

MISSOURI HOUSE OF REPRESENTATIVES

JIM KREIDER, SPEAKER

**SUMMARIES OF  
TRULY AGREED TO AND FINALLY PASSED BILLS**

MISSOURI GENERAL ASSEMBLY

91ST GENERAL ASSEMBLY

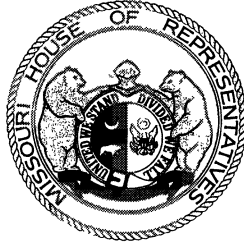
SECOND REGULAR SESSION

2002

Prepared by House Research Staff

OFFICE OF THE SPEAKER

**JIM KREIDER  
SPEAKER**



STATE REPRESENTATIVE  
DISTRICT 142

MISSOURI HOUSE OF REPRESENTATIVES

May 18, 2002

To: Members of the House

From: Speaker Jim Kreider

Attached are summaries of the bills Truly Agreed To and Finally Passed in the session just ended. Additional copies are available from the House Post Office (751-4555) or House Research (751-2979).

You will be mailed a printed booklet of the summaries with an index as soon as it is available.



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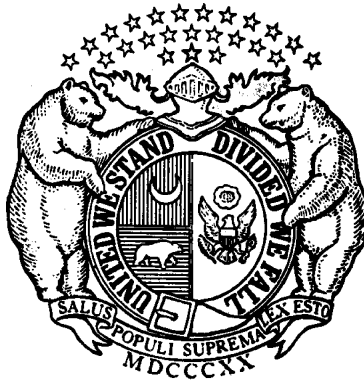
# **TRULY AGREED TO AND FINALLY PASSED**

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## **HOUSE BILLS**

**SECOND SESSION  
91st GENERAL ASSEMBLY**

**2002**



**Prepared by  
House Research Staff**



	<b>FY 2002 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2003 Truly Agreed</b>
HB 1101-Public Debt			
General Revenue	\$ 110,063,279	\$ 109,474,939	\$ 91,989,799
Federal Funds	-	-	-
Other Funds	-	-	19,040,165
TOTAL	<u>\$ 110,063,279</u>	<u>\$ 109,474,939</u>	<u>\$ 111,029,964</u>
F.T.E.	1.40	1.40	1.40

CCS HB 1102-Dept. of Elementary  
& Secondary Education

General Revenue	\$ 2,452,741,627	\$ 2,465,133,041	\$ 2,616,153,489
Federal Funds	783,638,904	872,288,296	880,523,083
Other Funds	1,199,854,698	1,386,481,788	1,151,148,846
TOTAL	<u>\$ 4,436,235,229</u>	<u>\$ 4,723,903,125</u>	<u>\$ 4,647,825,418</u>
F.T.E.	2,027.22	2,049.28	2,079.43

CCS HB 1103 - Dept. of Higher Education

General Revenue	\$ 975,672,485	\$ 878,064,141	\$ 875,992,675
Federal Funds	4,305,047	4,740,638	6,740,637
Other Funds	173,920,490	198,663,394	213,793,894
TOTAL	<u>\$ 1,153,898,022</u>	<u>\$ 1,081,468,173</u>	<u>\$ 1,096,527,206</u>
F.T.E.	96.83	97.83	96.23

CCS HB 1104 - Department of Revenue

General Revenue	\$ 1,141,049,833	\$ 1,190,156,129	\$ 1,187,587,534
Federal Funds	2,530,953	3,479,453	3,479,453
Other Funds	412,896,200	413,247,493	410,145,793
TOTAL	<u>\$ 1,556,476,986</u>	<u>\$ 1,606,883,075</u>	<u>\$ 1,601,212,780</u>
F.T.E.	2,277.88	2,216.88	2,206.77

CCS HB 1104 - Dept. of Transportation

General Revenue	\$ 17,230,184	\$ 1,957,858	\$ 10,812,775
Federal Funds	36,261,496	35,922,296	39,687,886
Other Funds	2,139,873,319	1,672,193,801	1,828,718,801
TOTAL	<u>\$ 2,193,364,999</u>	<u>\$ 1,710,073,955</u>	<u>\$ 1,879,219,462</u>
F.T.E.	6,804.00	6,543.25	6,543.25

CCS HB 1105 - Office of Administration

General Revenue	\$ 557,402,226	\$ 557,342,762	\$ 559,708,048
Federal Funds	108,815,728	124,152,301	127,990,978
Other Funds	185,741,120	139,106,461	119,281,159
TOTAL	<u>\$ 851,959,074</u>	<u>\$ 820,601,524</u>	<u>\$ 806,980,185</u>
F.T.E.	1,106.29	1,107.62	1,085.24

	<b>FY 2002 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2003 Truly Agreed</b>
CCS HB 1106 - Dept. of Agriculture			
General Revenue	\$ 15,333,314	\$ 16,336,108	\$ 15,848,145
Federal Funds	1,656,235	3,263,591	3,263,590
Other Funds	16,065,634	14,299,730	14,259,878
TOTAL	<u>\$ 33,055,183</u>	<u>\$ 33,899,429</u>	<u>\$ 33,371,613</u>
F.T.E.	460.47	469.47	468.34

CCS HB 1106 - Dept. of Natural Resources

General Revenue	\$ 21,857,014	\$ 16,093,644	\$ 15,018,158
Federal Funds	37,016,124	40,538,375	40,635,129
Other Funds	280,274,721	281,109,033	281,948,274
TOTAL	<u>\$ 339,147,859</u>	<u>\$ 337,741,052</u>	<u>\$ 337,601,561</u>
F.T.E.	2,059.84	2,058.34	2,057.74

CCS HB 1106 - Dept. of Conservation

General Revenue	\$ -	\$ -	\$ -
Federal Funds	-	-	-
Other Funds	125,071,345	125,071,345	125,071,345
TOTAL	<u>\$ 125,071,345</u>	<u>\$ 125,071,345</u>	<u>\$ 125,071,345</u>
F.T.E.	1,871.61	1,871.61	1,871.61

CCS HB 1107 - Dept. of Economic Development

General Revenue	\$ 63,581,724	\$ 41,338,957	\$ 44,000,629
Federal Funds	142,648,833	142,574,975	143,580,975
Other Funds	76,019,189	76,889,115	72,658,980
TOTAL	<u>\$ 282,249,746</u>	<u>\$ 260,803,047</u>	<u>\$ 260,240,584</u>
F.T.E.	1,648.04	1,612.04	1,614.73

CCS HB 1107 - Dept. of Insurance

General Revenue	\$ -	\$ -	\$ -
Federal Funds	400,000	450,000	450,000
Other Funds	13,420,847	13,893,680	14,395,291
TOTAL	<u>\$ 13,820,847</u>	<u>\$ 14,343,680</u>	<u>\$ 14,845,291</u>
F.T.E.	226.50	230.00	226.50

CCS HB 1107 - Dept. of Labor & Industrial  
Relations

General Revenue	\$ 4,958,418	\$ 4,384,966	\$ 4,150,741
Federal Funds	67,875,663	67,397,547	67,397,547
Other Funds	51,040,384	58,076,101	57,979,627
TOTAL	<u>\$ 123,874,465</u>	<u>\$ 129,858,614</u>	<u>\$ 129,527,915</u>
F.T.E.	1,315.27	1,310.27	1,309.27

	<b>FY 2002 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2003 Truly Agreed</b>
CCS HB 1108 - Dept. of Public Safety			
General Revenue	\$ 50,879,612	\$ 50,535,258	\$ 46,970,334
Federal Funds	85,140,636	106,239,188	106,641,983
Other Funds	203,086,861	211,861,542	209,137,512
<b>TOTAL</b>	<b>\$ 339,107,109</b>	<b>\$ 368,635,988</b>	<b>\$ 362,749,829</b>
F.T.E.	4,576.05	4,641.26	4,617.39

CCS HB 1109 - Dept. of Corrections

General Revenue	\$ 482,507,741	\$ 519,488,185	\$ 512,349,786
Federal Funds	6,660,949	10,494,829	10,597,219
Other Funds	42,827,457	42,827,457	42,827,457
<b>TOTAL</b>	<b>\$ 531,996,147</b>	<b>\$ 572,810,471</b>	<b>\$ 565,774,462</b>
F.T.E.	10,478.77	10,686.69	10,696.43

CCS HB 1110 - Dept. of Mental Health

General Revenue	\$ 561,040,472	\$ 442,243,626	\$ 525,452,899
Federal Funds	109,865,253	121,115,146	140,809,081
Other Funds	27,375,600	27,125,600	36,861,381
<b>TOTAL</b>	<b>\$ 698,281,325</b>	<b>\$ 590,484,372</b>	<b>\$ 703,123,361</b>
F.T.E.	10,386.04	10,109.82	10,091.61

CCS HB 1110 - Dept. of Health

General Revenue	\$ 103,757,662	\$ 72,722,443	\$ 92,531,192
Federal Funds	302,148,677	296,828,656	314,997,289
Other Funds	77,423,016	126,203,701	102,706,160
<b>TOTAL</b>	<b>\$ 483,329,355</b>	<b>\$ 495,754,800</b>	<b>\$ 510,234,641</b>
F.T.E.	2,154.77	2,189.55	2,233.94

CCS HB 1111 - Dept. of Social Services

General Revenue	\$ 1,217,257,640	\$ 1,172,013,031	\$ 1,071,380,090
Federal Funds	3,793,162,492	4,009,366,770	3,824,502,618
Other Funds	648,355,024	379,157,183	464,698,108
<b>TOTAL</b>	<b>\$ 5,658,775,156</b>	<b>\$ 5,560,536,984</b>	<b>\$ 5,360,580,816</b>
F.T.E.	9,628.78	9,264.43	9,275.27

CCS HB 1112- Elected Officials

General Revenue	\$ 45,659,524	\$ 47,326,468	\$ 44,111,162
Federal Funds	6,731,230	6,721,456	6,802,928
Other Funds	16,162,254	30,331,911	30,386,911
<b>TOTAL</b>	<b>\$ 68,553,008</b>	<b>\$ 84,379,835</b>	<b>\$ 81,301,001</b>
F.T.E.	981.20	989.45	971.12

	<b>FY 2002 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2003 Truly Agreed</b>
CCS HB 1112 - Judiciary			
General Revenue	\$ 144,150,056	\$ 142,787,667	\$ 142,198,592
Federal Funds	12,165,612	15,488,232	15,488,232
Other Funds	5,735,723	5,935,723	5,935,723
TOTAL	<u>\$ 162,051,391</u>	<u>\$ 164,211,622</u>	<u>\$ 163,622,547</u>
F.T.E.	3,411.10	3,422.60	3,428.60

CCS HB 1112 - Public Defender

General Revenue	\$ 29,808,922	\$ 29,808,922	\$ 29,911,634
Federal Funds	125,000	125,000	125,000
Other Funds	1,214,534	1,214,534	1,214,534
TOTAL	<u>\$ 31,148,456</u>	<u>\$ 31,148,456</u>	<u>\$ 31,251,168</u>
F.T.E.	558.13	558.13	560.13

CCS HB 1112 - General Assembly

General Revenue	\$ 36,651,083	\$ 36,651,083	\$ 34,189,085
Federal Funds	-	-	-
Other Funds	620,800	620,800	620,800
TOTAL	<u>\$ 37,271,883</u>	<u>\$ 37,271,883</u>	<u>\$ 34,809,885</u>
F.T.E.	778.75	778.75	740.75

**TOTAL OPERATING BUDGET**

General Revenue	\$ 8,031,602,816	\$ 7,793,859,228	\$ 7,920,356,767
Federal Funds	\$ 5,501,148,832	\$ 5,861,186,749	\$ 5,733,713,628
Other funds	\$ 5,696,979,216	\$ 5,204,310,392	\$ 5,202,830,639
TOTAL	<u>\$ 19,229,730,864</u>	<u>\$ 18,859,356,369</u>	<u>\$ 18,856,901,034</u>
F.T.E.	62,848.94	62,208.67	62,175.75

CCS HB 13 - Statewide Leasing  
Year 2

General Revenue	\$ 28,249,525	\$ 28,249,525
Federal Funds	17,720,754	17,720,754
Other Funds	6,880,739	6,880,739
TOTAL	<u>\$ 52,851,018</u>	<u>\$ 52,851,018</u>

**Governor's  
Recommendation**

**FY 2003  
Truly Agreed**

CCS HB 1115 - Supplemental

General Revenue	\$ 12,266,228	\$ 10,883,612
Federal Funds	111,477,648	135,351,708
Other Funds	28,633,123	25,789,207
TOTAL	<u>\$ 152,376,999</u>	<u>\$ 172,024,527</u>

CCS HB 1120 - Capital Improvements

General Revenue	\$ -	\$ -
Federal Funds	5,807,644	5,807,644
Other Funds	30,000,000	30,000,000
TOTAL	<u>\$ 35,807,644</u>	<u>\$ 35,807,644</u>

SCS HB 1121 - Reappropriations

General Revenue	\$ 6,744,437	\$ 6,744,437
Federal Funds	4,117,340	4,117,340
Other Funds	200,190,343	195,765,875
TOTAL	<u>\$ 211,052,120</u>	<u>\$ 206,627,652</u>

Prepared by House Appropriations Committee Staff  
17-May-02



HB 1032 -- BOARD OF HEALTH

This bill requires that one of the members of the State Board of Health be a licensed chiropractic physician.

CCS SCS HS HCS HB 1037, 1188, 1074 & 1271 -- STATUTE OF LIMITATIONS

This bill eliminates the statute of limitations for forcible rape, attempted forcible rape, and forcible sodomy.

The bill contains an emergency clause.

SS SCS HB 1041 -- TOURISM; REGIONAL TAXICAB COMMISSION; LIQUOR LICENSING

This bill:

- (1) Authorizes the governing body of the cities of Festus and Arnold (Jefferson County) to place a question before the voters regarding imposition of a hotel-motel tax of between 2% and 5% for the promotion of tourism;
- (2) Authorizes an increase to the maximum allowed for a convention tax from 6% to 7% and the food sales tax from 1.75% to 2%. The increases must be approved by the voters of the jurisdiction. The revenue raised will be for the purpose of funding tourism, international trade, and convention facilities;
- (3) Allows cities with a population of less than 1,500 inhabitants which have a tourism tax on transient guests to transfer 40% of their tourism funds into the city's general revenue fund and to transfer 35% into the capital improvements fund, upon voter approval. Under current law, 25% of the funds must be used for tourism marketing and promotional purposes;
- (4) Creates a regional taxicab commission for St. Louis City and St. Louis County. The members of the commission will include representatives of the taxicab industry as well as appointees of the Mayor of St. Louis and the St. Louis County Executive. The commission is responsible for creating and implementing a taxicab code that will supersede all city and county ordinances related to the licensing of taxicabs. The powers of the commission to carry out the provisions of the taxicab code are spelled out;

(CONTINUED)

(5) Allows the Supervisor of the Division of Liquor Control to issue a retail license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday to any establishment located in an international airport and owned or leased and operated by an airline. This license will cost \$200 in addition to all other fees required by law. City and county regulations and fees will also apply to the license;

(6) Requires any business engaged in selling pre-arranged travel-related or tourist-related services to keep its registration or certificate of authority to do business with the Secretary of State and file a bond or letter of credit with the Attorney General. The purchaser of a pre-arrange travel-related or tourist-related service will be allowed to rescind the purchase within 15 business days, except when the merchandise or services are provided within the rescission period. The refund must be returned within 14 days. The right of rescission cannot be waived; and

(7) Requires any person intending to use any promotional device or promotional program to sell any travel-related or tourist-related service where a consumer is required to provide any consideration other than monetary for the service to notify the Attorney General in writing within 14 days prior to release of the material to the public.

