by the policy of insurance and shall not be created or altered by a certificate of insurance.

Under the act, an insurance producer may charge a reasonable service fee for issuing a certificate to a policyholder or certificate holder.

If the director determines that a person has violated a provision of this act, the director may issue such administrative orders as authorized under law and a violation of this act constitutes a level two violation.

Under the terms of the act, any lender requesting use of an evidence of commercial property insurance, which has not been approved for use by the insurer issuing the insurance policy, and the insurance producer has advised the lender in writing that the insurance provider has not been authorized to use the requested evidence of commercial insurance shall have no cause of action against an insurance producer arising from the use of such form, except for acts of intentional misrepresentation or fraud.

STEPHEN WITTE

SPONSOR: Smith

HANDLER: Wasson

SCS/HCS/HB 412 - This act modifies provisions of law relating to pharmacy.

Under current law, the Mo Rx prescription drug plan is set to sunset on August 28, 2011. This act provides that the plan shall expire on August 28, 2014.

This act allows the Board of Pharmacy to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any officer, owner, manager, or controlling shareholder of the applicant has committed an act that would be grounds for discipline under the board of pharmacy's disciplinary statute.

This act defines the term "legend drug" for the purpose of certain pharmacy laws. Legend drugs will mean any drug or biological product that is subject to a certain federal law, is required to be labeled in certain ways, or is required to be dispensed by prescription only or is restricted to use by practitioners only. The act excludes certain drugs and drug products that are being used in clinical trials.

This act also modifies the authority of the board of pharmacy with regard to certain drugs used in veterinary medicine.

This act also adds a veterinarian to the advisory committee appointed by the board of pharmacy to make recommendations to it about rules and regulations dealing with drug distribution and manufacturing.

SPONSOR: Smith

HANDLER: Wasson

The advisory committee is also required to review and make recommendations to the board of pharmacy regarding rules and regulations about veterinary legend drugs.

Businesses that only hold a class L pharmacy permit will not be required to have a pharmacist on site, except for when noncontrolled drugs for use in animals are being compounded. A pharmacist is responsible for reviewing the activities and records of class L pharmacies.

This act has an emergency clause for the section regarding legend drugs.

This act is similar to provisions of CCS/HCS/SB 284 (2011), HCS/SB 325 (2011), HCS/SB 29 (2011), HB 1814 (2010), and SCS/SB 408 & 80 (2011).

EMILY KALMER

SPONSOR: Burlison

HANDLER: Nieves

HB 423 - This act establishes the Health Care Compact which specifies that each member state of the compact shall have the authority to enact state laws that supersede any and all federal laws regarding health care within its state. The compact specifies that each member state shall have the right to mandatory federal funds to support the exercise of member state authority under the compact and that the funding shall not be conditional on any action, regulation, policy, law or rule of any kind of the member state. The funding amount to be distributed to each member state shall be based on the Member State Current Year Funding Level, which formula is prescribed under the act.

This act creates the interstate advisory health care commission consisting of members appointed by each member state through a process to be determined by the laws of each member state. No state may appoint more than two members to the commission, and at any time a member state may withdraw its members from the commission.

The commission may study the issues of health care regulation of particular concern to the member states, such as the elimination of interstate barriers to the provision of health care. After consideration, the commission may make non-binding recommendations to the member states.

The commission shall also collect information and data to assist the member states in the regulation of health care, including assessing the performance of various state health care programs and compiling information on the cost of health care. The commission shall make this information and data available to the legislature of the member states.

The compact shall be effective upon its adoption by at least two member states and consent of the United States Congress.

This act is identical to SB 367(2011).

ADRIANE CROUSE

SPONSOR: Burlison

HANDLER: Stouffer

CCS/SS/SCS/HCS/HB 430 - This act modifies various provisions relating to the regulation of transportation.

USE OF PUBLIC STREETS - This act requires a municipality to allow at least one street, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system (section 304.120). The act also prohibits any civil action for a public or private

SPONSOR: Burlison

HANDLER: Stouffer

nuisance on the basis of an individual or business entity legally using a vehicle on a public street or highway (Section 537.293). These provisions may also be found in SB 277 (2011).

REGULATION OF HOUSEHOLD GOODS MOVERS - This act modifies provisions relating to the regulation of household goods movers. These provisions are similar to the ones contained in SB 58 (2011).

Under the terms of this act, household goods movers will no longer have to file their schedule of rates, fares and charges with the state highways and transportation commission. A household goods mover must maintain and publish its schedules of rates, fares, rules, and charges in its stations and offices. Such rates shall be available for inspection by the commission, shippers, and the public (Sections 387.040 and 387.050).

This act prohibits household goods movers from participating in joint tariffs. The act allows joint tariffs relating to the transportation of household goods over through routes or in interline service involving two or more separate motor carriers. Carriers of household goods participating in through routes or interline service shall publish joint tariffs or individual tariffs for each participating carrier (no longer have to file joint tariffs with the commission). In addition, household goods movers will no longer be required to file sworn copies of every contract with other motor carriers with the commission (Sections 387.080 and 390.116).

Under current law, household goods carriers are prohibited from using schedules of rates that divide the state into territorial rate areas. This act removes this restriction (Section 387.110).

Under the terms of this act, the commission no longer has the authority to fix rates with reference to the transportation of household goods. Rates published by household goods movers are presumed to prima facie lawful (Section 387.207)

Under this act, all rate orders issued by the commission affecting the transportation of household goods, to the extent such rate orders prescribe any minimum or maximum rates for the transportation of such goods, shall be vacated. Other provisions contained in the rate orders unrelated to prescribing maximum or minimum rates shall not be vacated (Section 387.355).

The act eliminates the requirement that household goods or non charter passenger carriers demonstrate that their proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. Concomitantly, applicants for household goods or passenger certificates or permits will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods or passenger certificate of authority or permit will have to show that they are fit, willing, and able to perform the service, and that they will conform to other standards established by law.

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

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

The act further provides that nothing contained in the provisions of sections 390.051 to 390.116 shall be



SPONSOR: Burlison

HANDLER: Stouffer

construed to exempt or to alter the obligation of compliance by carriers transporting passengers point-to-point within the regional taxicab district of St. Louis (Section 390.280).

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

This act requires the commission to establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce (Section 387.137 ).

This act requires the Division of Motor Carriers to develop a complaint process. The complaint process shall keep a record for each complaint and shall record findings made at each step of the complaint process, provide an explanation for a complaint dismissal, and provide other information (Section 387.139).

The household good mover provisions may also be found in SB 58 (2011).

**NATIONAL WILD TURKEY FEDERATION SPECIAL LICENSE PLATE** - This act allows for a special license plate for a member of the National Wild Turkey Federation. To obtain the plate, a person must submit an application to the director accompanied by an emblem-use authorization statement along with an additional \$15 fee. Any person who was previously issued a federation plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the federation's emblem (Section 301.4036).

**NRA SPECIALIZED LICENSE PLATES** - This act allows any member of the National Rifle Association to obtain a specialized license plate bearing the organization's official emblem after paying a \$25 emblem-use fee to the NRA, a specialized plate of \$15 to the department of revenue, and the payment of regular registration fees (Section 1).

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

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

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

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

The intoxication-related offenses provisions are also contained in SS/SCS/SB 254 (2011).

**HIGHWAY DESIGN-BUILD CONTRACTS** - This act authorizes the state Highways and Transportation Commission to enter into an additional design-build contract for the improvement of the bridge on US40/I-64 located in St. Louis County and St. Charles County (Daniel Boone Bridge). The act also extends the sunset date for the commission to enter into design-build project contracts. Under current law, the commission's authority to enter into design-build projects expires on July 1, 2012. This act extends the date to July 1, 2018 (Section 227.107). The act also limits the total amount of design-build contracts awarded by the commission in any state fiscal year to no more than 2% of the total number of all state highway system projects awarded to contracts for construction from projects listed in the commission's approved statewide transportation improvement project for that state fiscal year. A similar provision is also contained in the perfected version of SB 133 (2011).

**RECREATIONAL OFF-HIGHWAY VEHICLE** - The act modifies the definition of recreational off-highway vehicle by increasing its maximum width from 60" to 64" (Section 301.010).

**BI-STATE FARE EVASION** - This act requires persons convicted of failing to pay a fare for the use of Bi-State Development Agency facilities and conveyances to reimburse the reasonable costs attributable to the enforcement, investigation and prosecution of such offense to the agency (Section 70.441). This provision is also contained in SB 347 and HB 857 (2011).

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

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

1) CDLIS driver record;

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- 2) CDLIS motor vehicle record;
- 3) Commercial driver's license downgrade;
- 4) Driver applicant;
- 5) Employee;
- 6) Endorsement;
- 7) Foreign;
- 8) Medical examiner;
- 9) Medical variance (section 302.700). This provision is also contained in HCS/HB 818 (2011).