The bill contains an emergency clause on the provisions relating to the sale of liquor in airline clubs.

#### HB 1075 -- ABANDONED VEHICLES

This bill establishes a process by which land owners may secure title to vehicles, vessels, watercraft, or outboard motors found abandoned on their land. The bill requires law enforcement officials to determine whether the item has been reported stolen or if it is subject to any liens. The application for title must be accompanied by a copy of a certified mail receipt of the notice provided to any lienholders. Vehicles must be inspected and the inspection report included with the application for title. Upon receiving an application for title, the Department of Revenue must perform a record search to verify the name and address of any owners and lienholders and, if evidence suggests, inquire of another state about the vehicle's owners and lienholders. Owners and lienholders have 30 days upon receipt of the notice to protest the application and file a petition to recover the vehicle. The department may issue titles noting whether or not a vehicle was in a salvaged or rebuilt condition.



SCS HB 1078 -- REGIONAL JAIL DISTRICT TAX

This bill authorizes regional jail commissions to have a 1/8%, 1/4%, 3/8%, or 1/2% regional sales tax for the purpose of operating a regional jail district, if approved by the qualified voters of the district.

The bill contains further provisions, which include: ballot language; implementation and effective date of the tax; use of funds collected; and establishment of the Regional Jail District Sales Tax Trust Fund and its operation.

Jails operated by private authorities may not participate in regional jail districts.

HB 1086 -- HIGHER EDUCATION SAVINGS PROGRAM

This bill requires that personally identifiable information about participants in and beneficiaries of Missouri Higher Education Savings Program accounts be kept confidential and limits disclosure to administrative purposes.

SCS HB 1093, 1094, 1159, 1204, 1242, 1272, 1391, 1397, 1411, 1624, 1632, 1714, 1755, 1778, 1779, 1852, 1862, 2025 & 2123 --  
SPECIAL LICENSE PLATES

This bill allows for issuance of the following new special license plates: "MO-AG BUSINESS," "MISSOURI CORONERS' AND MEDICAL EXAMINERS' ASSOCIATION," "DELTA SIGMA THETA," "OMEGA PSI PHI," "KAPPA ALPHA PSI," "IOTA PHI THETA," "SIGMA GAMMA RHO," "ALPHA PHI ALPHA," "ALPHA KAPPA ALPHA," "ZETA PHI BETA," "PHI BETA SIGMA," "FRIENDS OF ARROW ROCK," "PREVENT DISASTERS IN MISSOURI," "ELKS," "4-H," "MISSOURI FEDERATION OF SQUARE AND ROUND DANCERS CLUBS," "HEARING IMPAIRED KIDS ENDOWMENT FUND," "TRIBE OF MIC-O-SAY," "FRATERNAL ORDER OF POLICE," "ST. LOUIS COLLEGE OF PHARMACY," "MISSOURI TRAVEL COUNCIL," "KINGDOM OF CALONTIR," "MISSOURI CIVIL WAR REENACTORS ASSOCIATION," "MISSOURI-KANSAS-NEBRASKA CONFERENCE OF TEAMSTERS," "JEFFERSON NATIONAL PARKS ASSOCIATION," "ROTARY INTERNATIONAL," "FRIENDS OF THE MISSOURI WOMEN'S COUNCIL," and "GOD BLESS AMERICA."

To obtain these plates, a person must get a use authorization statement from the respective organization (4-H members must only show proof of membership) and present the statement or proof of

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membership to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law.

The bill prohibits the Director of the Department of Revenue from issuing specialized license plates for sponsoring organizations which raise revenues from the use of their emblems on these plates unless the organization is a governmental entity or a not-for-profit organization under section 501(c) of the Internal Revenue Code. Current organizations will have until January 1, 2004, to comply with the provisions of the bill. The director will require organizations to verify their eligibility status. The bill requires the emblem-use authorization fees to be used only for the organization's charitable mission. Special license plates sponsored by not-for-profit organizations will only be issued if the director receives 100 applications or if the organization pays the start-up costs of the plates and the director receives at least 10 applications.

SCS HB 1141, 1400, 1645, 1745 & 2026 -- HIGHWAY DESIGNATIONS;  
STATE HORSE

This bill designates various portions of the state's highways and bridges in honor of specific individuals. The designations are as follows:

- (1) A portion of Interstate 55 from mile marker 129 to mile marker 135 as the "Trooper James Froemsdorf Memorial Highway";
- (2) The bridges spanning ditch number 2 on portions of Interstate 55 and two-lane Highway J at mile marker 16 as the "Sergeant Rob Guilliams, Missouri State Highway Patrol, Memorial Bridge";
- (3) A portion of Interstate 44 from log mile 277.3, Geyer Road overpass, to log mile 255.0, one mile west of Gray Summit interchange, as the "Henry Shaw Ozark Corridor";
- (4) A portion of U. S. Highway 63 from the southern-most city limits of Houston, south to State Route Z in Texas County as the "Trooper Kelly L. Poynter Memorial Highway";
- (5) The Missouri River Bridge located on Route 364 connecting St. Louis and St. Charles counties as the "Veterans Memorial Bridge";

(CONTINUED)

(6) A portion of U. S. Highway 136 in Harrison County from the eastern city limits of Bethany to the Harrison-Mercer county line as the "Babe Adams Highway"; and

(7) A portion of State Highway 72 in Iron and Madison counties as the "Sergeant Randy Sullivan Memorial Highway."

The bill also names the Missouri Fox Trotting Horse as the official state horse of Missouri.

#### HB 1148 -- CEMETERIES

This bill allows the operator of a religious cemetery adjacent to a church or other building used as a place of worship to scatter human cremains in a scatter garden. Operators who have a scatter garden must maintain the garden and are responsible for all costs of maintenance. Operators must also maintain a record of all cremains scattered in the scatter garden. Upon dissolution of a scatter garden, all records must be transferred to the clerk of the appropriate political subdivision. A scatter garden is defined as a location for the spreading of cremains set aside within a cemetery.

#### SS SCS HCS HB 1150, 1237 & 1327 -- ASSESSMENT AND COLLECTION PROCEDURES

This bill authorizes a state tax amnesty program on penalties, additions to tax, and interest on delinquencies which occurred prior to December 31, 2001. The taxpayer must submit and pay all unpaid taxes due to be eligible for the program between August 1, 2002, and October 30, 2002. All new revenues resulting from the tax amnesty program will be deposited in the Schools for the Future Fund, unless otherwise earmarked by the Missouri Constitution or if the revenues do not belong to the state.

The bill also authorizes the Department of Revenue and the Administrative Hearing Commission to negotiate with taxpayers or their agents to compromise all or part of the tax liability of a taxpayer in certain situations.

Before the Department of Revenue can abate any part of a taxpayer's liability, the director must forward a copy of the abatement agreement to the Attorney General. The Attorney General has up to 30 days to review the agreement for legal form

(CONTINUED)

and content and may offer proposed revisions to protect the interests of the state. This provision will expire on January 1, 2005.

The bill also authorizes the Simplified Sales and Use Tax Administrative Act. It allows the state to enter into multistate discussions concerning the adoption of a conforming sales and use tax system with other states. Missouri will be represented by seven delegates appointed by the majority and minority leaders in both houses of the General Assembly. The delegates need not be members of the General Assembly. The act contains requirements for consideration of certain issues, voting, and reporting of actions by the delegates.

The bill also makes various changes related to the assessment and levy of property taxes. The bill:

(1) Requires separate levies to be calculated and rolled-back within each subclass of real property and for personal property using the assessed valuation of each subclass of real property and of personal property. If the separate levy process reduces revenues to a political subdivision, it may adjust the levy to produce the same amount of revenue as would have been produced under a single levy process. Under current law, the assessed valuation of all subclasses of real property and personal property are combined to calculate one levy to be applied to all classes of property equally;

(2) Allows state-assessed railroad and utility property to be equally assessed among the four classes of property;

(3) Requires the governing body of any political subdivision that levies a tax rate lower than its tax rate ceiling to approve by a majority vote of the governing body at a public meeting any increase of that lowered rate up to the tax ceiling. This portion does not apply to any political subdivision which receives funding through the provisions of Chapter 163, RSMo;

(4) Sets a formula for determining a blended property tax rate by school districts for purposes of receiving state aid for public schools through the state foundation formula;

(5) Requires each taxing jurisdiction to calculate its tax rate out to four decimal points, except for those with a tax rate under a dollar. Current law requires the rate to be calculated out to three decimal points;

(6) Requires a physical inspection of property during

(CONTINUED)

reassessment when the assessed value increases 15% or more. Current law requires a physical inspection when property increases 17% or more;

(7) Defines physical inspection of property during reassessment as an on-site personal observation of the land and the exterior portions of the buildings available to the inspector. "Drive-by" inspections will not qualify. The assessor's staff must notify the owner or occupant that a physical inspection was performed. This provision will only apply to St. Louis County;

(8) Allows credit cards to be used as a method of payment for property taxes by the county collectors; and

(9) Requires the board of equalization in all charter counties to provide written findings of fact and conclusions of law to any taxpayer subject to hearing before the board. This provision will only apply to St. Louis County.

All of the above provisions related to property taxation will become effective January 1, 2003, for St. Louis County and will become effective for all other taxing jurisdictions on January 1, 2005.

The bill contains an emergency clause.

#### HB 1151 -- TRUSTS

This bill corrects an error in a sectional reference in a bill enacted in 2001 relating to the administration of trusts.

#### SS SCS HB 1196 -- TRANSPORTATION FUNDING

##### TRANSPORTATION FUNDING

This bill:

(1) Removes the 2008 expiration date for the six-cent gas tax increase adopted in 1992;

(2) Authorizes the Department of Transportation to enter into three pilot design-build projects. The design-build projects will be selected from the 1992 15-Year Plan projects. The authority to enter into the projects expires on July 1, 2012, unless extended;

(CONTINUED)

(3) Increases the amount of aviation jet tax revenues which may be deposited into the Aviation Trust Fund from \$5 million to \$6 million;

(4) Extends the expiration date on the aviation jet fuel tax to December 31, 2008;

(5) Changes the funding match formula under the aeronautics program from 80%/20% to 90%/10%;

(6) Increases the fees for motor vehicle licenses renewed biennially from \$4 to \$5 beginning August 28, 2002. Beginning July 1, 2003, licenses renewed annually are increased from \$2.50 to \$3.50 and biennial licenses are increased from \$5.00 to \$7.50. Beginning July 1, 2003, fees for six-year driver's licenses are increased from \$4 to \$5. Beginning July 1, 2003, all Department of Revenue branch offices will be required to collect the same fees charged by fee offices;

(7) Modifies the language regarding the deposit of unclaimed aviation fuel refunds;

(8) Eliminates the requirement that road projects be bid in sections not to exceed 10 miles;

(9) Caps, beginning in Fiscal Year 2004, the amount of revenue all agencies receive from the Transportation Department Fund at the total amount appropriated for Fiscal Year 2001, except for the State Highway Patrol and actual costs incurred by the Office of Administration for or on behalf of the State Highway Patrol and employees of the Department of Transportation. Appropriation to the State Highway Patrol from the fund will be made in accordance with the Missouri Constitution. This money may be used by the State Highway Patrol only to administer and enforce state motor vehicle laws or traffic regulations. Beginning July 1, 2007, any activities or functions conducted by the State Highway Patrol not related to enforcing or administering state motor vehicle laws or traffic regulations will not be funded by the Transportation Department Fund. The State Auditor must annually audit and examine the appropriation made to the State Highway Patrol to determine whether the appropriations are actually being used for administering and enforcing state motor vehicle and traffic regulation pursuant to the constitution. The State Auditor will be required to report the audit findings annually to the General Assembly.

BILLBOARD REVISIONS

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The bill updates requirements of federal law to include primaries as of June 1, 1991. Tri-vision, projection, and changeable message signs are specifically allowed, subject to Department of Transportation regulations. The bill allows cutouts and extensions on nonconforming signs and makes existing stacked signs legal nonconforming. When stacked signs were prohibited in 1999, the statute provided that existing signs were not conforming, meaning they could be rebuilt. By making existing signs legal nonconforming, the signs can be phased out over time as they need replacing. The bill adopts a minimum of 1,400 feet (up from 500 feet) spacing between signs on all primary and interstate highways and modifies the definition of "unzoned commercial and industrial land" by expanding the commercial activity area from 600 feet to 750 feet on either side of a qualifying business. Billboards in areas zoned agricultural are allowed if they meet certain requirements. The bill also eliminates the opposite side of the road as part of the unzoned commercial areas on primaries and interstates.

The bill also:

- (1) Requires businesses to have the presence of an owner or employee on the premises for at least 20 hours per week to be considered a valid business when determining whether a property is commercial or industrial;
- (2) Increases the original permit fee to erect a billboard from \$28.50 to \$200.
- (3) Increases biennial inspection fees to \$50 on August 28, 2002; \$75 on August 28, 2003; and \$100 on August 28, 2004;
- (4) Allows for the non-compensated removal of billboards for failing to pay fees over 12 months;
- (5) Increases the amount of time to cure a billboard violation from 30 to 60 days;
- (6) Requires actual notice of a violation before removal of a sign; and
- (7) Requires vegetation permits to be issued according to current department rules and regulations and allows certain utility companies to remove and trim vegetation without a permit.

The bill contains an emergency clause on portions relating to the billboard regulations.

SCS HB 1205, 1214, 1314, 1320, 1504, 1788, 1867 & 1969 -- SPECIAL  
LICENSE PLATES

This bill allows for the issuance of the following new plates:  
"CIVIL AIR PATROL," "COMBAT ACTION RIBBON," "OPERATION ENDURING  
FREEDOM," "OPERATION NOBLE EAGLE," "VETERANS OF FOREIGN WARS,"  
and "MISSOURI TASK FORCE ONE." To obtain these plates, a person  
must get a use authorization statement or furnish proof of  
service depending upon the plate being obtained and pay a \$15 fee  
along with any other documents required by law.

The bill also:

- (1) Allows veterans to receive special license plates for their  
motorcycles. In addition to the regular registration fees, the  
person must pay a fee of \$15;
- (2) Clarifies which vehicles qualify for a retired military  
plate and that no limits are put on the number of plates any  
person may obtain. No additional fee will be charged for these  
plates;
- (3) Eliminates the requirement that 100 requests be received for  
certain special license plates prior to allowing the issuance of  
the plates; and
- (4) Allows any surviving spouse of an individual who would have  
been eligible to obtain a United States Armed Forces, Coast  
Guard, Merchant Marines, Reserves, Missouri National Guard, or  
United States Marine Corps League special license plate to obtain  
the plate as long as the spouse does not remarry.

SCS HB 1265 -- REGISTRATION WITH SELECTIVE SERVICE

This bill allows any male between the ages of 18 and 26 who  
applies for a driver's license instruction permit, driver's  
license, or driver's license renewal to register with the  
Selective Service System.

The provisions of the bill will become effective on July 1, 2003.



This bill contains several traffic regulation provisions. The bill:

(1) Establishes the position of state vehicle fleet manager within the Office of Administration. The fleet manager will have the responsibility of instituting and supervising a state fleet vehicle tracking system;

(2) Revises the model traffic ordinance, including provisions dealing with acceptable use of multiple turn lanes and center turn lanes; tailing an emergency vehicle; operator's license and operating an all-terrain vehicle; pulling a rider upon a bicycle, motorized bicycle, coaster, roller skates, sled, or toy vehicle behind a motor vehicle;

(3) Allows the Director of the Department of Revenue, beginning January 1, 2003, to issue with every temporary instruction permit a sticker indicating "PERMIT DRIVER." Display of the sticker is optional;

(4) Assesses a \$1 surcharge on all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws. The surcharge will be collected and credited to the Motorcycle Safety Trust Fund;

(5) Requires applicants for a hazardous material endorsement to meet the requirements of the U. S. Patriot's Act;

(6) Creates a Third-Party Commercial Driver License Examination Program for the purpose of certifying third-party commercial driver license examination programs and administering compliance with requirements of third-party commercial driver license examination programs in the State of Missouri;

(7) Requires drivers to reduce speed and change lanes on multiple-lane highways where possible when they approach emergency vehicles with lights flashing. Emergency vehicles include police, fire, and ambulance vehicles and tow trucks;

(8) Imposes a \$2 surcharge on each criminal or traffic violation. The proceeds for the surcharge will go to the credit of the Spinal Cord Injury Fund;

(9) Creates the Head Injury Fund. Revenue deposited in the fund will be expended by the Head Injury Advisory Council for the purpose of transition and integration of medical, social, and

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educational services or activities for purposes of outreach and short-term support to enable individuals with traumatic head injuries and their families to live in the community. A \$2 surcharge will be collected on all criminal or traffic violations and credited to the Head Injury Fund;

(10) Allows the Department of Transportation to issue permits for hauling lumber products and earth-moving equipment wider than 14 feet;

(11) Prohibits any person from parking a vehicle with hazardous materials within 300 feet of a tunnel;

(12) Repeals a requirement that county highway administrators be residents of Missouri;

(13) Requires riders on animals and operators of motor vehicles on highways to obey sheriffs or deputy sheriffs giving traffic directions;

(14) Prohibits any person from fleeing a vehicle stop or from resisting or interfering with an arrest;

(15) Allows granting a skills performance evaluation certificate for intrastate driving for people who can drive but do not meet the minimum federal fitness standards for a commercial driver's license for interstate driving;

(16) Allows electric personal assistive mobility devices to be operated on streets, highways, sidewalks, and bicycle paths and grants operators the rights and duties applicable to pedestrians. Persons under 16 years of age cannot operate a device, except for an operator with a mobility-related disability. The devices may only be operated on roadways with a speed limit of 45 miles per hour or less. The devices may be used to cross roadways with higher speed limits. The devices must be equipped with lamps and red reflectors when operated during the period from one-half hour after sunset to one-half hour before sunrise. Operators of the devices must ride the device as near to the right side of the roadway as possible. Any person 17 years of age who violates the provisions of the bill on electric personal assistive mobility devices will be guilty of an infraction with a maximum fine of \$25. If a person under 17 years of age violates the bill, the police officer may impound the device for a period not to exceed five days. Cities and counties may adopt regulations or ordinances which are more restrictive than the provision of the bill with respect to speed, area of operation, and other safety measures;

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(17) Allows the department to remove property from any roadway and immediately take the property to the shoulder or berm of the roadway. Department employees cannot use a wrecker, tow truck, or roll-back in the removal process; and

(18) Adds driving while a person's license has been canceled, suspended, or revoked under the laws of another state to the crime of driving while revoked in Missouri.

The bill contains an emergency clause on the provisions relating to state fleet management.

#### HB 1342 -- UNCONTESTED ELECTIONS

This bill removes uncontested political party committee races from ballots.

The bill contains an emergency clause.

#### CCS SS#2 SCS HB 1348 -- AGRICULTURE

This bill makes several changes to agricultural law.

#### BOLL WEEVIL ERADICATION

Current law allows eligible voters to conduct a referendum on boll weevil suppression or eradication. Upon approval of the referendum, voters are allowed to vote on whether to continue their assessments for boll weevil suppression or eradication at least once every five years. The bill extends the time period for a vote from at least once every five years to at least once every 10 years.

#### QUALIFIED FUEL ETHANOL PRODUCER INCENTIVE FUND

Currently, the Missouri Qualified Fuel Ethanol Producer Incentive Fund is administered on a calendar year. The bill requires it be administered on a fiscal year.

Producers who failed to receive all grants earned during their 60 consecutive month's qualification due to lack of appropriations are to receive the full amount from the fund for which they were eligible during the succeeding 24 months or until they have

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received the full amount they were eligible for during the original 60-month period.

#### MISSOURI QUALIFIED BIODIESEL PRODUCERS INCENTIVE FUND

The bill creates the Missouri Qualified Biodiesel Producers Incentive Fund, which provides an incentive to producers of biodiesel of 30 cents per gallon for up to 15 million gallons of biodiesel produced per year for five years. The incentive is to be received on an estimated monthly production basis paid by the Department of Agriculture.

#### SALE OF WINE

The bill requires the makers of wine to remit to the Director of the Department of Revenue six cents per gallon or fraction of a gallon for the privilege of selling wine. The pro rata charge per ton of grapes or 160 gallons of grape juice processed by commercial producers in the state is increased from \$3 to \$6. The moneys collected are to be credited to the Marketing Development Fund in a separate account and appropriated annually for the use of the division of the Department of Agriculture concerned with the research and advisement of grapes and grape products in Missouri, including employment of experts in the fields of viticulture and enology.

#### CONTRACTS FOR FARM EQUIPMENT

The bill repeals the law relating to the repurchase of industrial, maintenance and construction power equipment, and outdoor power equipment used for lawn, garden, golf course, landscaping, or grounds maintenance upon cancellation of contracts. Current law requires wholesalers, manufacturers, or distributors to repurchase the equipment from retailers at 90% of the net cost, with certain exceptions, and includes provisions for remedies to the retailer and penalties to the manufacturer, wholesaler, or distributor upon refusal to repurchase equipment. The bill replaces the term "farm implements" in the definition of inventory with the terms "equipment" and "implements" in the law relating to the repurchase of farm machinery inventory upon the termination of a dealership. This law requires wholesalers, manufacturers, or distributors to repurchase equipment, implements, machinery, and attachments at 100% of the net cost and to repurchase repair parts at 95% of the current net price at the termination of a contract, with some exceptions.

The dealer may accept the manufacturer's reimbursement terms and conditions.

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## FERAL HOGS

The bill makes it a class A misdemeanor to knowingly release swine to live in a wild state on public or unfenced private land. Free-roaming hogs not conspicuously identified by ear tags may be killed without liability on public lands or on private lands with the permission of the landowner. State wildlife regulations must be followed during the firearms deer and turkey hunting seasons, and artificial lights may only be used by landowners on their own land.

## ELEVATORS

Single person elevator lifts and belt manlifts operating only in grain elevators or feed mills are to be exempt from the provisions of the Elevator Safety and Inspection Law unless inspection is requested by the owner.

Provisions of the Elevator Safety and Inspection Law are not to apply to any elevator that is inaccessible to the public, not used to transport passengers, and was built before January 1, 1940.

## METHYL TERTIARY BUTYL ETHER (MTBE)

After July 1, 2005, no gasoline sold or stored within the State of Missouri is to contain more than one-half of 1% by volume of methyl tertiary butyl ether (MTBE).

## MOTOR FUEL PUMP LABELING

The requirement that the sellers of motor fuel blended with an alcohol additive notify the buyer is repealed.

## FOREST MANAGEMENT

The bill allows the Missouri Conservation Commission to establish a cost-share incentive program to promote sustainable forestry practices on tracts of at least 40 acres. The program may reimburse landowners for up to 50% of the costs of forest management activities that do not generate an immediate profit, protect water quality, and ensure efficient use and continued availability of forest resources. No individual may receive more than \$5,000 per year from the program. Lands designated as forest croplands are not eligible.

## AGRICULTURAL MARKETING

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The bill creates the Missouri Agricultural Products Marketing Development Fund for the use of the Marketing Division of the Department of Agriculture. Fees collected pursuant to participation in the AgriMissouri trademark marketing program or from any other source are to be placed in the fund and used for promotion of Missouri agricultural products participating in the program.

The Citizens' Advisory Commission for Marketing Missouri Agricultural Products is created to make recommendations to the director of the department on marketing activities associated with the AgriMissouri trademark and the use of both collected and appropriated funds for the use of the Marketing Division of the department.

#### ORGANIC FARMING

The department may cooperate with any entity, public or private, engaged in growing, processing, or marketing organic products.

The bill creates the Organic Production and Certification Fee Fund. Fees collected for certification of or participation in organic farming are to be placed in the fund.

#### HB 1375 -- MORTGAGE INSURANCE

This bill increases the limit on the amount of mortgage insurance that can be issued on real estate from 100% to 103% of the fair market value of the real estate.

#### SCS HB 1381 -- INSURANCE

This bill allows insurance companies to provide their policies in a language other than English, as long as an English version is also included. The English version will control in the event of a dispute regarding the translation, unless the non-English version is shown to be a fraudulent misrepresentation. Any knowing misrepresentation in a non-English version is a violation of the Unfair Trade Practices Act.

#### HCS HB 1386 & 1038 -- TINTED WINDOWS

This bill permits the use of sun screening material with a light transmission of 35% or more, plus or minus 3%, and a luminous reflectance of 35% or less, plus or minus 3%, on front windows and siding vents located to the left and right of motor vehicles registered in Missouri. The Department of Public Safety may issue a permit to any person to operate a vehicle with sun screening with less light transmission and more luminous reflectance if the person has a serious medical condition and the sun screening is prescribed by a physician.

The bill does not prohibit the use of labels, stickers, decalcomania, or informational signs on motor vehicles; the application of tinting or solar screening material on recreational vehicles; or factory-installed tinted glass.

The bill also removes any restrictions on the tinting of rear-side windows and rear windows. The degree of sun tinting on vehicle windows will no longer be a part of motor vehicle inspections.

The bill contains an emergency clause.

#### HCS HB 1398 -- WORLD WAR II MEDALS

This bill allows veterans who were residents of the state at the time of their death and spouses of eligible, deceased veterans to participate in the World War II medallion program. The bill also changes the ending date for active service from September 30, 1945, to December 31, 1946, and changes the deadline for filing applications for World War II medals from January 1, 2002, to July 1, 2003.

The bill contains an emergency clause.

#### HS HB 1399 -- WORLD WAR II MEDALS

This bill changes the deadline for filing applications for World War II medals from January 1, 2002, to July 1, 2003.

The bill contains an emergency clause.

CCS SCS HB 1402 -- UTILITY PROJECTS; ACCESS TO INTERNET  
PORNOGRAPHY

This bill contains various provisions relating to utility projects.

TELECOMMUNICATION SERVICES

Currently, political subdivisions are prohibited from providing or selling telecommunication services that require a certificate of service authority from the Public Service Commission until August 28, 2002. The bill extends the expiration date to August 28, 2007. Municipal utilities are allowed to offer wholesale telecommunication services within their service boundaries on a nondiscriminatory, competitively neutral basis at a price that covers costs. If approved by voters, municipalities are also allowed to own and operate cable television facilities on a nondiscriminatory, competitively neutral basis. The commission will study the economic impacts of these operations and report annually to the General Assembly. These provisions also expire on August 28, 2007.

NATURAL GAS PURCHASES BY SCHOOLS

The bill allows schools to aggregate purchases of natural gas and pipeline transportation services through contracts negotiated by a not-for-profit school association. The program is limited to public schools for the first year, open to all schools for subsequent years, and expires on June 30, 2005. Gas corporations must file experimental tariffs with the Public Service Commission by August 1, 2002. Tariffs will be approved if there is no negative financial impact on the gas corporation, its customers, and local taxing authorities. Gas corporations cannot require special metering for schools that use 100,000 or fewer therms annually, and aggregation and balancing charges set by the commission cannot exceed 0.4 cents per therm during the first year of the program. The commission may suspend any tariff before November 1, 2002. This portion of the bill contains an emergency clause.

JOINT MUNICIPAL UTILITY COMMISSIONS

The bill repeals the authority of the Public Service Commission to regulate gas and electric services provided by joint municipal utility commissions. Revenue bonds issued by joint utility commissions may be sold at private sale; and the property of commissions, except that acquired exclusively for water supply districts, is subject to the same taxation as property owned by the participating municipalities.

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## ELECTRICITY GENERATION BY CUSTOMERS

The bill requires retail electric suppliers to adopt, by August 28, 2003, rates and terms for interconnection with customers with electric generating systems that are powered by renewable energy sources and capable of producing no more than 100 kilowatts. The Department of Natural Resources, in consultation with the Public Service Commission, will develop a standard interconnection contract to allow customer-generators to feed any excess electricity they produce into the local electric distribution system to offset consumption costs. Local utilities or their wholesale suppliers will purchase the excess electricity at their avoided cost and receive credit for renewable energy generation and emission avoidance. Contracts will be provided on a first-come, first-served basis until statewide capacity equals the lesser of 10,000 kilowatts or 0.1% of the peak demand for each supplier of electricity during the previous year.

Sales of interconnection equipment are regulated through merchandising practices laws for home solicitation sales. Equipment must be certified by a qualified professional and meet all safety and reliability standards established by the commission, the local utility, and applicable local and national codes. Customer-generators must pay for all equipment and testing and obtain liability insurance in an amount set by the commission. Utilities must respond to customer connection requests within 90 days and complete the connection within an additional 15 days or a mutually agreeable later date.

## TIRE-DERIVED FUEL

The bill requires power plants with coal-fired cyclone boilers that also burn tire-derived fuel to limit nitrogen oxide emissions to 80% of the emissions limit required by federal law. This provision expires on April 30, 2004, or upon revision of the pertinent state regulation, whichever occurs later.

## INTERNET PORNOGRAPHY

The bill requires public elementary and secondary schools and libraries to use either filtering software or other means to restrict minors' access to pornographic materials on the Internet. Employees, officers, trustees, or Internet service providers that comply are not liable if a minor gains access to pornographic materials. Violators are guilty of a misdemeanor.