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

PROOF OF PAYMENT OF PROPERTY TAXES IN ORDER TO MOVE MANUFACTURED HOME - This act prohibits the issuance of oversize permits to manufactured home owners unless the owners pay all applicable property taxes on the manufactured homes. The owner of the manufactured home must obtain a property tax receipt from the county collector prior to obtaining a permit to transport the home (Section 304.200). A similar provision is also contained in HCS/SS/SCS/SB 58 (2011).

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT - This act modifies the Senate membership of the Joint Committee on Transportation Oversight so that Senate membership shall be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the senate bears to the total membership of the senate. The act also requires the annual MoDOT report to be submitted no later than December 31st of each year (rather than November 10th) and requires the hearing on the report to be held no later than February 15th of each year (rather than December 1st)(Section 21.795).

LIVESTOCK HIGHWAY WEIGHT EXCEPTION - Under current law, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, 85,500 pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65 and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36. This act expands the 85,500 pound livestock exception on U.S. Highway 36 from St. Joseph to U.S. Highway 63, and applies the extended weight limitation on U.S. Highway 63 from U.S. Highway 36 to the Iowa state line (Section 304.180)(SA 2).

MAINTENANCE OF RECORDS BY CERTAIN MOTOR VEHICLE DEALERS - Under this act, a wholesale motor vehicle dealer that maintains an inventory of historic and non-historic motor vehicles in one licensed location, none of which are encumbered by a security interest, with an insured value in excess of \$10,000,000, and sells or offers to sell motor vehicles primarily through public motor vehicle auctions or wholesale motor vehicle auctions shall be exempt from maintaining records at their licensed place of business as long as the records are maintained and available for inspection at another office site. The provision also exempts such wholesale dealers from maintaining or posting minimum hours of operation.

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The act defines "primarily" as 90% or more of the dealer's sales by dollar amount, in each calendar year, are through public motor vehicle auctions or wholesale motor vehicle auctions. The act establishes similar record keeping standards for new motor vehicle franchise dealers (Section 301.560).

INSPECTION OF SALVAGE POOL OPERATOR PREMISES - Under the terms of this act, representatives from the Department of Revenue may inspect the premises of salvage pool operators (Section 301.225).

FRAUDULENT PROCUREMENT OF TITLE, PLATES, ETC. - Under this act, if the Director of Revenue or a peace officer has probable cause to believe that a person has obtained a title, license plate, or license plate tab in a fraudulent manner, the person must surrender such items. Failure to surrender such items shall constitute a Class A misdemeanor (Section 301.425).

STAGGERING OF DEALER LICENSES -DEALER BIENNIAL REGISTRATIONS - This act authorizes the director to issue a dealer's license valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload (Section 301.559).

PROCEDURE FOR REVOKING OR SUSPENDING A MOTOR VEHICLE DEALER'S LICENSE - The act provides that if a motor vehicle dealer who has his or her license suspended refuses to surrender his license and distinctive number license plates, then the department may direct a law enforcement officer to secure possession of the items.

The act establishes a new administrative procedure for revoking or suspending a motor vehicle dealer license in situations that are deemed to present a clear and present danger to the public welfare. For example, the director may suspend or revoke a dealer license under the new procedure if the dealer allows a corporate surety bond or irrevocable letter of credit to expire or be revoked without submitting replacement coverage. Alternatively, the failure to maintain a bona fide established place of business constitutes a ground for suspension or revocation. Suspension or revocation of a license under these grounds shall be administratively processed by the department through evidentiary hearings held by the director or the director's designated agent (the procedure foregoes the administrative hearing commission process established for other types of offenses). The act sets forth the administrative procedure and notice requirements for the suspension or revocation of a license (Section 301.562).

BIENNIAL REGISTRATION OPTION FOR LARGER VEHICLES - This act expands the number of commercial motor vehicle owners who will have the option of biennially registering their commercial motor vehicle. Under current law, the director may provide owners of motor vehicles, other than commercial motor vehicles licensed in excess of 12,000 pounds gross weight, the option of biennially registering motor vehicles. This act provides this option to owners of motor vehicles, other than commercial motor vehicles licensed in excess of 54,000 pounds (Section 301.147). This provision shall become effective July 1, 2012.

LAND RECLAMATION AND CERTAIN PERMITS PROHIBITED - This act provides that the land reclamation commission and the department of natural resources shall not issue any mining, air conservation, or water pollution permit to any person whose mine plan boundary is within 1,000 feet of a real property where an accredited school has been located for at least 5 years prior to the application of such permits. The provisions of this section shall not apply to any request for an expansion to an existing mine or to any underground mining operation (Section 444.771).

INCREASES PENALTIES FOR MOVING VIOLATIONS AND TRAFFIC OFFENSES OCCURRING WITHIN AN ACTIVE EMERGENCY ZONE - This act increases penalties for moving violations and traffic offenses occurring within an active emergency zone. Such a zone is defined under this act as an area that is visibly marked by emergency responders on, or around, a highway, and where an active emergency or incident removal is temporarily occurring.

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

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

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

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

When no injury or death results, a person who pleads guilty to, or is convicted of, endangering an emergency responder shall be subject to a fine of not more than \$1,000. If a death or injury results, the person commits aggravated endangerment of an emergency responder. The penalty for aggravated endangerment of an emergency responder is a fine of not more than \$5,000 if a responder is injured, and not more than \$10,000 if death resulted. The act provides for the assessment of 4 points for endangerment of an emergency responder and 12 points for aggravated endangerment of an emergency responder. If a person commits endangerment or aggravated endangerment of an emergency responder as a result of a vehicle's mechanical failure or the negligence of another person, then the person shall not be cited for, or convicted of, such offenses. This section is similar to provisions of SCS/SB 260 (2011), HCS/SCS/SB 887 (2010), HCS/HB 1541 (2010), and HB 1693 (2010)(sections 302.302, 304.890, 304.892, and 304.894)(SA 9).

**BREAST CANCER AWARENESS PLATES** - Under current law, to obtain a Breast Cancer Awareness special license plate, a person must pay a \$25 emblem-use authorization fee to the Friends of the Missouri Women's Council and submit to the director of the Department of Revenue an application along with an emblem-use authorization statement issued by the council. This act requires the emblem-use authorization fee to be paid to the newly established Breast Cancer Awareness Fund. The act further replaces the words "MISSOURI WOMEN'S COUNCIL" with "BREAST CANCER AWARENESS" on the special license plate (Section 301.3084)(SA 12).

**LOCAL CONTROL VIS-À-VIS OUTDOOR ADVERTISING REGULATIONS** - Under this act, local regulations relating to billboard size, height, lighting, and spacing may be more restrictive than state law standards provided such local regulations allow for customary usage and comply with the intent of state law. Local regulations may not prohibit off-premise outdoor advertising structures on commercial or

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industrial property within 660 feet of federal aid primary or interstate highways. As used in this act, the term "prohibit" shall only mean an absolute prohibition of outdoor advertising, and shall not be interpreted as limiting local authorities' discretion in determining appropriate size, height, lighting, and spacing provisions, or in determining appropriate zoning districts for outdoor advertising or imposing other regulations deemed necessary by the local authorities (section 226.540). A provision similar to this may be found in SB 120 (2011).

**RESETTING OF BILLBOARDS DURING PERIODS OF HIGHWAY CONSTRUCTION** - Under this act, on the date the commission approves funding for any phase or portion of construction or reconstruction of any street or highway, the rules in effect for outdoor advertising on August 27, 1999, shall be reinstated for that section of highway scheduled for construction and there shall immediately be a moratorium imposed on the issuance of state sign permits for new sign structures. Owners of existing signs which meet the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement and who voluntarily execute a partial waiver and reset agreement may reset such signs on the same or adjoining property (subsection 3). Such reset agreements shall be contingent upon obtaining any required local approval to reset the sign structure. Any sign which has been reset must still comply with the August 27, 1999 outdoor advertising regulations after it has been reset. Owners of existing signs who elect to reset qualifying signs shall receive compensation representing the actual cost to reset the existing sign. Signs which have been reset under the act must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure. Sign owners may elect to reset existing qualifying signs by executing a partial waiver and reset agreement with the commission. Upon the completion of construction on any section of highway, the moratorium on new permits shall be lifted and the rules for outdoor advertising in effect on the date the construction is completed shall apply to such section of highway. Local zoning authorities may prohibit the resetting of qualifying signs which fail to comply with local regulations. The act requires all signs to be subject to biennial inspection fees (Section 226.541). This section is also contained in SB 120 (2011).

STEPHEN WITTE

SPONSOR: Franz

HANDLER: Justus

SS/SCS/HCS/HB 431 - This act modifies provisions relating to foster care and adoption promotion.

**TASK FORCE ON FOSTER CARE RECRUITMENT, LICENSING AND RETENTION**

The Children's Division within the Department of Social Services shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, 2011, and provide copies of the report to the General Assembly and to the governor. (Section 210.112)

This identical provision is contained in SS/SCS/HCS/HB 604 (2011).

**FOSTER CARE PLACEMENT**

This act establishes the following order or preference for placement of a child in foster care:

- (1) Grandparents and relatives;
- (2) A trusted adult that has a preexisting relationship with the child, such as a godparent, teacher, neighbor who voluntarily agrees to care for the child; and
- (3) Any foster parent who is currently licensed and capable of accepting placement of a child.

SPONSOR: Franz

HANDLER: Justus

Any person receiving a preference may be licensed in an expedited manner if a child is placed under the person's care. (Section 210.565.3 and 8)

This identical provision is contained in SS/SCS/HCS/HB 604 (2011).

#### SIBLING PLACEMENT

The Children's Division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any siblings. If siblings are not placed together, the division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being. (Sections 210.565.5)

This identical provision is contained in SS/SCS/HCS/HB 604 (2011).

#### MISSOURI STATE FOSTER CARE AND ADOPTION BOARD

The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the department. The board shall draft and provide an independent review of the policies and procedures of the division related to the provision of foster care and adoption in Missouri. The board shall determine the nature and content of in-service training which shall be provided to foster and adoptive parents from each of the division's seven areas. Area members shall be appointed by the Governor, with the advice and consent of the Senate, from recommendations by regional foster care and adoption boards or other similar entities. Statewide foster care and adoption association representatives shall be voting members of the board.

The board shall annually provide the Director of the Department of Social Services, Governor, Office of the Child Advocate, and upon request, members of the General Assembly a written request of its activities. (Section 210.617)

This identical provision is contained in SS/SCS/HCS/HB 604 (2011).

#### FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND

This act creates the Foster Care and Adoptive Recruitment and Retention Fund. The fund shall consist of all gifts, donations, transfers, and moneys appropriated by the General Assembly. The fund shall be administered by the newly established Foster Care and Adoptive Parents Recruitment and Retention Fund Board within the Department of Social Services. The terms and members of the fund board are prescribed in the act.

Moneys in the fund shall be used to grant awards to licensed community-based foster care and adoption recruitment programs. The board shall establish guidelines for disbursement of the fund to evidence-based foster care and adoption programs.

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

The provisions of this act will automatically sunset six years from the effective date of the act. (Section 143.1015, 453.600)

This identical provision is contained in SS/SCS/HCS/HB 604 (2011).

ADRIANE CROUSE

SPONSOR: Loehner

HANDLER: Brown

SPONSOR: Loehner

HANDLER: Brown

CCS/SS/HB 458 - This act modifies provisions relating to agriculture.

#### SECTIONS 144.030 - SALES TAX EXEMPTIONS

This act creates state and local sales and use tax exemptions for: freight charges for agricultural-related items; "accessories" for farm machinery and equipment; and rotary mowers that are used exclusively for agricultural purposes.

#### SECTION 262.815 - MISSOURI FARMLAND TRUST

The act creates the Missouri Farmland Trust. The Department of Agriculture is authorized to accept or acquire farmland in the state for the purpose of leasing the land to beginning farmers.

The act creates the Missouri Farmland Trust Advisory Board, which is made up of 5 persons appointed by the director of the Department of Agriculture. The board will provide recommendations to the Department of Agriculture on the farmland trust program, including applicants for land to be placed within the trust program and applicants to lease the farmland.

The Department of Agriculture shall administer a fund called the Missouri Farmland Trust Fund, created by the act. Monies from the fund may be used to make payments to counties in lieu of property taxes and to improve or maintain the land in the farmland trust.

Persons who donate land to the trust or who lease land from the trust must release the state and its employees from liability for injury, death or property damage that may result from participation in the program.

This section is similar to SB 992 (2010) and HB 2224 (2010).

#### SECTIONS 263.190 to 263.240 - NOXIOUS WEEDS

Under current law, all landowners are required to control the growth and spread of the plants musk thistle, scotch thistle, and canada thistle. Additionally under current law, where a landowner does not control the thistle, the county commission has a duty to enter upon the property in order to control the thistle. This act expands these requirements to apply not only to the thistles, but to all plants that are designated by rule as a "noxious weed" by the Department of Agriculture. The act requires the department to maintain a list of all noxious weeds and make the list available to the public.

The act prohibits the sale of noxious weeds.

The act repeals the provisions of law that apply specifically to the following plants: multiflora rose, field bindweed, cut-leaved teasel, common teasel, kudzu, spotted knapweed, purple loosestrife, and Johnson grass.

These sections are similar to SB 336 (2011) and HB 653 (2011).

#### SECTION 268.121 - LIVESTOCK BRAND BOOK

Under current law, the Department of Agriculture must publish a book of all livestock brands on record and must send copies of the book to all county recorders of deeds, livestock markets, and slaughter plants. This act removes the requirement that the Department must publish the list of brands in book form, and instead requires the Department to make the list available to the public on the Internet. The act also removes the requirement that the Department send a book to the counties, livestock markets, and slaughter plants.

This section is identical to SB 337 (2011).

#### SECTIONS 276.401 TO 276.441 - GRAIN DEALERS



SPONSOR: Loehner

HANDLER: Brown

Under current law, a farmer who purchases less than \$100,000 worth of grain for his or her own farming purposes is not considered a grain dealer. The act modifies the threshold to 50,000 bushels of grain instead of \$100,000 worth of grain.

The act requires that all licensed grain dealers or applicants for a grain dealer license must maintain a minimum net worth of 5% of the total amount of grain purchased in the previous fiscal year. Additionally, all licensed grain dealers and applicants must maintain current assets at least equal to current liabilities and the act specifies certain requirements related to the determination of assets and liabilities.

The act raises the minimum surety bond requirement for licensed grain dealers from \$20,000 to \$50,000 and raises the maximum from \$300,000 to \$600,000. The act modifies the formula for determining the amount of surety bond required by specifying that the amount shall be equal to 2% of the dealer's previous year's grain purchases, instead of within a range of between 1% and 5% of such purchases. The act repeals the section of law that allows a grain dealer who has purchased less than \$400,000 of grain the previous year to satisfy the bond requirement by filing bonds at the rate of \$1,000 per \$20,000 worth of grain purchased.

These sections are almost identical to SCS/SB 356 (2011).

#### SECTION 411.280 - GRAIN WAREHOUSES

Under current law, the owner of a licensed grain warehouse must maintain a net worth equal to 15 cents per bushel of storage capacity. The act increases the multiplication factor from 15 cents to 25 cents.

This section is identical to SCS/SB 356 (2011).

#### SECTION 442.014 - CONSERVATION EASEMENTS

The act creates the Private Landowner Protection Act.

Conservation easements, which are easements designed to preserve open space or to protect natural or cultural resources on land, may be created, conveyed, terminated, and modified in the same manner as other types of easements. Conservation easements must be accepted and recorded by the holder before any right or duty arises from the easement. Conservation easements shall exist in perpetuity unless the easement specifies otherwise.

Conservation easements do not affect an interest in real property unless the real property owner is a party to the easement or otherwise consents.

Actions affecting a conservation easement may be brought by a landowner, the easement holder, a third-party that holds a right of enforcement as designated in the easement, or by any other person authorized by law. The act does not affect the power of a court to modify or terminate a conservation easement.

Conservation easements are valid even though they may have certain characteristics as specified in the act. The act does not invalidate any other type of lawful interest as a covenant, equitable servitude, restriction, or other easement.

This section is identical to the same provision as passed in TAT/SS/SCS/HCS/HB 89 (2011) and similar to HCS/HB 597 (2011) and SB 119 (2011).

ERIKA JAQUES

SPONSOR: McNary

HANDLER: Wasson

SPONSOR: McNary

HANDLER: Wasson

SCS/HCS/HB 464 - This act eliminates, combines, and revises certain state boards, commissions, committees, and councils.

#### GOVERNOR'S COUNCIL ON DISABILITY

(Section 8.650, 37.735, 37.740, 37.745, 162.1000, 286.001, 286.005, 286.200, 286.205, 286.210)

This act codifies the assignment of the Governor's Council on Disability to the Office of Administration from the Department of Labor and Industrial Relations.

#### WORKERS MEMORIAL COMMITTEE

(Section 8.900)

This act eliminates the Workers Memorial Committee, which was to organize a design competition for a memorial on the grounds of the capitol.

#### JOINT COMMITTEE ON WETLANDS

(Section 21.475)

This act eliminates the Joint Committee on Wetlands.

#### JOINT COMMITTEE ON COUNTY SALARIES

(Section 21.780)

This act eliminates the Joint Committee on County Salaries, which is required to review county salaries every ten years.

#### MISSOURI COMMUNITY SERVICE COMMISSION

(Sections 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 620.580, 620.582, 620.584, 620.586, 620.588, 620.590, 620.592)

This act codifies the assignment of the Missouri Community Service Commission to the Department of Economic Development. Also, currently, the Missouri Community Service Commission is required to have at least fifteen, but no more than twenty-five voting members. This act reduces the total possible number of voting members to nineteen.

#### MULTISTATE TAX COMPACT ADVISORY COMMITTEE

(Sections 32.250, 32.260)

This act eliminates the Multistate Tax Compact Advisory Committee.

#### BOARD OF COMMISSIONERS OF TOWER GROVE PARK

(Section 90.101)

Despite other laws to the contrary, this provision authorizes the board of commissioners of Tower Grove Park to adjust the size of its membership with the approval of a majority of the board members.