SS SCS HCS HB 1403 -- RETAINAGE IN BUILDING CONTRACTS

This bill creates several requirements and restrictions involving retainage, the practice of withholding a percentage of the payment for a construction project, pending satisfactory completion of the project. The bill limits retainage to 10% of the contract. The contractor may give the owner a substitute security and demand payment of the retainage. Subcontractors may do the same with contractors. The bill sets forth the types of securities that will satisfy the requirement, including certificates of deposit, retainage bonds, and unconditional letters of credit. Contractors are entitled to any income earned from the securities while deposited with the owner. Contractors may not withhold extra retainage from a subcontractor, unless the subcontractor's performance is not in accordance with the terms of the subcontract. Contractors must pass along to any subcontractors the retainage they are paid on a pro rata basis. Subcontractors may be released prior to completion of the entire project, and contractors may request an adjustment in retainage necessary to pay these subcontractors in full. Within 30 days of the substantial completion of the project, all retainage or substitute security must be released by the owner to the contractor, less 150% of the costs to complete any remaining items. Upon receipt of this retainage, contractors must release subcontractors' shares of the retainage within seven days. Construction contracts will be unenforceable to the extent that they are inconsistent with the requirements of the bill. Courts may award 1.5% interest per month on improperly withheld retainage and may award attorney fees in actions to enforce the bill. Contracts for the construction of residential buildings with four or fewer units are exempt from the provisions of the bill.

SCS HB 1406 -- NORTHWEST MISSOURI STATE UNIVERSITY BOARD OF REGENTS

This bill expands the Board of Regents for Northwest Missouri State University from seven to nine members. Under current law, six members must live in the state college district in which the university is located, and one member must be a resident of Nodaway County. Two additional members from any of the seven state college districts will be added, but no more than one can live in the same congressional district. After staggered terms for the two new members, subsequent members will serve six-year terms.

This bill establishes the Safe Place for Newborns Act of 2002. The act protects newborn children from injury and death caused by abandonment by a relinquishing parent and provides alternatives to abandonment.

A parent will not be prosecuted for charges of criminal abandonment or endangering the welfare of a child five days old or younger if the parent voluntarily delivered the child safely to the physical custody of an authorized person. A parent is provided an affirmative defense to criminal abandonment or endangering the welfare of a child six days old but no older than 30 days if the parent voluntarily delivered the child safely to the physical custody of an authorized person.

Authorized persons are required to take physical custody of a newborn without court order if they believe that the child is no more than 30 days old and that it is delivered by a person purporting to be a parent. If delivery of a child is made to a place other than a hospital licensed under Chapter 197, RSMo, the person taking custody is required to immediately transport the child to the nearest such facility. The hospital is required to notify the Division of Family Services and the local juvenile officer upon receipt of a child. The local juvenile officer is required to begin protective custody proceedings and request that the child be made a ward of the court during the child's stay in the hospital. Upon discharge from the hospital and the continuance of the protective custody order, the division is required to take physical custody of the child.

Voluntary delivery of the child according to provisions of the bill constitutes implied consent of a parent to actions performed by authorized persons which are necessary to protect the physical health and safety of the child. It also constitutes a voluntary relinquishment of the relinquishing parent's parental rights.

In any termination of parental rights proceedings initiated after the voluntary relinquishment of a child, the juvenile officer is required to make public notice of a child that has been relinquished; and the non-relinquishing parent, wishing to establish paternity or maternity, has 30 days to identify himself or herself to the court and to state his or her intentions regarding the child. The court is required to initiate proceedings to establish paternity or maternity. The juvenile officer is required to examine the Putative Father Registry contained in Section 192.016 in order to determine if attempts have been made to preserve parental rights. If attempts have

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been made, the juvenile officer is required to make reasonable efforts to provide the notice of abandonment to the child's putative father.

If the child is voluntarily delivered to the custody of an authorized person, the non-relinquishing parent is required to take necessary steps to establish parentage within 30 days after the juvenile officer has filed the required public notice concerning the relinquishment of the child. If the non-relinquishing parent fails to take the necessary steps to establish parentage as required, the non-relinquishing parent may have all of his or her parental rights terminated.

Authorized persons listed in the bill are immune from civil, criminal, and administrative liability for accepting physical custody of children in good faith. The immunity will not extend for acts or omissions, whether negligent or intentional, which occur after acceptance of the child.

The division is required to provide information to the public concerning provisions contained in the bill.

The provisions of the bill do not conflict with Section 210.125, pertaining to the protective custody of children.

The bill also makes technical corrections to provisions pertaining to the establishment of paternity.

#### SS SCS HS HB 1455 -- PUBLIC RETIREMENT SYSTEMS

This bill makes changes to several public retirement system plans.

#### COUNTY EMPLOYEES RETIREMENT FUND

An employee contribution of 4% of compensation is required for employees hired on or after February 25, 2002. Counties may require members to make an additional contribution not to exceed 4% in addition to the current 2% contribution.

#### ST. LOUIS POLICE

Several provisions are modified to comply with Internal Revenue Code changes.

#### ST. LOUIS FIREFIGHTERS

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Firefighters who served more than five years may receive a termination benefit of 2% times years of service, payable at age 62, or the member may receive a refund of contributions. The surviving spouse of a member may receive 50% of the benefit or a refund of a member's contributions with interest payable when the member would have been age 62. Termination benefits have a cost-of-living adjustment of 5% per year for a maximum of five years. The minimum survivor's benefit will be 50% of the deceased member's final average salary or \$525, whichever is greater; the minimum benefit for retired firefighters is \$625. Restrictions on retirement increases previously limited by the Consumer Price Index are removed. Changes are also made to duty-related death benefits for widows.

#### MSEP/MSEP 2000 (which includes HEHPRS)

The bill removes the cash-out provision from MSEP for employees terminating employment on or after September 1, 2002, and requires MSEP members who purchase nonfederal public employment in the state to purchase all their years of service, up to four years. An employee who has forfeited credited service must work continuously for one year to restore the forfeited service. Employees in MSEP 2000 who take leave under the federal Family and Medical Leave Act of 1993 may be given service credit. When a retiree returns to work in a position that requires at least 1,000 hours, benefits cease. The bill contains provisions to clarify when a return to employment would result in an additional annuity. A retiree who returns to work in a benefit eligible position would be allowed to receive credited service. The bill clarifies the certification of contribution rates and the method of computing to involve a level percentage of payroll. The certification period for transfer of contribution is changed from one month to one pay period.

Beneficiaries may assign life insurance proceeds. The process and amount of sick leave reported to MOSERS is clarified. Provisions concerning rollover distributions are aligned to comply with the federal Economic Growth and Reconciliation Act of 2001. Members, survivors, or beneficiaries may designate a beneficiary to receive a final payment of a retirement benefit.

Currently, an employee electing to retire under the Deferred Retirement Option Plan (DROP) must elect to take the entire period eligible. The bill permits an employee to elect a retroactive backDROP starting date in 12-month increments. When there has not been a durable power of attorney executed by a retired member who has become incapacitated, a relative or spouse

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may be designated as an agent. Employees who participated in the defined contribution plan established for colleges and universities may not receive creditable service for that period.

MSEP 2000 qualification for members of the General Assembly is changed from two to three full biennial assemblies.

#### MOSERS/JUDGES/PROSECUTORS/ADMINISTRATIVE LAW JUDGES

The amount of service that may be transferred is changed from five to eight years.

#### HEHPRS CLOSED PLAN

Unpaid leave of less than 12 months taken pursuant to the federal Family and Medical Leave Act of 1993 may be counted as continuous service. The bill clarifies the circumstances under which death-before-retirement benefits are not payable and clarifies other death-before-retirement provisions. A member's benefit may be garnished for child support or spousal maintenance. The bill clarifies for whom the Highways and Transportation Commission may provide medical benefits and provides authorization to contract with third-party administrators, health network providers, and health maintenance organizations.

#### OTHER PROVISIONS

All public pension plans are required to prepare an actuarial valuation every two years that complies with governmental accounting standards, board recommended standards, and guidelines for public sector pension plans. Certain members of the Board of Probation and Parole are allowed use and accrual of unused sick leave. A judge who was a commissioner or deputy commissioner of a circuit court prior to August 28, 1999, who has creditable service in the MSEP and the judicial plan may elect to consolidate all of that service in either plan or draw separate retirement benefits from each plan.

The bill contains an emergency clause.

#### SCS HB 1468 -- COMMERCIAL INSURANCE

This bill revises several provisions governing commercial insurance. The bill:

- (1) Modifies the time frame within which claims involving an

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insolvent insurer must be filed. This provision applies to all claims subject to a final order of liquidation issued on or after September 1, 2000;

(2) Clarifies that the claimant's lack of knowledge of the existence of a claim is no defense for missing the filing deadline;

(3) Allows the Missouri Property and Casualty Guaranty Association to require certain documents to confirm the existence of a covered claim;

(4) Clarifies that commercial inland marine insurance is included in the definition of "commercial property";

(5) Modifies the law regarding approval of commercial casualty insurance filings by the Department of Insurance. The bill removes the language stating that a filing not approved or disapproved within a 60-day period is deemed approved;

(6) Prohibits excessive commercial casualty insurance rates;

(7) Removes the requirement that actuarial data must be submitted in support of every rating plan or filing for casualty insurance rates. This data must be submitted only when requested by the department; and

(8) Repeals a provision which exempts commercial property insurance and commercial casualty insurance policies from the department's oversight regarding the format or language of policies and the rates associated with these policies.

In addition, the bill clarifies the definition of "health benefit plan" as that term is used in the laws governing insurance, stating that the term does not include workers' compensation or liability insurance policies.

#### SCS HB 1473 -- HEALTH INSURANCE

This bill clarifies the definition of "health benefit plan" as that term is used in the laws governing insurance, stating that the term does not include workers' compensation or liability insurance policies. The bill also allows enrollees to waive their right to receive printed documents from their health insurer and, instead, to receive all documents in electronic form via the Internet.

SCS HB 1477 -- MISSOURI HEALTH AND EDUCATIONAL FACILITIES  
AUTHORITY

This bill clarifies that public community colleges may use the administrative services of the Missouri Health and Educational Facilities Authority (MOHEFA) for direct deposit. Community college districts are not relieved of their obligation to levy an amount sufficient to retire their debt by any provision in the MOHEFA statutes.

SCS HB 1492 -- CAMPAIGN FINANCE DISCLOSURE

This bill changes the deadline for a continuing committee to file additional required reports from no later than the seventh to no later than the eighth day before an election and increases the limit on individual contributions a committee may receive without being required to file a disclosure report from \$250 to \$300.

SCS HB 1495 -- CAMPAIGN FINANCE DISCLOSURE

Under current law, certain nonpartisan judicial candidates are not required to file exemption statements regarding campaign finance disclosure reports. This bill removes the nonpartisan restriction.

The bill also increases the limit on individual contributions certain candidates may receive without being required to file a disclosure report from \$250 to \$300.

SS SCS HS HCS HB 1502 & 1821 -- INSURANCE

This bill restricts how insurers may use an applicant's credit information in their underwriting practices for automobile and property insurance.

The bill prohibits insurers from taking an adverse action against an applicant or insured based upon credit information when:

- (1) Credit information is the only underwriting factor;
- (2) Using information contained in a credit report that the insurer knows to be in dispute; or

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(3) Renewing a contract, until the third anniversary date of the contract.

Adverse action is defined.

The bill also prohibits insurers from:

(1) Providing credit information to third parties, unless specifically authorized by the federal Fair Credit Reporting Act; and

(2) Using the number of insurance inquiries an applicant makes as a negative factor in their insurance scoring formulas.

The bill requires insurers to:

(1) Inform the applicant, at the time of application, if credit information may be used as an underwriting factor;

(2) Inform the applicant about his or her rights regarding credit information when a credit report adversely affects the applicant; and

(3) Provide to the applicant or insured a statement of reasons for taking any adverse action which was based upon credit information if the insured or applicant requests a statement within 30 days of the adverse action. The statement must be clear and specific, so that a person of average intelligence can identify the basis for the insurer's decision without further inquiry. Applicants and insureds may request reevaluation within 30 days following any correction to their credit report.

The Department of Insurance may pursue civil forfeitures of up to \$100 for each violation by an insurer.

The bill applies to insurance contracts entered into on or after July 1, 2003.

SCS HB 1508 -- OUTDOOR ADVERTISING

This bill revises the law on billboards.

SIGN LIGHTING

Tri-vision, projection, and other changeable message signs will

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be allowed by the Highways and Transportation Commission, subject to regulations.

#### SIGN SIZE

Stacked sign structures existing on or before August 28, 1999, along interstates, federal-aid primary systems, or the national highway system in an industrial or commercial area will be considered legal nonconforming structures and may be maintained as required by law. The use of cutout or extensions on conforming or nonconforming signs will be allowed. Currently, stacked signs are treated as conforming structures and allowed to be rebuilt once before they are considered nonconforming. Construction of stacked signs after August 28, 1999, is currently prohibited.

#### SIGN SPACING

No sign structure can be erected within 1,400 feet of an existing sign on the same side of the roadway on interstate highways, freeways and non-freeways, federal-aid primary highways, and national highway systems. Unzoned commercial and industrial land includes areas zoned commercial or industrial which are within 750 feet of one or more permanent commercial or industrial activities.

#### PERMITS

One-time permit fees are increased from \$28.50 to \$200. Biennial inspection fees, currently \$28.50, are increased to \$50 after August 28, 2002; \$75 after August 28, 2003; and \$100 after August 28, 2004.

The commission is encouraged to adopt a prorated renewal system.

#### REGULATIONS

The commission is authorized to adopt the federal rules regulating the use of new technology in outdoor advertising.

#### SIGN REMOVAL

Signs where no permit has been obtained or where a biennial inspection fee is more than 12 months past due will be subject to removal. The time a person has to take remedial action after receiving notice on an unlawful sign or delinquent inspection fee is increased from 30 to 60 days.

#### VEGETATION

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The right to a vegetation permit by an outdoor advertising permit holder will be issued in accordance with rules and regulations promulgated by the commission and will not be denied without good cause.

#### HB 1515 -- HONORARY HIGH SCHOOL DIPLOMAS

This bill expands the honorary high school diploma program for veterans to include civilian prisoners of war who are residents or former residents of Missouri.

#### HB 1518 -- LIFE INSURANCE

This bill allows life insurance companies to use their most recent annual statement of assets and capital in their filings with the Department of Insurance regarding their investments and the assets and capital supporting those investments. Current law requires the insurer to use the statement for the year preceding the year in which the investment was made.

#### HB 1519 -- PATRIOTS DAY

This bill designates April 19 as "Patriots Day." This will be a day on which to commemorate the beginning of the American Revolution.

#### SCS HS HCS HB 1532 -- INTOXICATION TORTS

This bill limits the tort liability of sellers of alcohol for damages caused by persons consuming the alcohol. Current case law allows any person who is injured by an intoxicated person to sue the bar or restaurant that furnished the intoxicated person with the alcohol. (The Missouri Supreme Court ruled that the statute limiting such liability was in conflict with Article I, Section 14 of the Missouri Constitution, which guarantees every person equal access to the courts.) The bill repeals the provision declaring that the consumption of alcohol, not the providing of it, is the proximate cause of injuries inflicted by an intoxicated person. The bill also repeals a provision that requires, as an element of the civil claim, that the defendant

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have been criminally convicted of selling alcohol to a minor or an obviously intoxicated person. The bill requires, instead, that the plaintiff prove by clear and convincing evidence that the seller of the alcohol knew or should have known that the alcohol was served to a minor or to a visibly intoxicated person. The bill defines "visibly intoxicated." The bill clarifies that the defendant's blood-alcohol content is relevant evidence of intoxication, but that it does not constitute prima facie evidence that the person is visibly intoxicated.