#### MISSOURI STATE EMPLOYEES' VOLUNTARY LIFE INSURANCE COMMISSION

(Sections 105.1006, 105.1010, 105.1012)

This act allows the Commissioner of Administration to administer the Missouri State Employees Voluntary Life Insurance Fund and eliminates the five member Missouri State Employees Voluntary Life Insurance Commission that previously administered the fund.

#### MISSOURI HEAD INJURY ADVISORY COUNCIL

(Sections 162.1000, 190.176, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 304.028)

SPONSOR: McNary

HANDLER: Wasson

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

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

These sections are similar to SB 908 (2010).

#### JOINT COMMITTEE ON URBAN VOLUNTARY SCHOOL TRANSFER PROGRAMS

(Section 162.1060)

This act eliminates the Joint Committee on Urban Voluntary School Transfer Programs.

#### MISSOURI STATE ADVISORY COUNCIL ON PAIN AND SYMPTOM MANAGEMENT

(Sections 192.350, 192.352, 192.355)

This act eliminates the Missouri State Advisory Council on Pain and Symptom Management within the Department of Health and Senior Services.

#### MISSOURI ACCESS TO HIGHER EDUCATION TRUST BOARD

(Section 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242)

This act repeals the Missouri Access to Higher Education Trust and the ten member board of directors established to govern the trust. The trust was authorized to contract with individuals to provide for the advance payment of tuition for beneficiaries to attend any of the state institutions of higher education.

#### MO RX PLAN ADVISORY COMMISSION

(Sections 208.175, 208.792)

This act eliminates the MO Rx Plan Advisory Commission, which provided advice on the benefit design and operational policy of the Missouri Rx plan. The Drug Utilization Review Board is given the power to provide advice on guidelines, policies, and procedures of the Missouri Rx plan.

#### MO HEALTHNET OVERSIGHT COMMITTEE

(Sections 208.195, 208.955)

This act eliminates the advisory committee appointed by the director of the Division of Family Services to provide technical advice regarding medical care for public assistance recipients and makes the MO Healthnet Oversight Committee serve as the medical care advisory committee to the Medicaid director. This act also eliminates the Comprehensive Entry Point System for Long-term Care Subcommittee of the MO Healthnet Oversight Committee.

The act also modifies the membership of the MO Healthnet Oversight Committee, so that instead of the current two patient advocates, the committee will include one mental health professional and one nurse.

SPONSOR: McNary

HANDLER: Wasson

**COORDINATING COUNCIL ON SPECIAL TRANSPORTATION**  
(Section 208.275)

This act reduces the number of members of the Coordinating Council on Special Transportation within the Department of Transportation by eliminating the four legislative members of the council. The council shall expire on December 31, 2014.

**MISSOURI CHILDREN'S SERVICES COMMISSION**  
(Sections 210.101, 210.105)

This act modifies the membership of the Missouri Children's Services Commission. One of the two judges on the commission, and four of the legislative members are eliminated. Representatives from the departments of higher education and corrections are added to the commission.

This act also establishes a 18-member Missouri Task Force on Prematurity and Infant Mortality within the Children's Services Commission to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates. The task force shall also issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including recommendations on public policy for consideration during the next appropriate session of the general assembly. On or before December 31, 2013, the task force shall submit a report to the Governor and the General Assembly with their findings.

Six of the 18 members shall be members of the General Assembly with two members appointed by the Speaker of the House of Representatives, one by the Minority Leader of the House of Representatives, two by the President Pro Tem of the Senate, and one by the Minority Leader of the Senate. The task force shall meet initially by October 15, 2011, and at least quarterly thereafter.

The task force shall expire January 1, 2015, or upon the submission of a final report, whichever is earlier.

This provision is similar to a provision in SCS/HCS/HB 562 (2011).

**LOW-LEVEL RADIOACTIVE WASTE COMPACT ADVISORY COMMITTEE**  
(Sections 260.372, 260.705, 260.720, 260.725, 260.735)

The Low-Level Radioactive Waste Compact Advisory Committee is eliminated and the Hazardous Waste Management Commission within the Department of Natural Resources will assume the duties of the committee.

**MOTORCYCLE SAFETY PROGRAM ADVISORY COMMITTEE**  
(Section 302.136)

This act eliminates the Motorcycle Safety Program Advisory Committee which was established in the Department of Public Safety to assist in the development and implementation of the motorcycle safety program.

**MISSOURI FIRE EDUCATION TRUST FUND BOARD, MISSOURI FIRE EDUCATION COMMISSION, AND MISSOURI FIRE SAFETY ADVISORY BOARD**  
(Section 320.094, 320.205)

This act eliminates the seven member Missouri Fire Education Trust Board that administered the Missouri Fire Education Trust Fund. The act also eliminates the requirement that money be distributed to the Fire Education Trust Fund from the Fire Education Fund, before money in the Fire Education Fund can be appropriated to the Division of Fire Safety.

The act also eliminates the six member Missouri Fire Safety Advisory Board who advised the State Fire Marshal.

SPONSOR: McNary

HANDLER: Wasson

The act adds four members to the Missouri Fire Education Commission and renames it the Missouri Fire Safety Education/Advisory Commission. This new commission shall administer the Missouri Fire Education Trust Fund.

#### BOARD OF LICENSED PRIVATE FIRE INVESTIGATOR EXAMINERS AND BOARD OF PRIVATE INVESTIGATOR EXAMINERS

(Sections 324.600, 342.603, 324.606, 324.608, 324.612, 324.615, 324.618, 324.621, 324.624, 324.627, 324.630, 324.635, 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140 and 324.1144)

This act eliminates the Board of Licensed Private Fire Investigator Examiners and the Board of Private Investigator Examiners. The new Board of Private Investigator and Private Fire Investigator Examiners will carry out the duties and powers of these boards. The new board's responsibilities with regard to fire investigators will not take effect until the governor appoints the fire investigator members and the appointments are confirmed by the senate. The members serving on the Board of Private Investigator Examiners shall continue to serve on the new board and the new board will have two additional members who have been actively engaged in private fire investigations for the previous five years.

The act also requires private fire investigator agencies to be licensed by the board and merges the two board's licensing statutes.

The act modifies the requirements for licensing as a private fire investigator. Applicants for licensing as a private fire investigator will not be required to successfully complete a course of training and pass a written examination, instead the applicant would provide evidence that they are certified as a fire investigator by the division of fire safety. The act also adds an exemption from licensing for fire instructors certified by the division of fire safety while the instructor is providing instruction, unless that instruction includes conducting an on-site investigation.

The act repeals the provision of law that requires the board of private investigator examiners to license individuals who are qualified to train private investigators.

#### DENTAL BOARD AND BOARD OF REGISTRATION FOR THE HEALING ARTS

(Sections 332.021 and 334.120)

Currently, the Governor is required to choose members of the Missouri Dental Board and the state Board of Registration for the Healing Arts from lists of names submitted by the director of the Division of Professional Registration. When the member to be appointed to the board is a dentist or doctor, this act requires that the lists include the names of dentists or doctors recommend to the director by the Missouri Dental Association, the Missouri State Medical Association, or the Missouri Association of Osteopathic Physicians and Surgeons, as the case may be. The act specifies that these lists are public records available for inspection and copying.

#### MISSOURI BOARD OF NURSING HOME ADMINISTRATORS

(Sections 344.060, 344.105, 344.108, 660.010)

Currently, the director of the Department of Health and Senior Services appoints the members of the Missouri Board of Nursing Home Administrators. This act gives the governor the authority to appoint the members of the Missouri Board of Nursing Home Administrators, with the advice and consent of the Senate.

This act also removes language requiring information in the request for retired or inactive status to be given under oath.

SPONSOR: McNary

HANDLER: Wasson

**STATE BANKING AND SAVINGS AND LOAN BOARD**

(Sections 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240)

This act combines the State Banking Board and the State Savings and Loan Commission into the State Banking and Savings and Loan Board. This board will have five members, one attorney, two members with at least five years of bank management experience, one member with at least five years of experience managing a savings and loan association, and one member not involved in the administration of a financial institution. The members shall serve six year terms.

The hearing and appeal procedures for determinations dealing with savings and loan associations will be governed by the hearing and appeal process as it currently exists for state banks.

**SMALL BUSINESS REGULATORY FAIRNESS BOARD**

(Sections 536.310, 536.312)

This act allows the small business regulatory fairness board to hire a one-half full-time and a full-time equivalent employee for clerical support and for a professional position subject to appropriation. Those individuals shall be charged with numerous clerical and administrative tasks in support of the board as are enumerated in the act.

The board may use other appropriated funds for Internet upkeep, information technology, covering mileage costs for members, paying for publications, and outreach costs.

This provision is similar to SB 182 (2011), HB 1101 (2009), and HB 182 (2010).

**MISSOURI SEED CAPITAL INVESTMENT BOARD**

(Sections 620.638, 620.641, 620.644, 620.647, 620.650, 620.653)

This act eliminates the Missouri Seed Capital Investment Board and transfers its duties to the Missouri Technology Corporation.

**SUICIDE PREVENTION ADVISORY COMMITTEE**

(Sections 630.910, 630.915, 632.020)

This act eliminates the Suicide Prevention Advisory Committee within the Department of Mental Health and the requirement that the Department of Mental Health seek funding to participate in the National Violent Death Reporting System. The Missouri Advisory Council for Comprehensive Psychiatric Services is given the responsibility to provide oversight for suicide prevention activities.

**ADVISORY COMMITTEE ON LEAD POISONING**

(Section 701.302)

This act eliminates the Advisory Committee on Lead Poisoning which was required to make recommendations to the Governor and the General Assembly on ways to eliminate and screen for lead poisoning, among other recommendations.

This act is similar to SCS/SB 388 (2011), SB 244 (2011), and SCS/SBs 991 & 645 (2010).

EMILY KALMER

SPONSOR: Wells

HANDLER: Wasson

HCS/HB 465 - This act modifies and updates the law relating to credit unions.

The act updates the credit union statutes to designate the Department of Insurance, Financial Institutions and Professional Registration as the department overseeing credit unions and designates the

SPONSOR: Wells

HANDLER: Wasson

Director of Credit Unions as the head of the Division of Credit Unions.

The director of the Division of Credit Unions and division employees and special agents shall take an oath of confidentiality and are barred from disclosing certain information. Certain exceptions are enumerated. Those individuals, other than the members of the credit union commission, who examine credit unions or make official decisions regarding credit unions shall not be an officer or director of, or receive payment from, a credit union the division regulates.

In the course of an investigation, the director may compel the production of documents and the attendance of persons having knowledge of pertinent issues, administer oaths, and seek enforcement of an administrative subpoena.

Officers, directors, and employees shall not be charged with libel, slander, or defamation for good faith communications with the director or employees of the division.

The act updates the process by which directors, officers, and employees may be removed from office or suspended by the director of the division of credit unions. The director of the division shall deliver a notice of intention to remove or prohibit the party from acting in connection with a credit union stating the grounds for such action and the time and place for a hearing for removal or prohibition. Those suspended or prohibited from participating in the affairs of the credit union may file a stay of such suspension or prohibition in circuit court.

If suspensions cause a lack of a quorum for a board of directors, the board may function under those not suspended. If all the directors are suspended, the director of the division shall appoint temporary directors to take their place.

This act removes a provision of law restricting credit unions from issuing certain loans to directors and credit and supervisory committee members exceeding \$25,000.

The act removes provisions establishing requirements for reserve funds and instead requires credit unions to maintain reserves sufficient to qualify for federal share insurance and satisfy regulations relating to reserve fund requirements.

Currently, notice of a meeting at which a plan for merger is to be submitted shall be as provided in the credit unions bylaws or by letter to shareholders. This act requires notice to be mailed to each member between 14 and 30 days before the meeting. Members may vote remotely by electronic ballot. The same procedures shall be allowed when a state-chartered credit union votes to convert to a federal credit union.

This act is similar to SB 306 (2011).

CHRIS HOGERTY

SPONSOR: Funderburk

HANDLER: Rupp

SS/SCS/HCS/HB's 470 & 429 - Under current law, any person, venue, or entity that pays compensation to a nonresident entertainer or athlete in excess of three hundred dollars, must withhold two percent from such payment as prepayment of the nonresident entertainer and athlete tax. This act exempts not-for-profit entities that receive no benefit from a nonresident entertainer's appearance other than the entertainer's performance from such withholding requirement.

The provisions of this act are identical to those contained in the introduced versions of House Bill 470 (2011).

JASON ZAMKUS

**\*\*\* HB 484 \*\*\***

SPONSOR: Faith

HANDLER: Stouffer

HB 484 - This act establishes the Missouri State Transit Assistance Program to be administered by the Department of Transportation to provide financial assistance to defray the operating and capital costs incurred by public mass transportation providers. The distribution of any appropriated funds to public mass transportation service providers shall be determined by evaluating certain factors of each service provider including population, ridership, cost and efficiency of the program, availability of alternative transportation in the area, and local efforts and tax support (Section 226.195).

STEPHEN WITTE

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**\*\*\* HB 499 \*\*\***

SPONSOR: Wells

HANDLER: Wasson

HB 499 - This act adds licensed professional counselors to the list of health care professionals who can report to the Department of Revenue a person diagnosed as having a disorder or condition that may prevent him or her from driving a motor vehicle in a safe manner. A report from a professional counselor shall provide the director with good cause to believe that the operator may be incompetent or unqualified to retain his or her driver's license and the director may require the person to submit to an examination in order to retain it.

STEPHEN WITTE

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**\*\*\* HB 506 \*\*\***

SPONSOR: Fuhr

HANDLER: Lembke

SCS/HCS/HB 506 - Under current law, political subdivisions that levy different rates on subclasses of real property are required to revise their rates if the amount of revenue derived differs from the amount that would result from using a single rate on all real property. This act would require school districts that levy different rates on subclasses of real property, due to a ballot measure approved by voters prior to January 1, 2011, to revise their tax rates if the amount of revenue derived differs from the amount that would result from using a blended rate on all real property.

This act also allows any political subdivision that approved a tax increase after August 27, 2008, to levy a rate to collect substantially the same amount of tax revenue as would have been collected by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision on or before the election date, increased by the percentage increase in the federal Consumer Price Index.

The act increases the number of years before a newly constructed residential property which has never been occupied is assessed as improved property for property tax purposes from the second year following the year the construction on the home was completed to the fourth year. This provision will apply to those counties, including St. Louis City, in which the governing body has previously adopted or hereafter adopts these provisions.

Currently, the owner of record of real property located within a transportation development district without residents is allowed one vote per acre. This act allows the owner of record of real property located within a district without residents which was formed as a joint establishment to have one vote per acre.

JASON ZAMKUS

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**\*\*\* HB 550 \*\*\***

SPONSOR: Day

HANDLER: Pearce

HB 550 - This act revises the laws regarding the perfection of liens and encumbrances on motor vehicles, trailers, watercraft, and manufactured homes.



SPONSOR: Day

HANDLER: Pearce

Under the terms of the act, the notice of lien on a motor vehicle or trailer is perfected as of the time of its creation if it is delivered within 30 days to the director. If the notice of lien is not delivered within 30 days of its creation, it is perfected at the time of delivery. The notice of lien must contain complete and legible documents including the name and address of the owner and the secured party, a description of the vehicle or trailer, including the vehicle identification number; and any other information as prescribed by the department of revenue. The director must confirm receipt by mail or electronically as soon as possible but no later than 15 business days after the filing of the notice of lien.

Under the terms of the act, when refinancing a loan on a motor vehicle, trailer, outboard motor, watercraft, or manufactured home, a notice of lien, that is completed by the refinancing lender in a prescribed format, is perfected upon delivery to the Director of the Department of Revenue.

STEPHEN WITTE

SPONSOR: Molendorp

HANDLER: Engler

SCS/HCS/HB 552 - This act modifies provisions relating to the treatment of persons with bleeding disorders.

#### BLOOD CLOTTING PRODUCT-RELATED SERVICES UNDER MO HEALTHNET

This act adds blood clotting product-related services to the list of services covered under the MO HealthNet program. (SECTION 208.152)

#### STANDARD OF CARE FOR PERSONS WITH BLEEDING DISORDERS

This act requires the State Board of Pharmacy to establish rules governing the standard of care for pharmacies dispensing blood clotting therapies. The rules shall include when feasible, the standards established by the medical advisory committees of the patient groups representing various bleeding disorders. Such rules shall include safeguards to ensure a pharmacy has the ability to (1) obtain and fill a physician prescription as written of all brands of blood clotting products approved by the federal Food and Drug Administration, (2) ship a prescription within two business days for established patients and within three business days for new patients in nonemergency situations, (3) provide established patients with access to blood clotting products within 12 hours of notification by the physician of the patient's emergent need for blood clotting products, and (4) provide all ancillary infusion equipment and supplies necessary for established patients for administration of blood clotting products.

The rules shall also require pharmacies to (1) have a pharmacist available, onsite or on call, to fill a prescription 24 hours a day, 7 days a week, every day of the year, (2) provide a contact telephone number to a patient to report a delivery problem, (3) notify a patient of a prescription recall or withdrawal within 24 hours of receiving the recall or withdrawal notification, and (4) provide containers and instructions for the proper disposal of waste from blood clotting products under state and federal law.

Pharmacies and pharmacists shall exercise that degree of skill and learning ordinarily exercised by members of their profession in the dispensing and distributing of blood clotting products.

These provisions are contained in HCS/HB 669 (2011).

ADRIANE CROUSE

SPONSOR: Grisamore

HANDLER: Schmitt

SS/SCS/HCS/HB 555 - This act modifies provisions relating to health care policies.

SPONSOR: Grisamore

HANDLER: Schmitt

**DISABILITY HISTORY AND AWARENESS MONTH (SECTION 162.946)**

The school board of each school district may allow schools within the district to annually provide disability history and awareness instruction during the month of October. October will be designated as "Disability History and Awareness Month."