The person voluntarily consuming the alcohol does not have a right of recovery against the seller, unless the person consuming the alcohol is a minor. In claims alleging the sale of alcohol to a minor, evidence regarding the minor's use of apparently authentic identification showing proof-of-age is relevant in determining the liability of the seller.

Employers are prohibited from discharging an employee for refusing to serve a visibly intoxicated person.

Insurance companies that sell liability insurance which provides coverage for dram shop liability must report the costs associated with the coverage to the Department of Insurance.

#### SCS HB 1537 -- ESTATES AND TRUSTS

This bill allows debt to be offset against the value of an estate to determine whether the small estate administration statutes will apply. The bill also lists certain activities not considered to be engaging in the trust business and corrects an intersectional reference. The bill allows a cemetery owner to designate an independently qualified investment advisor to oversee an endowed care trust when the principal exceeds \$250,000, thereby relieving the trustee of all liability regarding investment decisions.

#### SCS HB 1548 -- HEARING SCREENING FOR NEWBORNS

This bill revises a provision pertaining to hearing screening for newborns.

Effective January 1, 2002, any facility which transfers a newborn to a different facility for further acute care prior to the completion of the newborn hearing screening is required to notify

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the receiving facility of the current status of the hearing screening. If the hearing screening is incomplete, the receiving facility is responsible for completing the hearing screening for newborns.

Currently, hospitals or ambulatory surgical centers are required to perform the hearing screening for newborns delivered in their facilities prior to discharge.

#### SCS HB 1568 -- INSURANCE

This bill revises the law governing long-term care insurance, reinsurance, investments that insurance companies may make, and annuities.

In its provisions regarding the Long-term Care Insurance Act, the bill:

- (1) Clarifies that the term "long-term care insurance" includes any insurance policy that meets the requirements of a "qualified long-term care insurance contract," as defined in Section 7702B of the Internal Revenue Code, and requires the issuer of a long-term care contract to state clearly in its enrollment materials whether the contract is intended to be tax-qualified;
- (2) Requires the issuer to deliver the certificate of insurance to the applicant no later than 30 days after the date of approval;
- (3) Requires that the summary for a long-term care policy state whether a long-term care inflation protection option is available under the policy;
- (4) Requires issuers to provide a written explanation for a denial of coverage within 60 days of receiving a written request for an explanation from the applicant. The issuer must provide all information directly related to the denial;
- (5) Allows insurers to rescind long-term care contracts upon a showing of misrepresentation. The degree of misrepresentation that must be proven will vary, depending on the length of time the policy has been in effect;
- (6) Prohibits long-term care contracts from being "field issued" based on medical or health status;

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(7) Prohibits an insurer from recovering benefits paid to the policy holder when the issuer rescinds the policy;

(8) Requires insurers to offer a policy that includes a nonforfeiture benefit. If that benefit is declined, the issuer must then offer a contingent benefit upon lapse that will be available for a specified period of time following a substantial increase in premium rates;

(9) Requires the Department of Insurance to promulgate rules creating the standards for nonforfeiture benefits, contingent benefits upon lapse, the length of time these benefits must run, and the extent to which premiums may be increased; and

(10) Requires the department to promulgate rules regarding marketing practices, agent testing, penalties, and reporting practices for long-term care insurance.

In its provision regarding reinsurance, the bill:

(1) Allows a reduction of a reinsurer's obligation to the insurer's estate when the reinsurance contract specifically provides for payment to a named insured or when another insurer directly assumes the ceding insurer's policy with the consent of the insured. Any payments made at the direction of the guaranty association discharges the reinsurer of all further liability to any other parties;

(2) Revises the method in which reinsurance is allowed to be counted as an asset or deduction from liability; and

(3) Exempts from the vexatious refusal to pay statute any lawsuits arising out of a contract of reinsurance made by a ceding insurer against an assuming insurer.

In its provision regarding investments, the bill:

(1) Limits insurance companies' investments in real estate. The value of the real estate purchased cannot exceed 20% of the insurance company's capital and surplus as shown by its last annual statement;

(2) Allows business entities affiliated with insurers to be qualified managers of investment pools; and

(3) Allows insurance companies to invest in a Missouri tax credit certificate or a partnership interest in such a certificate if it may be used as a credit against their gross premium tax.

The bill also modifies the law with respect to annuity contracts. For contracts issued before July 1, 2004, the interest rate used in determining minimum forfeiture amounts will be 1.5% per annum.

HB 1580 -- COUNTY BOARD OF EQUALIZATION

This bill allows the county commission of any county to appoint two additional citizens of the county who are not county officials to serve on the board of equalization. The board currently consists of the county commissioners; the county assessor; the county surveyor; and the county clerk, who serves as secretary of the board without a vote. Citizens appointed to the board may receive compensation if approved by the county commission.

SS#2 HB 1600 -- ACCOUNTANTS; POOL HALLS; NURSING BOARD

This bill contains provisions pertaining to the State Board of Accountancy. The board, at its discretion, may prescribe by rule the terms and conditions for license re-examination and re-examination fees.

The bill also allows for the temporary practice of accountancy. Temporary practice is a continuation or extension of services for a client which began outside of this state and extends into this state through common ownership, existence of a subsidiary, assets, or other operations located within this state.

Any licensee initially licensed after August 28, 2001, who is responsible for supervising attest services or signs or authorizes someone to sign the licensee's report on an accounting firm's financial statement, must meet competency standards established by the board.

Licensees responsible for supervising review services or who sign or authorize someone to sign review reports must meet competency requirements established by the board. No licensee may prepare an amended tax return or claim for a tax refund for a contingent fee for any client unless permitted by board rule.

The bill further requires that all minor consent placards displayed in pool halls be printed in at least 10-point type.

Technical changes are made by the bill to bring the definition provisions on nursing up to date.

The bill also removes the requirement that the Executive Director of the State Board of Nursing be a registered nurse.

SCS HB 1634 -- LAND TRUSTS; PROPERTY CONVEYANCES

This bill makes several changes to the law on land trusts. The bill:

- (1) Requires that any challenge to the validity of an administrator's or sheriff's deed commence within one year (Section 141.610, RSMo);
- (2) Requires the county executive to appoint land trust members. If a county executive does not exist, the county commission will appoint the members (Section 141.720);
- (3) Authorizes a land trust to sell certain tracts of vacant residential property to the owners of contiguous property (Section 141.720);
- (4) Requires copies of the budget to be delivered to the county and city that appointed the trustee members. If the governing bodies of the county and city do not object to the budget, it will become the budget of the land trust. The approved budget may only be amended with the consent of the county and city that appointed members (Section 141.720);
- (5) Allows land trusts in counties of the first classification having a charter form of government to retain revenue from land sales to pay salaries and expenses of the trust. If the revenue derived from land sales is insufficient to meet the expenses of the land trust, it can requisition additional funds from the county and city. The additional funds cannot exceed \$25,000 per year without the consent of the county and city. The budget of the land trust must be approved by the governing bodies of the county and city that appointed the trustee members (Sections 141.720 - 141.790); and
- (6) Allows performance audits by the State Auditor or the Kansas City Auditor. Cost of performance audits must be paid for by the land trust and made available to the public within 30 days of completion (Section 141.720).

ABANDONED PROPERTY (Sections 447.620 - 447.640)

Current law requires that several conditions be met in order for an organization to petition the court for temporary possession of abandoned property. One of these requirements is that the organization must intend to rehabilitate the property and use it for low- or moderate-income housing. The bill eliminates the requirement that the property being rehabilitated be used as

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low- or moderate-income housing and does not require any particular use for the property.

Under current law, title to the property is conveyed to the organization one year following the entry of the order granting temporary possession to the organization. Under the bill, title is conveyed to the organization when the rehabilitation is complete.

The bill allows the owner of the property to file a motion for restoration of possession prior to the completion of rehabilitation. If the rehabilitation has not already been completed by the organization, the court will determine whether the owner has the resources and capacity to complete the rehabilitation. If the court determines that the owner is not able to complete the rehabilitation, the court will not restore possession to the owner. However, if the court determines that the owner is able to complete the rehabilitation, possession of the property will be restored to the owner, and the court will determine proper compensation due to the organization for its expenditures.

Current law requires that the organization file an annual report detailing its rehabilitation and use of the property, including a statement of all expenditures made by the organization. The bill requires that these reports be submitted quarterly.

The bill authorizes the conveyance of certain state property located in the Battle of Athens State Historic Site, Cuivre River State Park, Washington State Park, and in Jefferson County to certain parties specified by the bill. In consideration for the property conveyed, the Department of Natural Resources is authorized to receive certain property from the specified parties.

#### SCS HB 1635 -- WATER AND SEWAGE CORPORATIONS

This bill requires deposits for water or sewerage services in Kansas City to accrue interest at a rate set for six-month United States treasury bills effective December 31 of the preceding year if the customer is not in arrears and the deposit has been held for more than two years. Interest accruing on the account must be credited to the customer's individual account or paid to the customer, at the city's discretion.

#### SCS HB 1636 -- ELECTION AUTHORITY VERIFICATION BOARDS

This bill allows Kansas City to designate one of the four election authorities situated partially or wholly within Kansas City as the verification board to certify election results within the city. This designation must be done by city ordinance. If designated, the election authority will then be responsible for notifying all verification boards within the city of the election authority's designation. Within a specified time after an election, each verification board in Kansas City will certify its election results to the designated election authority. The designated election authority will announce the results of the election and certify the cumulative returns to the city.

#### HB 1659 -- COURT ADMINISTRATION

Current law prohibits court clerks from collecting any surcharge authorized by ordinance, order, or resolution which provides an effective date for the surcharge on or after January 1, 1997. This bill allows these surcharges if the ordinance, order, or resolution is authorized by statute.

#### HB 1668 -- EMERGENCY PERSONNEL APPRECIATION DAY

This bill designates September 11 as "Emergency Personnel Appreciation Day."

#### HB 1674 -- ADMINISTRATIVE RULES FOR PUBLIC RETIREMENT PLANS

This bill requires public employee retirement plans to furnish a copy of a proposed rule to the Joint Committee on Public Employee Retirement. Plans that file rules with the Secretary of State must furnish a copy to the committee prior to or concurrent with their filing with the Secretary of State. Plans that are not required to file with the Secretary of State must furnish a copy to the committee within 10 days of promulgating the rule.

SCHOOL FUNDING

This bill adds a definition of "district equalized assessed valuation" to the definitions that are used in interpreting the state school funding formula. The definition averages a district's assessed valuation from the first and second preceding years.

The bill also revises the definition of "guaranteed tax base" to encompass the average of the third and fourth preceding years, instead of basing the amount on only the third preceding year, as in current law.

A procedure is established to permit a school district that has a delinquent single taxpayer who forms 10% or more of the district's tax base to apply to the Department of Elementary and Secondary Education to deduct the taxpayer's assessed valuation from its formula calculation and pay back any increased state aid as delinquent taxes are received over a period of five years.

School districts may use the proceeds from refunding general obligation bonds to pay the costs of issuance of the bonds.

Lee's Summit may not, without specific statutory authority, enact any surcharge for the benefit of the school district.

SCHOOL ACCOUNTABILITY

The Department of Elementary and Secondary Education is required to identify high-achieving schools as performance schools and specify the waivers of rule applicable to those schools. Schools or districts that are academically deficient, unaccredited or provisionally accredited, or that achieve none of the student performance standards established for accreditation:

- (1) Will be identified as priority schools;
- (2) Must submit an accountability compliance statement that identifies areas of deficiency and provides a strategy to address the deficiencies; and
- (3) Must disclose the deficiencies on the school report card.

A schedule for submission of the accountability compliance statements is set out in the bill, and the department may withhold state aid from districts that do not meet the standards and timelines for the statements established by the bill.

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The strategy for improvement of priority schools must, among other requirements, align curricula to address deficiencies; develop individual student plans for any student not receiving special education services who scores at the lowest level of proficiency on the statewide assessments and require these students in grades 9 to 11 to retake the assessment; focus professional development funds on the areas of greatest academic need; improve teacher and administrator effectiveness; and reallocate resources. The student plan spells out the responsibilities of the student, teacher, administrator, and parent or other adult who takes educational responsibility and requires the parent to make a good faith effort to meet with the teacher.

Plans to improve teacher and administrator effectiveness exempt individuals who meet any of several requirements, including national board certification, mentors in approved programs, and those who achieve qualifying scores in professional assessments. Nonexempt individuals must complete a mentoring program, a training program for assessment scorers, or work toward national board certification. Resource reallocation programs must include one of a number of specified elements, such as extended learning time, smaller learning communities, or home visits by teachers. Enforcement of the portion of the bill relating to priority schools and school districts depends upon achieving a specified level of funding of the school aid formula.

#### FAMILY LITERACY

Family literacy is defined, districts are permitted to create family literacy programs and to use line 14 at-risk funding to support them, and family literacy is made an area of critical need. Beginning in Fiscal Year 2005, 1.5% of line 14 funding will be used to fund family literacy programs in unaccredited and provisionally accredited school districts and academically deficient schools.

#### TEACHERS

Out-of-state certified teachers with five years of experience and an appropriate background check may receive provisional certification, to become permanent after five years of teaching in Missouri. The department must promulgate rules that allow teaching assistants with appropriate experience who are pursuing certification to bypass their practice teaching.

#### PHONICS

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Districts are required to have reading programs for kindergarten through grade three that are based on scientific research. The programs must contain five elements, one of which is phonics. Explicit systematic phonics, as defined in the bill, is permitted as part of the program.

#### ASSESSMENTS

For students who receive special education services, the department must, through a teacher panel, determine if appropriate alternate assessments exist or, if not, create such an assessment. When it is determined by the student's individualized education plan team that the alternative assessment is more appropriate for the student, the student will take the alternative assessment, which will address independent living skills, detailed in the bill.

#### HB 1715 -- INTERPRETERS FOR THE HEARING IMPAIRED

Under current law, interpreters must be provided to deaf persons for certain proceedings in state prisons. This bill adds proceedings in juvenile detention or correctional facilities to this requirement.

#### CCS SS HB 1748 -- WATER RESOURCES

This bill makes numerous changes to laws regarding water resources.

#### DRINKING WATER

Drinking water primacy fees will expire on September 1, 2002. The bill extends the fees to September 1, 2007.

The bill also gives landowners the same rights as resident voters in procedures for water district formation, consolidation, dissolution, and territory annexation and detachment. The bill reduces the minimum time period between the final public notice and the public hearing for a proposed district formation or dissolution from 15 to seven days, increases the majority by which voters must approve dissolutions from four-sevenths to two-thirds, and clarifies other notice and procedural requirements. Petitions for the dissolution of a district must include a detailed plan for the payment of all debt and obligations and

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will be dismissed at the cost of the petitioners if they cannot prove that all debts and financial obligations of the district can be paid.

#### BONDS FOR WATER AND SEWER PROJECTS

In addition to amounts authorized prior to August 28, 2003, the bill authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution. The authorizations are for:

(1) \$10 million of bonds for water pollution control, drinking water system improvements, and storm water control pursuant to Section 37(e);

(2) \$10 million of bonds for rural water and sewer projects pursuant to Section 37(g); and

(3) \$20 million of bonds for storm water control plans, studies, and projects in first classification counties and the City of St. Louis pursuant to Section 37(h).