The Department of Elementary and Secondary Education may identify and adopt preliminary guidelines for each school board to use in developing its curriculum. In addition, higher education institutions are encouraged to conduct and promote activities that provide education, understanding, and awareness of individuals with disabilities.

This provision is similar to HCS/HB 556 (2011).

**REFERENCING PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES (VARIOUS SECTIONS IN CHAPTERS 8, 178, 189, 192, 198, 205, 208, 210, 211, 475, 476, 552, 630, 632, and 633)**

This act changes all references of "mentally retarded," "mental retardation," or "handicapped" in current state law to "intellectually disabled," "intellectual disability," "developmentally disabled," "developmental disability" or "disabled" respectively. This act also incorporates People First Language when referring to individuals with intellectual, developmental or other mental health disabilities, conditions or disorders.

This provision is identical to SS/HB 648 (2011) and similar to HCS/HB 579 (2011).

**MO HEALTHNET OVERSIGHT COMMITTEE (SECTION 208.955)**

This act changes the qualifications for service on the MO HealthNet Oversight Committee as it relates to the consumer representative, the four physicians, the dentist, the two patient advocates and the one public member. This act also requires two rather than one, nonphysician health care professionals, with one being a nurse under chapter 335 and one being a mental health professional under chapter 337. The number of members changes from eighteen to nineteen.

Changes to the committee are identical to provisions contained in SS/HB 648 (2011), SCS/HCS/HB 464 (2011), and similar to HB 561 (2011).

**MISSOURI CHILDREN'S SERVICES COMMISSION (SECTION 210.101)**

This act modifies the membership of the Missouri Children's Services Commission. One of the two judges on the commission, and four of the legislative members are eliminated. Representatives from the departments of higher education and corrections are added.

This provision is identical to a provision in SCS/HCS/HB 464 (2011) and similar to a provision in HCS/HB 562 (2011).

**MISSOURI TASK FORCE ON PREMATURITY AND INFANT MORTALITY (Section 210.105)**

This act establishes a 18-member Missouri Task Force on Prematurity and Infant Mortality within the Children's Services Commission to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates. The task force shall also issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including recommendations on public policy for consideration during the next appropriate session of the general assembly. On or before December 31, 2013, the task force shall submit a report to the Governor and the General Assembly with their findings.

Six of the 18 members shall be members of the General Assembly with two members appointed by the Speaker of the House of Representatives, one by the Minority Leader of the House of Representatives, two by the President Pro Tem of the Senate, and one by the Minority Leader of the Senate. The task force shall meet initially by October 15, 2011, and at least quarterly thereafter. The task force shall expire

SPONSOR: Grisamore

HANDLER: Schmitt

January 1, 2015, or upon the submission of a final report, whichever is earlier.

This provision is identical to a provision in SCS/HCS/HB 464 (2011) and similar to a provision in HCS/HB 562 (2011).

**PARENTAL RIGHTS FOR PERSONS WITH DISABILITIES (SECTIONS 210.496, 211.031, 211.447 and 453.070)**

This act specifies that the disability or disease of an individual shall not be the basis for a determination to refuse to issue, suspend, or revoke a foster care license. Disability or disease shall also not constitute a basis for a determination that a prospective adoptive parent is unfit, that a child is in need of care, that it is necessary to remove a child from the custody of a parent, or for the termination of parental rights, without a specific showing that there is a causal relation between the disability and harm to the child.

These provisions are identical to provisions in SS/HB 648 (2011) and SS/SCS/HCS/HB 604 (2011) and similar to SB 134 (2011).

**ACCESSIBLE PARKING AND PARKING LOTS (SECTION 301.143)**

This act requires new parking lots and parking lots being restriped to designate a certain number of lift van only accessible parking spaces with at least one having an access aisle.

This provision is identical to HB 608 (2011).

This act prohibits all new signs erected on or after August 28, 2011, relating to disabled parking, from containing the words "Handicap Parking" or "Handicapped Parking." Such signs may contain requires the words "Accessible Parking".

This provision is identical to HB 560 (2011).

**APPOINTMENT OF MEMBERS TO THE DENTAL BOARD AND BOARD OF HEALING ARTS (SECTIONS 332.021 AND 334.120)**

Currently, the Governor is required to chose members of the Missouri Dental Board and the State Board of Registration for the Healing Arts from lists of names submitted by the director of the Division of Professional Registration. When the member to be appointed to the board is a dentist or doctor, this amendment requires that the lists include the names of dentists or doctors recommend to the director by the Missouri Dental Association, the Missouri State Medical Association, or the Missouri Association of Osteopathic Physicians and Surgeons, as the case may be. The amendment specifies that these lists are public records available for inspection and copying.

These provisions are identical to provisions in SCS/HCS/HB 464 (2011).

**MENTAL HEALTH EARNINGS FUND (SECTIONS 630.053 AND 630.095)**

Subject to appropriations, the proceeds earned from the sale of Mental Health First Aid USA services shall be directed to the Mental Health Earnings Fund. Such proceeds shall be used for the purpose of funding Mental Health First AID USA activities and shall be accounted for separately from all other revenues deposited in the fund.

These provisions are identical to provisions in HCS/SCS/SB 177 (2011) and HCS/HB 557 (2011), SS/HB 648 (2011).

**DEPARTMENT OF MENTAL HEALTH ABUSE AND NEGLECT REPORTS (SECTION 630.167)**

This act updates a statutory reference to reflect that Department of Mental Health investigative reports

SPONSOR: Grisamore

HANDLER: Schmitt

are automatically admissible in any hearing before the Administrative Hearing Commission.

This provision is identical to HCS/SCS/SB 177 (2011) and SS/HB 648 (2011).

ADRIANE CROUSE

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SPONSOR: Grisamore

HANDLER: Brown

HCS/HB 557 - This act provides that subject to appropriations, the proceeds earned from the sale of Mental Health First Aid USA services shall be directed to the Mental Health Earnings Fund. Such proceeds shall be used for the purpose of funding Mental Health First AID USA activities and shall be accounted for separately from all other revenues deposited in the fund.

This act is identical to provisions in SCS/SB 177 (2011).

ADRIANE CROUSE

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SPONSOR: Thomson

HANDLER: Lager

SCS/HCS/HB 578 - The act allows the state or any political subdivision to transfer ownership of scrap tires or tire shred to any Missouri-based company if the cost of the transfer is less than the cost of disposal of the tires, and as long as the company does not put the tires in a landfill or burn them as a fuel source unless the facility has a permit to burn tires. The company must bear the cost of transporting the scrap tires or shred to its facility.

ERIKA JAKUES

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SPONSOR: Lichtenegger

HANDLER: Curls

SCS/HB 591 - This act allows the Missouri Dental Board to issue a limited teaching license to an instructor at an accredited dental school. This limited teaching license only allows the licensee to practice within the accredited dental school programs. Individuals who receive a limited teaching license must meet specified requirements, including providing evidence of passage of an examination of spoken and written proficiency in the English language, but will not be required to have graduated from an accredited dental school.

This act is similar to a provision of HCS/SB 29 (2011) and identical to a provision of HCS/SB 325 (2011).

EMILY KALMER

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SPONSOR: Long

HANDLER: Rupp

**SS/SCS/HCS/HB 604 - PARENTAL RIGHTS FOR PERSONS WITH DISABILITIES**

This act specifies that the disability or disease of an individual shall not be the basis for a determination to refuse to issue, suspend, or revoke a foster care license. Disability or disease shall also not constitute a basis for a determination that a prospective adoptive parent is unfit, that a child is in need of care, that it is necessary to remove a child from the custody of a parent, or for the termination of parental rights, without a specific showing that there is a causal relation between the disability and harm to the child. (Sections 210.496, 211.031, 211.447 and 453.070)

SPONSOR: Long

HANDLER: Rupp

These provisions are identical to provisions in SS/HB 648 (2011) and SS/SCS/HCS/HB 555 (2011) and similar to SB 134 (2011).

#### TASK FORCE ON FOSTER CARE RECRUITMENT, LICENSING AND RETENTION

The Children's Division within the Department of Social Services shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, 2011, and provide copies of the report to the General Assembly and to the Governor. (Section 210.112)

This identical provision is contained in SS/SCS/HCS/HB 431 (2011).

#### FOSTER CARE PLACEMENT

This act establishes the following order or preference for placement of a child in foster care:

- (1) Grandparents and relatives;
- (2) A trusted adult that has a preexisting relationship with the child, such as a godparent, teacher, neighbor who voluntarily agrees to care for the child; and
- (3) Any foster parent who is currently licensed and capable of accepting placement of a child.

Any person receiving a preference may be licensed in an expedited manner if a child is placed under the person's care. (Section 210.565.3 and 8)

This identical provision is contained in SS/SCS/HCS/HB 431 (2011).

#### SIBLING PLACEMENT

The Children's Division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any siblings. If siblings are not placed together, the division shall make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings, unless this interaction would be contrary to a sibling's safety or well-being. (Section 210.565.5)

This identical provision is contained in SS/SCS/HCS/HB 431 (2011).

#### MISSOURI STATE FOSTER CARE AND ADOPTION BOARD

The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the department. The board shall draft and provide an independent review of the policies and procedures of the division related to the provision of foster care and adoption in Missouri. The board shall determine the nature and content of in-service training which shall be provided to foster and adoptive parents from each of the division's seven areas. Area members shall be appointed by the Governor, with the advice and consent of the Senate, from recommendations by regional foster care and adoption boards or other similar entities. Statewide foster care and adoption association representatives shall be voting members of the board.

The board shall annually provide the Director of the Department of Social Services, Governor, Office of the Child Advocate, and upon request, members of the General Assembly a written request of its activities. (Section 210.617)

This identical provision is contained in SS/SCS/HCS/HB 431 (2011).

SPONSOR: Long

HANDLER: Rupp

**FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND**

This act creates the Foster Care and Adoptive Recruitment and Retention Fund. The fund shall consist of all gifts, donations, transfers, and moneys appropriated by the General Assembly. The fund shall be administered by the newly established Foster Care and Adoptive Parents Recruitment and Retention Fund Board within the Department of Social Services. The terms and members of the fund board are prescribed in the act.

Moneys in the fund shall be used to grant awards to licensed community-based foster care and adoption recruitment programs. The board shall establish guidelines for disbursement of the fund to evidence-based foster care and adoption programs.

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

The provisions of this act will automatically sunset six years from the effective date of the act. (Section 143.1015, 453.600)

This identical provision is contained in SS/SCS/HCS/HB 431 (2011).

ADRIANE CROUSE

SPONSOR: Grisamore

HANDLER: Lager

SCS/HCS/HB 631 - This act authorizes a state individual and corporate income tax check-off for the newly created developmental disabilities waiting list equity trust fund. Taxpayers entitled to a refund may designate that at least one dollar on an individual return or two dollars on a combined return of the taxpayer's to be deposited into the fund. Taxpayers that are not entitled to receive an income tax refund may make a donation to the fund by designating an amount and sending separate payment with their income tax return. Moneys in the fund will be used to provide community services and support to people with developmental disabilities and their families who are eligible to receive services, but are on the developmental disabilities waiting list. Moneys in the fund cannot be used to offset other general revenue appropriations.

The act also authorizes a check-off box for the newly created American Red Cross Trust Fund to be added to the individual and corporate income tax forms. A taxpayer may donate to the fund by designating on the form at least one dollar on an individual return or two dollars on a combined return of his or her tax refund amount or by sending a separate check with the payment of his or her taxes.

The provisions of the act will automatically sunset on December 31, 2017, unless reauthorized.

Provisions contained in this act are identical to the provisions of House Bill 286 (2011).

JASON ZAMKUS

SPONSOR: Franz

HANDLER: Goodman

SCS/HCS/HB 641 - This act adds to the list of schedule I controlled substances several forms of stimulants, including "bath salts," and hallucinogenic synthetic cannabinoids. A definition of synthetic cannabinoids is also added to the Comprehensive Drug Control Act of 1989.

Current law provides that an analogue of a controlled substance intended for human consumption shall be treated as a schedule I controlled substance. Under this act, an analogue or homologue of any schedule I controlled substance shall be treated as a schedule I controlled substance.

SPONSOR: Franz

HANDLER: Goodman

This act makes it a Class A misdemeanor to possess 35 grams or less of any synthetic cannabinoid and a Class C felony to possess more than 35 grams.

Cocaine base is added to the types of controlled substances, which, when delivered or distributed near a park by a person, make the act a Class A felony.

This act contains provisions that are similar to HB 551 (2011), HB 572 (2011), and SB 254 (2011).  
MEGHAN LUECKE

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SPONSOR: Montecillo

HANDLER: Rupp

SS#2/HB 648 - This act modifies provisions relating to individuals with disabilities.

REFERENCING PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES (VARIOUS SECTIONS IN CHAPTERS 8, 178, 189, 192, 198, 205, 208, 210, 211, 402, 475, 476, 552, 630, 632, and 633)

This act changes all references of "mentally retarded," "mental retardation," or "handicapped" in current state law to "intellectually disabled," "intellectual disability," "developmentally disabled," "developmental disability" or "disabled" respectively. This act also incorporates People First Language when referring to individuals with intellectual, developmental or other mental health disabilities, conditions or disorders.

These provisions are identical to provisions in SS/SCS/HCS/HB 555 (2011) and similar to provisions in HCS/HB 579 (2011).

MO HEALTHNET OVERSIGHT COMMITTEE (SECTION 208.955)

This act changes the qualifications for service on the MO HealthNet Oversight Committee as it relates to the consumer representative, the four physicians, the dentist, the two patient advocates and the one public member. This act also requires two rather than one, nonphysician health care professionals, with one being a nurse under chapter 335 and one being a mental health professional under chapter 337. The number of members changes from nineteen to twenty.

Changes to the committee are identical to provisions contained in SS/SCS/HB 555 (2011), SCS/HCS/HB 464 (2011), and similar to HB 561 (2011).

PARENTAL RIGHTS FOR PERSONS WITH DISABILITIES (SECTIONS 210.496, 211.031, 211.447 and 453.070)

This act specifies that the disability or disease of an individual shall not be the basis for a determination to refuse to issue, suspend, or revoke a foster care license. Disability or disease shall also not constitute a basis for a determination that a prospective adoptive parent is unfit, that a child is in need of care, that it is necessary to remove a child from the custody of a parent, or for the termination of parental rights, without a specific showing that there is a causal relation between the disability and harm to the child.

These provisions are identical to provisions in SS/SCS/HB 555 (2011), SS/SCS/HCS/HB 604 (2011) and similar to SB 134 (2011).

MENTAL HEALTH EARNINGS FUND (SECTIONS 630.053 AND 630.095)

Subject to appropriations, the proceeds earned from the sale of Mental Health First Aid USA services shall be directed to the Mental Health Earnings Fund. Such proceeds shall be used for the purpose of funding Mental Health First AID USA activities and shall be accounted for separately from all other

SPONSOR: Montecillo

HANDLER: Rupp

revenues deposited in the fund.

These provisions are identical to provisions in HCS/SCS/SB 177 (2011) and HCS/HB 557 (2011), SS/SCS/HCS/HB 555 (2011).

**DEPARTMENT OF MENTAL HEALTH ABUSE AND NEGLECT REPORTS (SECTION 630.167)**

This act updates a statutory reference to reflect that Department of Mental Health investigative reports are automatically admissible in any hearing before the Administrative Hearing Commission.

This provision is identical to HCS/SCS/SB 177 (2011) and SS/SCS/HCS/HB 555 (2011).

ADRIANE CROUSE

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SPONSOR: Wells

HANDLER: Lamping

SCS/HB 661 - Under current law, debt adjusters are authorized to enter debt management plans to alter terms of debt payments by receiving money or property from the debtor to pay creditors. This act modifies the definition of debt adjuster to allow such individuals to enter debt settlement plans to perform debt relief services. Such services include renegotiating, settling, or altering terms of payments. Debt adjusters are no longer required to collect funds from the debtor and deliver them to creditors.

Current law requires a blanket bond of \$100,000. The substitute requires a surety bond of \$50,000 if the licensee declares that the operation will handle no consumer monies and \$100,000 otherwise.

The act requires debt adjusters to disclose certain information to debtors before performing services including the time-frame required for results to be achieved, details relating to settlement offers, and any possible adverse affects to the debtors creditworthiness.

Debt adjusters shall not receive payments until the following:

- the adjuster has renegotiated, settled, reduced, or altered the terms of at least one debt.
- the debtor has made at least one payment pursuant to a plan.
- the payment must either bear the same proportional relationship to the total fee for settling the entire debt balance as the individual debt amount bears to the entire debt amount or be a percentage of the amount saved as a result of settlement.

Debt adjusters may require debtors to place funds in an account to pay administrative fees and for payments to creditors or debt collectors. Debtors may withdraw all funds deposited in accounts for services at any time without penalty.

This act is similar to SB 401 (2011).

CHRIS HOGERTY

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SPONSOR: Leara

HANDLER: Schmitt

SS/SCS/HCS/HB 664 - This act modifies certain provisions of the Firemen's Retirement System of St. Louis and provisions that affect claims by all firefighters for disability or death benefits.

This act modifies provisions that affect claims by firefighters for disability or death benefits. If after five years of service a firefighter's health is impaired due to certain infectious diseases, it will be presumed that this infectious disease was suffered in the line of duty, unless there is evidence to the contrary. Firefighters are required to submit to an annual physical examination, at which a blood test is administered, in order to receive the presumption that the infectious disease was contracted in the line of



SPONSOR: Leara

HANDLER: Schmitt

duty.

The act specifies that the retirement plan of the Firemen's Retirement System of St. Louis is intended to be a qualified governmental plan under federal tax law. The benefits and conditions of the plan shall be interpreted and the system shall be operated to ensure that the system meets the federal qualification requirements.