#### CLEAN WATER COMMISSION

The bill requires the Clean Water Commission to develop a general permit for the operation of aquaculture facilities, with annual fees capped at \$250. In developing the permit, the Department of Natural Resources will meet with applicants and the public to evaluate permit requirements and potential impacts on water quality and will conduct public hearings if requested. Facility operators that materially violate general permit requirements may be required to obtain a site-specific permit.

The bill also requires any listing of impaired waters by the commission to be adopted by rule and prohibits the department from requiring total maximum daily loads for waters that meet water quality standards.

#### OTHER PROVISIONS

In other provisions, the bill:

(1) Places the burden of proof on the applicant in appeals of decisions by the Department of Natural Resources or its commissions involving permit denials, places the burden of proof on third parties appealing permit decisions, and places the burden of proof on the department or the commission that made the original decision in all other appeals;

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- (2) Requires the department to regulate non-profit sewer companies in the same manner as other non-profit corporations providing sewer services;
- (3) Requires the Metropolitan St. Louis Sewer District to retain an independent third party to complete a study of the effects of privatization of the district by June 1, 2004;
- (4) Allows public water supply districts and systems to receive grants for both a construction project and a source water protection project during a two-year period;
- (5) Exempts levee districts in St. Charles County from state bidding requirements for water project grants if the funds have not been distributed and the district has complied with federal bidding requirements. These provisions expire on December 31, 2002;
- (6) Removes non-profit water and sewer companies from the list of entities allowed to establish joint municipal utility commissions;
- (7) Establishes procedures for the detachment of territory within a watershed subdistrict upon voter approval; and
- (8) Allows the Department of Health to approve alternative technologies for gravel subsurface soil absorption systems for on-site sewage disposal systems.

HS HCS HB 1756 -- SEXUALLY TRANSMITTED DISEASES

This bill makes various revisions to the law requiring HIV testing of sexual offenders. In its major provisions, the bill:

- (1) Allows prosecuting attorneys who are prosecuting cases involving transmission of HIV and prostitution to have access to certain confidential HIV testing information. Currently, only prosecutors who are prosecuting cases involving disclosure of confidential HIV information have access to the information;
- (2) Allows victims of sex offenses to receive information about whether the defendant tested positive for HIV or other specified sexually transmitted diseases. The prosecuting or circuit attorney or the Department of Health and Senior Services are allowed to notify the victim of this information;

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- (3) Allows individuals who have tested positive or false positive to specified sexually transmitted diseases to request test results for these infections;
- (4) Requires individuals who are infected with HIV to notify the health care provider if he or she is medically capable, or as soon as he or she becomes medically capable;
- (5) Adds biting and other actions which cause a person's blood or bodily fluids to come into contact with another's blood or bodily fluids to the list of ways in which one can commit the crime of recklessly exposing another to HIV;
- (6) Adds sharing needles with another person, biting another person, and causing the exchange of blood or bodily fluids with another person by an HIV infected person who knows of his or her HIV status to the list of evidence that a person has acted recklessly in creating a risk of infecting another person with HIV;
- (7) Requires the department to turn over specified records about a defendant's HIV-infected status and test results to peace officers, police officers, prosecuting attorneys, and the Attorney General upon request;
- (8) Allows the court hearing a sex offense case that involves sexual intercourse or deviate sexual intercourse to order the offender to undergo an HIV test, pursuant to the filing of a motion by the prosecuting attorney. The results of the test must be released to the victim, the prosecuting attorney, and the defendant's attorney. The test results and the motion to obtain an HIV test must be sealed in the court's file;
- (9) Allows the penalty for prostitution to be enhanced to a class B felony if the offender knew that he or she was infected with HIV prior to performing the act of prostitution; and
- (10) Gives the court the discretion to allow the defendant convicted of class B misdemeanor prostitution to withdraw a guilty plea or reverse a verdict and enter a judgement of not guilty upon the defendant's successful completion of a drug and alcohol abuse treatment program. Defendants convicted of a class B felony prostitution may not withdraw their plea or have their verdict reversed, but the judge can consider the successful completion of a drug and alcohol treatment program in making sentencing determinations.



HB 1768 -- JUDGMENT LIENS

This bill provides that judgment liens on real estate will continue for 10 years if the judgment was entered or revived after August 28, 1998; judgment liens entered prior to that date continue for three years.

SCS HB 1773 -- COMPENSATION FOR ST. LOUIS POLICE OFFICERS

This bill revises statutes pertaining to compensation and vacation time for police officers in the City of St. Louis.

From July 1, 2002, through June 30, 2003, the bill increases the maximum amount of compensation which can be paid to commissioned police officers based upon rank and length of service as authorized by the St. Louis Board of Police Commissioners.

The bill repeals the provision which authorizes the board to provide salary increases for commissioned employees with 0-8 years and 9-30 years of experience in excess of the maximum amounts stated in the bill.

The bill allows the board to increase the amount of vacation time granted to members of the St. Louis Police Department. Members of the police department who have served one year or more may be granted three weeks of vacation per year with pay; members with 12 years or more of service may be granted four weeks; and members with 21 years or more of service may be granted five weeks. In addition, the board may grant an additional week of paid vacation to members with at least one year of service.

All members of the police force can receive 15 holidays with pay, and the board can grant members additional holidays with pay. Previously, members of the police force received 14 holidays with pay.

The bill contains an emergency clause.

SCS HB 1776 -- COUNTY RECORDER OF DEEDS; ADOPTION FEES

This bill transfers custody of the County Recorder's Fund from the State Treasurer to the Department of Revenue. Moneys in the County Recorder's Fund are not to be considered state funds.

The bill also limits the fee the Secretary of State may charge to process certain adoption documents to \$100 per child or per multiple children to be adopted at the same time.

#### HB 1781 -- NURSING FACILITY REIMBURSEMENT ALLOWANCE

This bill extends the expiration date of the nursing facility reimbursement allowance to September 30, 2005. Currently, the allowance expires on September 30, 2002.

#### SCS HB 1783 -- COMMISSION FOR THE DEAF AND HARD OF HEARING

This bill changes the name of the Missouri Commission for the Deaf to the Missouri Commission for the Deaf and Hard of Hearing and creates a fund for the commission in the state treasury for moneys appropriated and transferred or paid to the commission for its goods and services. The bill permits members on teams that evaluate interpreters for the deaf to be compensated; currently, evaluators receive expense reimbursements. The board of certification for interpreters must recognize certain certificates from the National Registry of Interpreters for the Deaf and the National Association of the Deaf for purposes of issuing a Missouri certificate.

#### SCS HB 1789 -- SPECIAL LICENSE PLATES

This bill allows for a special license plate for former members of the Missouri General Assembly. To obtain the plate, a person must present proof of eligibility to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. No more than two sets of plates will be issued to an applicant.

The bill also allows U.S. congressional members to get two sets of specialized license plates. Current law provides only one set of U.S. Congressional plates.

The bill revises the language regarding the registration of historic motor vehicles. Any person wishing to register a plate which is over 25 years old and consistent with the year of manufacture of the motor vehicle may register the plate as a historic vehicle plate. The plate must not contain a configuration of letters or numbers already issued to another vehicle owner. The owner of the historic vehicle must keep the certificate of registration in the vehicle at all times.

The advisory committee on license plates is revived. The committee will be allowed to meet prior to April 1, 2003, to review license plate designs with a particular emphasis on public safety.

SCS HB 1811 -- CONVEYANCE OF PROPERTY IN ST. LOUIS, LEE'S SUMMIT,  
AND KANSAS CITY

This bill authorizes the public sale of state property located within the City of St. Louis known as the Hubert Wheeler State School.

The Governor is authorized to convey certain state property located in Cole County to the General Services Administration or the Missouri Development Finance Board in consideration for property of like value to be transferred to the state. The Governor is also authorized to convey certain property located in Lee's Summit to the original owners.

The bill also authorizes the conveyance of certain state property located within the City of Kansas City, known as Western Missouri Mental Health Center, to Children's Mercy Hospital.

HB 1812 -- HEALTH SERVICES DOCUMENT FUND

This bill revises a provision pertaining to the use of moneys in the Department of Health and Senior Services Document Fund. The bill requires that the fund pay for personnel costs associated with the collection, processing, storing, and accessing of documents and data. The costs are associated with reports, studies, and publications produced or reproduced by the department.

HB 1814 -- ORDERS OF PROTECTION

This bill makes several changes to the laws governing orders of protection to comply with federal statutes and avoid losing grant funding. In its main provisions, the bill:

- (1) Eliminates filing fees and other costs associated with obtaining orders of protection or registering foreign orders of protection pursuant to Chapter 455, RSMo;
- (2) Allows orders of protection to be terminated upon the request of petitioners;
- (3) Requires that full faith and credit be given to foreign orders of protection and modifies the procedure for registering foreign orders in this state; and

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(4) Requires courts, in child protective order cases, to immediately notify guardians ad litem or court-appointed special advocates of appointment and to provide them with copies of the petition and the names, addresses, and telephone numbers of the parties within 24 hours of appointment.

#### HB 1822 -- MILITARY DUTY

This bill changes the maximum military leave available to state employees from 15 days per year to 120 hours per year. The employee will only be charged military leave for the hours he or she would have been required to work if not on military leave.

#### HB 1838 -- LICENSURE OF MOTOR VEHICLE AND WATERCRAFT DEALERS

Under this bill, motor vehicle franchise dealers will not be required on renewal applications to include a certification of their bona fide established place of business.

The bill also requires the State Water Patrol or metropolitan police departments to certify a bona fide established place of business for boat manufacturers or dealers.

#### HB 1839 -- SPECIAL ROAD DISTRICTS

This bill clarifies that a municipal road district may be dissolved if a majority of the voters are in favor of the dissolution.

#### HB 1840 -- LOBBYISTS' REPORTS

This bill updates the provisions regarding the electronic reporting system for filing lobbyist reports.

SCS HB 1846 -- VILLAGES

This bill changes the semi-annual dates that a village must publish a financial statement in a local newspaper from March 1 and September 1 to any semi-annual dates.

SCS HB 1849 -- CONVEYANCE IN CRAWFORD COUNTY

This bill authorizes the conveyance of certain state property located in Crawford County to the Crawford County Commission.

The bill contains an emergency clause.

HB 1861 -- CONVEYANCE IN ST. FRANCOIS COUNTY

This bill authorizes the conveyance of certain state property located in St. Francois County to the St. Francois County Habitat for Humanity.

SS SCS HCS HB 1888 -- PAWNSHOPS; STEALING

This bill requires pawnshops to report certain information about pawnshop transactions to appropriate law enforcement authorities. Pawnshop owners may transmit the required information to a database electronically. Any reporting pawnshop is required to submit transaction information to the database within one business day and must make paper copies of transactions available to law enforcement, upon request. The database may be created and maintained by a third party and accessed by law enforcement officials in their investigations of alleged property crimes. Any person who fraudulently accesses the database will be guilty of a class C felony. In addition, municipalities within St. Louis County and St. Louis City may regulate the number of pawnshop licensees.

The bill also requires proof of identification for persons selling property to pawnbrokers. If a seller or pledger fails to provide proof of identity, the pawnbroker will hold the property for 30 days and can then transfer the property if the seller submits a signed statement attesting that he or she is the legal owner and when and from whom the property was acquired. A claimant whose property was misappropriated may demand return of

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the property in writing. This written demand must be accompanied by a copy of the police stolen property report and an affidavit. If the demand is made, the pawnbroker must return the property to the claimant, in the presence of a police officer, within seven days. However, if the pawnbroker has reason to believe any of the statements in the affidavit are false, the pawnbroker need not return the property and the claimant may seek relief in court. The non-prevailing party will be responsible for court costs and the prevailing party's attorney fees. Conversely, if the pawnbroker returns the property but later discovers information contained in the affidavit was false, or that the claimant did not assist police in the prosecution of the theft, the pawnbroker may file suit for the value of the property and the non-prevailing party will be responsible for court costs and the prevailing party's attorney fees.

Itinerant vendors and peddlers are required to provide proof of purchase of any new or unused property. Forging a receipt will be prosecuted under Section 570.090, RSMo.

Altering a receipt, price tag, or price code with the intent to cheat and defraud a retailer is made a stealing crime. A reasonable service charge on returned checks is allowed.

The bill also lowers the felony stealing limit from \$750 to \$500 and raises the felony limit for numerous other crimes involving theft from \$150 to \$500. The other criminal statutes affected are: making a false statement to receive health care payment; sale of any species of wildlife; tampering with computer data, computer equipment, or computer users; determination of value; receiving stolen property; alternation or removal of item numbers with intent to deprive rightful owner; passing bad checks; fraudulently stopping payment on an instrument; fraudulent use of a credit device; library theft; theft of cable television service; failure to return rented personal property; unlawful receipt, conversion, or transfer of food stamps or Authorization to Participate cards; and perjury, committed when obtaining public assistance. The bill also makes offenses in which the value of property or services is an element (stealing) a class C felony if the value is \$500 to \$25,000 and a class B felony if the value is \$25,000 or more.

A person who has pled guilty or been found guilty on two separate occasions of a stealing-related offense, within 10 years of the present offense and where the person received and served a sentence of 10 days or more on the previous offense, is guilty of a class C felony if the person is found guilty or pleads guilty on the present offense.

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The bill also adds an additional \$1 per check charge to handling costs collected from issuers of bad checks. The charge will be deposited in the Missouri Office of Prosecution Services Fund.

The bill contains a severability clause.

#### SCS HB 1890 -- SALES/USE TAX: MOBILE TELECOMMUNICATIONS

This bill brings Missouri into compliance with the Mobile Telecommunications Sourcing Act as provided by federal law.

The bill establishes the source location of mobile telecommunications services for purposes of local sales and use taxation. The source location will be the definition provided by federal law which is the primary area of use by the customer and not the location of the provider of the telecommunication service.

The bill also provides special rules for error corrections requested by customers of mobile telecommunications service.

The bill contains an emergency clause.

#### HB 1895 -- ELECTRONIC JUSTICE INFORMATION

This bill changes the Criminal Records Advisory Committee to the Criminal Records and Justice Information Advisory Committee. It also adds to the committee's responsibilities, requiring it to assess the current state of electronic justice information sharing, recommend policies and strategies for the promotion of electronic justice information sharing and coordination, and provide guidance on the use of state or federal funds appropriated for the promotion of electronic justice information sharing.

#### SCS HB 1921 -- CREDIT UNION COMMISSION

This bill revises the terms of office for credit union commissioners by requiring that the terms be staggered.

The bill also allows the Division of Credit Unions, at the discretion of the director, to examine qualifying credit unions once every 18 calendar months instead of annually.

HB 1926 -- CHILDREN'S HEALTH INSURANCE PROGRAM

This bill extends the sunset date for the Children's Health Insurance Program from July 1, 2002, to July 1, 2007.

The bill also repeals a provision pertaining to outreach activities through the Division of Medical Services for children's health programs jointly financed by state and federal matching funds

The bill contains an emergency clause.

HB 1937 -- PERFUSION

This bill allows the State Board of Registration for the Healing Arts, at its discretion, to issue provisional clinical perfusion licenses to persons whose certification with the American Board of Cardiovascular Perfusion has lapsed. The board will adopt rules to ensure that persons applying for provisional licenses are actively seeking certification.