This act also modifies the service-connected disability benefits for St. Louis City firefighters who retire on or after August 28, 2011. Currently, the service-connected disability benefit is 75 percent of the top pay of the rank the firefighter is at when they are retired. This act makes the service-connected disability benefit vary based on the number of years a person has served as a firefighter. Firefighters will receive a base pension of 25 percent of the compensation provided for the step in the range of salary they hold at the time the firefighter is retired. Those firefighters with 10 or more years of service, but less than 25 years of service, will receive an additional accidental retirement pension benefit calculated by multiplying their years of service by 2 3/4 percent of the step in the range of salary received by the firefighter at the time of their retirement. Those firefighters with more than 20 years of service, but less than 25 years of service have the option to waive the other benefits and receive a benefit that combined with their base pension will equal 65 percent of the compensation then provided for the step in the range of salary received by the firefighter at the time of their retirement. If a firefighter has more than 25 years of service, or is retired based on conditions of the heart, lungs, or cancer, or is unable to perform any other work, as determined by Board of Trustees based on medical evidence, the firefighter will receive a benefit that is equal to 75 percent of the compensation provided for the step in the range of salary they receive at the time of their retirement.

St. Louis City firefighters who are retired based on a service-connected disability on or after August 28, 2011, will have the option at retirement to be reimbursed for tuition at a college, community college, or vocational or technical school. These firefighters must enroll in school at the first opportunity after their retirement. These firefighters will also receive a supplemental disability retirement pension, if they have twenty-five years or less of service, so that their total accidental disability retirement pension will equal to the total compensation provided for the step in the range of salary they received at the time they were retired. This educational reimbursement benefit and the supplemental disability retirement pension benefit shall end when the firefighter is not a full-time student, if the firefighter fails to provide proof of a grade point average of two on a four point scale for each academic term, or returns to service as a firefighter, and will only be available for five years after the firefighter's retirement.

The cost-of-living adjustment for firefighters who are retired based on a service-connected disability on or after August 28, 2011 will be either one percent a year or 2 1/4 percent per year, based on the number of years of service, rather than three percent a year, up to age sixty.

Provisions of this act are identical to some provisions of SS/SCS/HB 282 (2011), and provisions of SS/SB 238 (2011) and similar to SB 273 (2011).

EMILY KALMER

SPONSOR: Carter

HANDLER: Wright-Jones

HB 667 – This act provides that, subject to securing a cooperative agreement with a non-profit entity for funding of the program, two Prostate Cancer Pilot Programs shall be established within the Department of Health and Senior Services. One program shall be in the St. Louis area and one in either Pemiscot, New Madrid, or Dunklin counties. The Department of Health and Senior Services may directly contract with the Missouri Foundation for Health in the delivery of the pilot program. The program shall fund prostate cancer screening and treatment services. The department shall distribute grants to local health departments and federally qualified health centers. This act also requires the program to provide cancer

SPONSOR: Carter

HANDLER: Wright-Jones

screening, referral services, treatment, and outreach and education activities.

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

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

This act is identical to SB 38 (2011).

ADRIANE CROUSE

SPONSOR: Largent

HANDLER: Parson

HB 675 - This act provides that every elected or appointed county coroner, deputy coroner, and assistant to the coroner must complete training program requirements within six months of election or appointment.

This act contains a provision identical to HCS/HB 889 (2011).

MEGHAN LUECKE

SPONSOR: Redmon

HANDLER: Lager

SCS/HB 737 - This act modifies provisions of the enhanced enterprise zone program to allow renewable energy generation zones to be designated as enhanced enterprise zones. Upon designation of a renewable energy generation zone as an enhanced enterprise zone, subsequent locally assessed improvements to real property may, upon adoption of an authorizing resolution or ordinance by the governing authority having jurisdiction over such zone, be exempted from real property taxes for up to twenty-five years. The act prohibits the issuance of enhanced enterprise zone tax credits for facilities that produce or generate electrical energy from a renewable energy resource.

The act also classifies hydroelectric power generating equipment as real property for property tax purposes.

JASON ZAMKUS

SPONSOR: Lasater

HANDLER: Brown

HB 749 - This act designates the month of April as "Child Abuse Prevention Month" in the state of Missouri. The act further recognizes the "blue ribbon" as the official state symbol for child abuse prevention in this state.

JIM ERTLE

SPONSOR: Kelley

HANDLER: Parson

HB 795 - This act designates the second Friday in March of each year as "Missouri School Read-In Day."

JIM ERTLE

SPONSOR: Brown

HANDLER: Lembke

SCS/HB 798, HB 141, HB 153, HCS/HB 363, HB 415, and HB 813 - This act designates various highways and bridges within the state of Missouri after individuals. The act also renames the Heroes Way Interstate Interchange Designation Program to the Heroes Way Interchange Designation Program and expands the program to include state-numbered highway interchanges.

This act designates the portion of Interstate 40/64 in St. Louis County from the Boone's Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the "Missouri State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway" (Section 227.424). This portion of the act is identical to HB 518 (2011).

This act designates a bridge on Theiss Road within St. Louis County as the "Glennon T. Moran Memorial Bridge" (Section 227.426). This portion the act is identical to HB 798 (2011).

This act renames the Heroes Way Interstate Interchange Designation Program to the Heroes Way Interchange Designation Program and expands the program to include state-numbered highway interchanges (Section 227.297) This portion of the act is identical to HB 141 (2011).

This act designates a portion of Highway 8 in St. Francois County as the "Ferlin Huskey Highway" (Section 227.418). This portion of the act is identical to HB 153 (2011).

This act designates a portion of Interstate 44 in the city of St. Louis as the "Officer David Haynes Memorial Highway" (Section 227.420). This portion of the act is identical to HCS/HB 363 (2011).

This act designates a portion of U.S. Highway 67 in Butler County as the "Missouri State Highway Patrol Sergeant David May Memorial Highway" (Section 227.422). This portion of the act is identical to HB 415 (2011).

This act designates a bridge on State Highway E within Wright County as the "Pvt Ova A. Kelley Medal of Honor Memorial Bridge" (Section 227.427). This portion of the act is identical to HB 813 (2011).

This act designates the portion of State Highway 25 in the counties of Dunklin and Stoddard as the "Representative Otto Bean Memorial Highway" (Section 227.429). This portion of the act is identical to HB 895 (2011).

STEPHEN WITTE

SPONSOR: Long

HANDLER: Dempsey

SCS/HB 1008 - Under this act, the State Highways and Transportation Commission may enter into binding highway infrastructure improvement agreements to reimburse or repay, in an amount and in such terms agreed upon by the parties, any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. Such highway infrastructure improvement agreements may provide for the assignment of the State Highways and Transportation Commission's reimbursement or repayment obligations in order to facilitate the funding of such improvements. The funds advanced shall be repaid by the commission from funds from the state

SPONSOR: Long

HANDLER: Dempsey

road fund in a manner, time period, and interest rate agreed to upon by the respective parties. The commission may condition the reimbursement or repayment of such advanced funds upon projected highway revenues only if terms of the contract explicitly state such a condition. The contract shall further provide for a date or dates certain for repayment of funds and the commission may delay repayment of the advanced funds if highway revenues fall below the projections used to determine the repayment schedule, or if repayment would jeopardize the receipt of federal highway moneys, only if terms of the contract state such a condition and the contract provides for a date or dates certain for repayment of funds.

STEPHEN WITTE

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**\*\*\* HCR 37 \*\*\***

SPONSOR: Franklin

HANDLER: Wright-Jones

HCR 37 - This resolution asks the Governor to recognize every third week in June as Diabetic Peripheral Neuropathy Week in Missouri.

This resolution is identical to SCR 11 (2011).

ADRIANE CROUSE

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**\*\*\* HJR 2 \*\*\***

SPONSOR: McGhee

HANDLER: Goodman

HJR 2 - Upon voter approval, this constitutional amendment reaffirms a citizen's right to pray. The amendment specifies that individuals have the right to individual or group prayer in all private or public areas, as long as such prayer does not disturb the peace or disrupt a public meeting or assembly. Prayer on government property is particularly allowed, so long as the prayer abides within the same parameters placed upon any other free speech under similar circumstances.

The amendment also explicitly prohibits the establishment of any official state religion and any state coercion to participate in prayer or other religious activities.

The amendment specifically provides that the general assembly and other governing bodies of political subdivisions may have ministers, clergy persons, and other individuals offer invocations or prayers at meetings or sessions of the general assembly or other governing bodies.

The amendment also provides that students may engage in private and voluntary prayer, acknowledgment of God, or other religious expression, individually or in groups, and express their religious beliefs in school assignments without discrimination based on the religious content of their work. Students shall not be compelled to participate in academic assignments that violate their religious beliefs. All public schools are required to display the Bill of Rights of the United States Constitution.

This section of the constitution shall not be construed to expand the rights of prisoners in state or local custody beyond those afforded by the laws of the United States.

This act is similar to SJR 16 (2011), SJR 31 (2010), SCS/SJR 12 (2009), SS/HJR 11 (2009), HJR 55 (2008), and HJR 19 (2007).

EMILY KALMER