The bill also gives the board the authority to refuse to issue, suspend, or revoke licenses and file complaints with the Administrative Hearing Commission.

CCS SCS HB 1953 -- HEALTH DEPARTMENT COMMITTEES AND BOARDS

This bill makes reimbursement of actual and necessary expenses for members of the Department of Health and Senior Services' advisory committees subject to appropriations.

The bill also moves the Board of Nursing Home Administrators from the jurisdiction of the Department of Social Services to the Department of Health and Senior Services.

SCS HB 1964 -- REAL ESTATE

This bill allows neighborhood associations, acting without compensation, to participate in real estate transactions by providing prospective buyers with information regarding real estate located within the geographical area which the association represents. A neighborhood association is any group organized

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for the sole purpose of improving a particular geographic area within a municipality.

The bill also creates the definitions of "commercial real estate" and "residential real estate" within the provisions relating to limited and dual real estate agents and designated real estate brokers.

#### HB 1973 -- ECONOMICS AND PERSONAL FINANCE EDUCATION

This bill directs the Department of Elementary and Secondary Education to conduct a study of economics and personal finance education and submit it to the General Assembly by January 1, 2003. The study must contain recommendations on several topics, among which are in-service training methods for teachers on economics and personal finance, integration of the subjects into the statewide assessments, and requirements for a capstone high school course in economics and personal finance. No state moneys are to be used in funding the study.

#### HB 1982 -- COUNTY ASSESSORS

This bill clarifies language regarding travel expense reimbursement of assessors in counties of the third and fourth classification.

#### HB 1988 -- OFFICIAL STATE HORSE

This bill names the Missouri Fox Trotting Horse as the official state horse.

#### HB 2001 -- DIVERSION AGREEMENTS

This bill allows the State Dental Board to establish diversion agreements with dentists and dental hygienists in lieu of disciplinary action. In a diversion agreement, a dentist or dental hygienist would be referred to the Dental Well-Being Committee.

## HB 2002 -- CORONER'S INQUEST

This bill makes the issuance of a coroner's warrant to a sheriff discretionary. Under current law, a coroner must issue a warrant to the sheriff to summon a jury for a coroner's inquest when a death has been caused by violence or casualty.

Under current law, jurors are responsible for determining if a person died as a result of a felony. The bill requires jurors to also determine if the felonious act was justified. Coroners are empowered to issue summons for evidence, documents, and materials of substance. The jury may view the dead body by photographic, electronic, or other means.

## SS SCS HB 2008 -- MOTOR VEHICLE DEALERS

This bill adds a definition of "powersport dealer" to the definitions for licensure of motor vehicle dealers, manufacturers, and auctions. A "powersport dealer" sells motorcycles, all-terrain vehicles, and personal watercraft.

Business signs for certain motor vehicle dealers will be required to contain the name by which the dealership is known to the public. The name does not need to be identical to the name appearing on the dealership's license as long as the name is registered as a fictitious name with the Secretary of State, has been approved in writing by the line-make manufacturer in the case of a new motor vehicle franchise dealer, and a copy of the registration is provided to the Department of Revenue.

The bill repeals the law relating to the repurchase of industrial, maintenance and construction power equipment, and outdoor power equipment used for lawn, garden, golf course, landscaping, or grounds maintenance upon cancellation of contracts. Current law requires wholesalers, manufacturers, or distributors to repurchase the equipment from retailers at 90% of the net cost, with certain exceptions, and includes provisions for remedies to the retailer and penalties to the manufacturer, wholesaler, or distributor upon refusal to repurchase equipment. The bill replaces the term "farm implements" in the definition of inventory with the terms "equipment" and "implements" in the law relating to the repurchase of farm machinery inventory upon the termination of a dealership. The bill requires wholesalers, manufacturers, or distributors to repurchase equipment, implements, machinery, and attachments at 100% of the net cost and to repurchase repair parts at 95% of the current net price at the termination of a contract, with some exceptions.

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Advertising standards are created for motor vehicle dealers. Dealers are prohibited from using the terms "at cost" and "\$\_\_\_\_ above cost" in advertising. Other terms are limited in their use. Violations of the advertising standards will be deemed an attempt to obtain a fee or compensation by fraud, deception, or misrepresentation and can subject the dealer to discipline.

The bill eliminates lienholder possession on motor vehicle and manufactured home certificates of title. The owner of the motor vehicle or manufactured home is required to list the lienholder on the application for title. Failure to do so is a class A misdemeanor. The process for perfection of and release of liens for lienholders and subordinate lienholders is specified.

The bill also restricts the use of motor vehicle license plates that are patently offensive or contemptuous of a racial or ethnic group.

#### SCS HB 2009 -- LICENSURE OF MOTOR VEHICLE DEALERS

This bill requires that business signs for certain motor vehicle dealers contain the name by which the dealership is known to the public. The name does not need to be identical to the name appearing on the dealership's license as long as the name is registered as a fictitious name with the Secretary of State, has been approved in writing by the line-make manufacturer in the case of a new motor vehicle franchise dealer, and a copy of the registration is provided to the Department of Revenue.

#### HB 2018 -- TAX BOOK FOR SCHOOL DISTRICTS

This bill requires the county clerk of Jackson County to forward a copy of the aggregate valuation listed in the tax book for a school district to each school district by June 15 of each year.

#### SCS HB 2022 -- COMMUNITY COLLEGE TAXES

This bill repeals and reenacts without change the statute that sets community college property tax rates and creates a procedure to establish capital improvement subdistricts within community college districts, which may levy taxes with voter approval.

#### SS HB 2023 -- SPECIAL EDUCATION

Currently, a parent of a child with an individual education plan may request an expedited hearing to challenge the disciplinary placement of the child in an interim alternative setting or to challenge a manifestation determination connected with an interim placement for weapons, drugs, or dangerous behavior. This bill replaces the specific reasons for the disciplinary placement with language that permits a parent to request an expedited hearing on any disciplinary change of placement. The bill also revises the appeal procedure for the hearing panel decision, which currently permits appeals pursuant to the administrative procedures statute. Instead, the bill specifies that a court will hear the case without a jury upon the record filed as the resolution conference statutes provide and limits the court's review to a determination of whether the agency's action violates the constitution, was made upon unlawful procedures, is arbitrary or unsupported by the evidence, or involves an abuse of discretion.

The bill also revises the state's policy on special education from one of maximization to the provision of a free appropriate education consistent with the federal statutes on special education.

#### HB 2039 -- MEMORIAL STREETS AND ROADS

This bill allows the governing body of any county, city, or village to designate any street, road, or highway within the county, city, or village as a memorial road for any law enforcement officer killed in the line of duty. The designating entity will be responsible for the cost, erection, and maintenance of signs marking the road.

#### SCS HB 2047 -- NATIONAL GUARD

Current law makes students at public higher education institutions who are members of the armed forces reserves and are called to active service under certain circumstances eligible for tuition refunds or for a grade of "incomplete." This bill makes students who are members of the National Guard similarly eligible for the refunds or grade.

The bill also authorizes the creation of an additional assistant adjutant position.

#### HB 2062 -- RESTRICTED DRIVING PRIVILEGES

This bill defines "restricted driving privilege" and makes various technical corrections.

#### HB 2064 -- TAX FORECLOSURE SALES

This bill authorizes a recording fee for a sheriff's deed given under the St. Louis Municipal Land Reutilization Law. The recording fee must be assessed and collected from the purchaser of the property at the same time the proceeds from the sale are collected. All deeds must be recorded within two months after the sheriff's deed is given.

#### HB 2078 -- REPEAL OF EXPIRED SECTIONS

This bill repeals expired provisions of law and sections made obsolete by expired provisions of law dealing with tax liens, taxes on ethanol fuel blends, restorative justice programs, lottery single cash payments, and energy conservation.

#### SCS HB 2080 -- RETIREMENT BENEFITS FOR PROSECUTORS

This bill allows prosecuting attorneys in all counties which have made the position of prosecuting attorney a full-time position prior to August 28, 2001, to participate in the retirement system for prosecuting and circuit attorneys. The prosecutor is eligible for the same benefits as a full-time prosecutor in a county of the first classification. The election to participate in the system must be made by a majority of the members of the county commission and is irrevocable.

#### HB 2117 -- ASSISTIVE TECHNOLOGY ADVISORY COUNCIL

This bill extends the responsibility of the state to make information technology accessible to persons with disabilities to contracts and grants administered by the state that involve the procurement, development, or upgrading of information technology.

CCS SCS HB 2120 -- METHOD OF ASCERTAINING THE VALUE OF PROPERTY

This bill establishes the method for determining the value of certain stolen property. If the victim is a merchant and the stolen property would have been sold in the ordinary course of the merchant's business, the value of the property is the price at which the merchant would normally sell the item.

HB 2130 -- PERSONAL PROPERTY TAX LIST

Current law requires personal property tax lists to be filed with the county assessor by April 1 each year. This bill sets the deadline as the next business day when April 1 falls on a Saturday or Sunday.

SCS HB 2137 -- COMPENSATION FOR COUNTY TREASURERS

This bill increases the salary schedule for county treasurers. The bill allows increases based on the assessed valuation of the county.

SS SCS HCS HJR 47 -- JOINT MUNICIPAL UTILITY COMMISSIONS

This proposed constitutional amendment allows joint municipal utility commissions to develop utility projects with municipalities, electric cooperatives, or public utilities without additional regulation by the Public Service Commission. Bonds issued for the projects are not indebtedness of the state or of any political subdivision.

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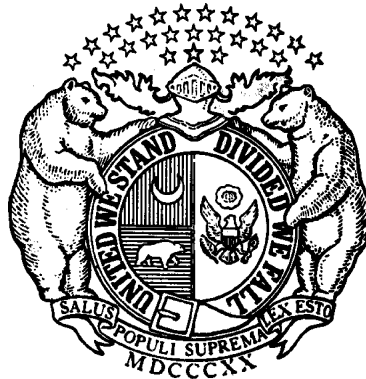
**TRULY AGREED  
TO  
AND FINALLY  
PASSED**

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**SENATE BILLS**

**SECOND SESSION  
91st GENERAL ASSEMBLY**

**2002**



**Prepared by  
House Research Staff**

SB 639 -- MANUFACTURE OF FOOD PRODUCTS

This bill exempts sellers of jams and jellies who do not have more than \$30,000 in annual sales from the requirement to construct or maintain separate production facilities.

SB 644 -- SPECIAL MOTORCYCLE LICENSE PLATES

This bill allows veterans to obtain veterans' license plates for their motorcycles. In addition to the regular registration fees, the person must pay an additional fee of \$15.

CCS HCS SS#2 SB 650 -- STATUTE OF LIMITATIONS

This bill eliminates the statute of limitations for forcible rape, attempted forcible rape, and forcible sodomy.

The bill contains an emergency clause.

SCS SB 656 -- INSURANCE

This bill allows insurance companies to provide their policies in a language other than English, as long as an English version is also included. The English version will control in the event of a dispute regarding the translation, unless the non-English version is shown to be a fraudulent misrepresentation. Any knowing misrepresentation in a non-English version is a violation of the Unfair Trade Practices Act.

HS HCS SS SCS SB 675 -- ELECTIONS

This bill makes numerous changes to the election laws. In its main provisions, the bill:

- (1) Allows computerized voting systems to be certified for use in Missouri;
- (2) Allows independent and third party members to serve as election judges;

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(3) Prohibits employers from firing or disciplining employees appointed as election judges. These employees may be absent from work for the amount of time that the election authority requires their service as election judges. Employees discharged in violation of this section may bring a civil action against the employer for lost wages, reinstatement, and attorney fees;

(4) Allows caretakers of the disabled and elderly to vote by absentee ballot;

(5) Provides state grants, subject to appropriation, for election judge compensation, for youth voting programs, and to upgrade local election equipment, including accessible voting equipment;

(6) Removes uncontested committee races from ballots;

(7) Closes certain voter registration records by court order if the voter's safety is at issue;

(8) Allows international election observers;

(9) Allows persons in federal service to return absentee ballots by electronic means;

(10) Prohibits use of the butterfly ballot, except in certain circumstances;

(11) Requires that voting instructions be clearly posted at all polls;

(12) Gives local election authorities in jurisdictions with less than 750 registered voters the option to mail out sample ballots to voters. Current law only allows this in jurisdictions with less than 500 registered voters;

(13) Extends the time period allowed for testing voting equipment from five to 14 days;

(14) Requires all election authorities to establish an advance voting period for presidential elections, which will begin 14 days before an election and end on the Wednesday immediately before an election. The election authority must establish and post the hours and locations for advance voting;

(15) Requires voter registration agencies under the National Voter Registration Act to submit registration applications within five days of completion;

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- (16) Requires election authorities to accept absentee ballot applications by facsimile transmission;
- (17) Prohibits certain persons who register to vote by mail from voting by absentee ballot until they have first voted in person and presented proper identification at a polling place;
- (18) Allows the Secretary of State to develop multilingual sample ballots and voting instructions;
- (19) Establishes provisional voting;
- (20) Requires the election authority in St. Louis County to reapportion the county into 28 contiguous and nearly equally populated townships;
- (21) Changes the date of the presidential primary from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in February;
- (22) Requires that the nominating committees for special elections to fill vacancies in the General Assembly after redistricting but before the new districts come into effect be from the old districts. Under current law, the nominating committees that select the candidates for those special elections are comprised from the new districts;
- (23) Allows Kansas City to designate one of the four election authorities situated partially or wholly within Kansas City as the verification board to certify election results within the city;
- (24) Requires that absentee ballots for persons with permanent disabilities be delivered not earlier than six weeks before an election but prior to the fourth Tuesday prior to an election; and
- (25) Requires that voters, before receiving a ballot, present some form of personal identification from a list including government-issued identification; identification issued from an institution of higher learning; driver's license; or a copy of a current utility bill, bank statement, paycheck, or other government document that contains the name and address of the voter.

The bill contains an emergency clause for political committee elections.

HCS SB 695 -- CHILDREN'S TRUST FUND BOARD

This bill increases the number of members who serve on the Children's Trust Fund Board from 17 to 21. The bill allows four additional board members to be chosen and appointed by the Governor.

SB 701 -- PILOT LICENSES

Under current law, it is unlawful for anyone to fly a plane without a pilot's license issued by the United States Department of Commerce. This department is no longer responsible for issuing these licenses. Pilot licenses are now referred to as airmen certificates and are issued by the Federal Aviation Administration. This bill modifies the statutes to reflect current federal law.

SB 708 -- CLEAN WATER COMMISSION

This bill adds one member to the Clean Water Commission to represent the needs of publicly owned wastewater treatment facilities. All members appointed after August 28, 2002, must be qualified to evaluate technical water quality information, financial requirements, and the effects of establishing standards and regulations.

CCS HS HCS SCS SB 712 -- STATE EMERGENCY HEALTH POWERS

This bill:

- (1) Prohibits the transport of hazardous materials through highway tunnels and includes penalties for violations;
- (2) Allows the State Water Patrol to close any waters in the state to navigation or use in the event of a disaster;
- (3) Creates the crime of criminal water contamination, a class B felony;
- (4) Allows the Attorney General to investigate the unlawful use of funds by charitable organizations;

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(5) Revises the current crime of making a terrorist threat by removing existing language that defines making a terrorist threat as threatening to commit a felony or making a false report about the commission of a felony and replacing it with threatening to commit or making a false report about an incident or condition involving danger to life;

(6) Creates the Joint Committee on Terrorism, Bioterrorism and Homeland Security, to be composed of seven members of the House of Representatives and seven members of the Senate. No party may be represented by more than four members from either chamber;

(7) Defines "bioterrorism" as intentionally causing harm to a living organism in order to influence the conduct of government or coerce a civilian population;

(8) Allows the issuance of temporary licenses to health care practitioners licensed in another state who are acting under military orders and are enrolled in trauma and disaster response training in this state and also allows temporary licensure of health care practitioners licensed in another state and acting pursuant to a declaration of a state public health emergency by the Governor;

(9) Allows the registration and record keeping requirements regarding narcotic drugs to be waived in the event of an emergency;

(10) Revises the wiretapping provisions to allow prosecutors to apply for an order authorizing a wiretap in a situation related to terrorism, protects information legally collected, and makes unauthorized wiretapping or intercepting of communications a class D felony;

(11) Adds an individual's exposure to a specific peril of death due to an actual or suspected terrorist event to the list of circumstances that allow probate. Current law also allows a presumption of death after five years and without proof otherwise. New language provides that it will be sufficient to presume a person dead at any time after that person was exposed to a specific peril of death, even if five years have not yet elapsed;

(12) Adds engaging in a currency transaction with the purpose of promoting or aiding terrorism or terrorist threats to the crime of money laundering;

(13) Revises the crime of making a false report to include

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making reports to any person, not just law enforcement, and making reports about incidents that are about to occur, not just that have already occurred; and

(14) Adds an exemption to the Sunshine Law, allowing closure of meetings and records regarding specific information on certain terrorism readiness issues. However, certain information regarding municipal utilities and information regarding costs of security measures will not be considered closed.

#### HCS SB 714 -- TEMPORARY LICENSES FOR HEALTH CARE PROFESSIONALS

This bill allows the appropriate licensing board in Missouri to temporarily license certain health care practitioners from other states who are responding to a Governor's declaration of an emergency in Missouri. Current law allows a temporary license to be issued for up to 12 months to a health care practitioner licensed in another state who is acting under federal military orders and is enrolled in a trauma and disaster response training program in Missouri.

The bill allows the temporary license to be issued for a two-week period and, after verification of qualifications, to be reissued every two weeks for a period not to exceed one year. Licensure information and confirmation of services provided during a declaration of an emergency can be obtained by any means, including electronic mail.

#### HCS SB 718 -- PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS

This bill requires every public school to ensure that the Pledge of Allegiance is recited at least once a week in every student's class. Students are not required to participate.

#### SB 720 -- COUNTY COLLECTORS

This bill limits the bond amount for deputies and assistants appointed by the county collector or treasurer ex officio collector. The bill requires any deputy or assistant of a county collector or a treasurer ex officio collector to give bond and security to the satisfaction of the collector. The bond for each individual must not exceed one-half of the amount of the bond required for the collector. The premium of the bond must be paid by the county or city being protected.

## HS HCS SCS SB 722 -- TEACHER CERTIFICATION

### TEMPORARY ADMINISTRATOR'S CERTIFICATE

This bill permits a temporary certificate for school administrators that is valid for one year and renewable for up to four more years, upon measurable progress towards a permanent certificate. To be eligible, a person must have a valid Missouri teacher's license, have a master's degree or be enrolled in a master's program, and have five years' teaching experience at the level for which certification is sought. The certificate is sought jointly by the person and the employing district or accredited private school, which must provide a mentoring program for the applicant. These provisions expire on August 28, 2012.

### LICENSE DENIAL, REVOCATION, AND DISCIPLINARY ACTIONS

The bill also makes several changes to the process by which teachers' licenses may be denied or disciplinary action imposed on a license holder. The bill adds deception in obtaining a license and disciplinary action on an existing license from another jurisdiction to the grounds for discretionary revocation or denial of license. The bill adds furnishing child pornography to a minor to the list of offenses that require license revocation. Under current law, the Attorney General may file charges for financially distressed districts; the bill removes the requirement that the district be financially stressed but specifies that the Attorney General will not file charges for annulment of contracts. The bill clarifies that the State Board of Education as well as the school district may file certain licensure charges, that cases may be settled informally by agreements or voluntary surrender of license, and that licensure decisions are subject to judicial review. The State Board of Education may refuse to issue or renew a license or may suspend or revoke a license of a person who has surrendered his or her license or has failed to renew it, for any of the grounds mentioned in the bill. The bill also contains several technical changes, primarily in notification procedures.

### SB 726 -- EMERGENCY SERVICES DAY

This bill changes Emergency Services Day from November 28 to September 11. Emergency Services Day is set apart as a day of appreciation, respect, and gratitude for all public safety personnel, including police, firefighters, ambulance personnel, emergency dispatchers, and corrections officers.

#### SCS SB 727 & 703 -- TINTED WINDOWS

This bill permits the use of sun screening material with a light transmission of 35% or more, plus or minus 3%, and a luminous reflectance of 35% or less, plus or minus 3%, on front windows and sidewing vents located to the left and right of motor vehicles registered in Missouri. The Department of Public Safety may issue a permit to any person to operate a vehicle with sun screening with less light transmission and more luminous reflectance if the person has a serious medical condition and the sun screening is prescribed by a physician.

The bill does not prohibit the use of labels, stickers, decalcomania, or informational signs on motor vehicles; the application of tinting or solar screening material on recreational vehicles; or factory-installed tinted glass.

The bill also removes any restrictions on the tinting of rear-side windows and rear windows. The degree of sun tinting on vehicle windows will no longer be a part of motor vehicle inspections.

The bill contains an emergency clause.

#### SCS SB 729 -- MORTGAGE INSURANCE

This bill increases the limit on the amount of mortgage insurance that can be issued on real estate from 100% to 103% of the fair market value of the real estate.

#### HCS SCS SB 737 -- SPECIAL LICENSE PLATE

This bill allows members, former members, and children of members of the Missouri 4-H Club to purchase a special license plate for a fee of \$15. The license plate will bear the 4-H emblem and the words "Missouri 4-H" in place of "Show-Me State."

#### SB 742 -- TRUSTS AND ESTATES

This bill lists certain activities not considered to be engaging in the trust business and corrects an intersectional reference.

SCS SB 745 -- SPECIAL LICENSE PLATE

This bill allows Marine Corps and Navy personnel and veterans who furnish proof of active duty combat action to obtain a "COMBAT ACTION RIBBON" license plate. There is a \$15 fee in addition to the regular registration fee.

HCS SB 749 -- EFFECTIVE DATES OF LAWS

Under current law, a bill vetoed by the Governor becomes effective immediately if the General Assembly votes to override the veto. Similarly, due to a 1926 decision of the Missouri Supreme Court, initiative petitions become effective on the date approved by the voters. This bill provides that vetoed bills become effective 30 days after the General Assembly votes to override. Issues submitted to the voters, whether by the General Assembly or by initiative petition filed after January 1, 2003, must contain an effective date.

CCS HCS SB 758 -- SEX OFFENDER REGISTRATION; APPEAL BONDS

This bill makes several changes in the laws governing the sex offender registry. The bill:

- (1) Requires convicted sex offenders to register with the chief law enforcement official of the county in which the sex offender resides within 10 days of his or her conviction, release from incarceration, or being placed on probation. Current law requires registration within 10 days of coming into any county;
- (2) Requires persons convicted of a sex offense in another state or under federal jurisdiction since July 1, 1979, to register;
- (3) Requires all sex offenders who are not currently registered to do so within 10 days of the effective date of the bill;
- (4) Amends the list of crimes requiring registration by adding felonious restraint and by removing sexual misconduct, except when the victim is a minor; and
- (5) Authorizes the State Highway Patrol to provide youth service agencies with the address and offense of registered sex offenders who apply for employment at these agencies.

The bill also adds statutory rape, sexual assault, forcible sodomy, statutory sodomy, deviate sexual assault, and sexual abuse to the list of crimes for which an appeal bond cannot be granted.



#### HCS SCS SB 776 -- HIGHER EDUCATION SAVINGS PROGRAM

This bill permits any member of the board of the Missouri Higher Education Savings Program to select a proxy with full voting privileges for one meeting at a time. Up to three proxies may be considered members for establishing a quorum. The bill further requires that personally identifiable information about participants in and beneficiaries of Missouri Higher Education Savings Program accounts be kept confidential and limits disclosure to administrative purposes.

#### HCS SB 786 -- DESIGN-BUILD CONTRACTS

This bill allows contractors, whether individuals or corporations, who do not hold a certificate pursuant to Chapter 327, RSMo, to enter into contracts to design and build projects. Contractors cannot hold themselves out as being able to perform those services which would be performed by an architect, engineer, land surveyor, or landscape architect; and the actual work must be performed by persons or corporations holding a certificate to provide those services.

#### CCS#2 HCS SB 795 -- BOILER AND PRESSURE VESSELS SAFETY FUND; EMERGENCY COMMUNICATIONS SYSTEM FUND

This bill allows the Boiler and Pressure Vessel Board to set fees for inspections, permits, and licenses. The fees collected by the board will be placed in the Boiler and Pressure Vessels Safety Fund which is created by the bill. Money deposited into this fund will be appropriated for the purposes of paying the expenses of the board. Political subdivisions performing inspections, permitting, and licensing of boilers and pressure vessels will be paid directly and will not be preempted by the provisions regarding boiler safety.

The bill also requires any rule created under the authority of the board to become effective only when it complies with the provisions of administrative procedure and review.

The bill further creates new definitions regarding emergency communications. Counties may establish emergency communications commissions. Upon voter approval, counties may levy additional property taxes in order to operate the communications system. All funds collected will be placed in a special county fund, known as the Emergency Communications System Fund, to be used to upgrade and maintain the communications system.

SB 798 -- CONGRESSIONAL LICENSE PLATES

This bill allows members of Congress to get two sets of specialized license plates. Current law allows only one set of Congressional plates per member of Congress.

SCS SB 804 -- CONVEYANCES IN JACKSON COUNTY

This bill authorizes the Governor to convey certain parcels of state property held by the Department of Mental Health located in Jackson County to the City of Kansas City.

HS HCS SCS SB 810 -- UTILICARE PROGRAM; NURSING CARE PAYMENTS; ZONING; ENERGY CONSERVATION LOAN PROGRAM

Currently, individuals must have a combined household income of 110% or less of the current federal poverty level to qualify for the Utilicare Program. This bill raises the eligibility level to 150% of the federal poverty level. It also allows eligibility to be based on household incomes that are 60% of the state median income. The bill also increases the amount that eligible households can receive from the Utilicare Fund for heating and cooling from \$150 to \$600. The bill requires the Department of Social Services to coordinate all federal programs into the Utilicare Program. It allows funds for the Utilicare Program to come from any source, including federal funds from the federal Community Opportunities Accountability and Training and Educational Services Act; and it requires all funds to be used for the Utilicare Program and for the federal Low Income Home Energy Assistance Program.

The bill requires the transfer of natural gas or electric rate refunds to the Utilicare Stabilization Fund if the refunds remain unclaimed for five years. Transferred funds that are not used for heating or cooling assistance within one year revert to general revenue. The Division of Design and Construction is authorized to select bid proposals for guaranteed energy cost savings contracts based on a contractor's specialized experience and technical competence, capacity and capability to perform the work, and past performance record.

The bill requires the Division of Family Services to do a division of assets for married couples when determining eligibility for supplemental nursing care payments when one spouse is living in a residential care facility.

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The Department of Health and Senior Services is permitted to retain legal counsel on a case-by-case basis in order to expedite adult guardianship cases.

The bill prohibits local entities from enacting zoning ordinances that prevent the operation of certain businesses that use at least 80% of their revenue for charitable purposes. It also permits state colleges and universities to participate in the Department of Natural Resources' energy conservation loan program and increases the maximum allowable payback period for loans from eight years to the greater of 10 years or 80% of the expected useful life of the project.

#### SB 812 -- EXECUTIVE ORDERS

This bill requires that all executive orders issued after January 1, 2003, be published in the Missouri Register.

#### SB 831 -- BILL OF RIGHTS DAY

This bill establishes December 15 as "Bill of Rights Day" in Missouri.

#### HS HCS SCS SB 834 -- LIQUOR SALES

This bill allows the Supervisor of the Division of Liquor Control to issue a retail license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday to an airline club located in an international airport and owned or leased and operated by an airline. This license will cost \$200 in addition to all other fees required by law. City and county regulations and fees will also apply to the license.

The bill permits qualified licensed resorts in Camden, Miller, and Morgan counties to remain open each day of the week until 3:00 a.m. The time of opening on Sunday may be 11:00 a.m. The resort's previous year's annual gross sales must be \$100,000 or more. A resort is defined as any establishment having at least 75 rooms for transient guests, at least 3,000 square feet of meeting space, and a restaurant on the premises. This law will terminate on January 1, 2007.

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The bill allows the supervisor to issue a special license to retailers to sell Missouri-produced wines by the drink on the premise where sold. This license may only be issued for the purpose of promoting tourism. The retailer may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday, and between 11:00 a.m. and 9:00 p.m. on Sunday.

The bill also allows a wholesaler to give a retailer credit for intoxicating liquor with an alcohol content of less than 5% or 3.2% beer in a container with a capacity of four gallons or more that was delivered for a special event, if the wholesaler removes the product within seven days of the initial delivery.

New penalties are created for the violations of liquor control laws. The bill allows the supervisor to assess the following in lieu of suspension or revocation of a liquor license:

- (1) A civil penalty of not less than \$100 or more than \$5,000 against any solicitor licensed to sell liquor when in violation of any liquor law;
- (2) A civil penalty of not less than \$50 or more than \$1,000 against any retailer with less than 5,000 occupant capacity when in violation of any liquor law; and
- (3) A civil penalty of not less than \$50 or more than \$5,000 against any retailer with 5,000 or more occupant capacity when in violation of any liquor law.

The supervisor must establish rules to identify which violations are eligible for civil penalty, the maximum amounts of the penalty, and conditions for which the penalty may be reduced.

The bill also requires the supervisor to meet with a licensee prior to issuing any order of warning, probation, revocation, suspension, or fine in order to bring early resolution of disputes. The supervisor must provide the licensee a written description of the specific conduct for which discipline is sought and all documents related to the violation.

The bill contains an emergency clause.

#### HCS SS SCS SB 840 -- STATUTE OF LIMITATIONS

Under current law, actions to recover for personal injury, property damage, or wrongful death caused by a defective

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condition in the design, planning, or construction of an improvement to real property must be commenced within 10 years of the date the improvement is completed. This bill adds economic loss to the items of damage that may be recovered and specifies that if an occupancy permit is issued, the 10-year statute of limitation begins to run on that issue date.

#### SB 856 -- ENTERPRISE ZONES

This bill requires the Department of Economic Development to designate an enterprise zone in Wright County and another in the City of Carl Junction.

#### SB 859 -- A+ SCHOOLS

This bill exempts students who are active duty military dependents from the three-year attendance requirement if they otherwise qualify for A+ program reimbursements. The bill also gives priority to tuition reimbursements, rather than school grants, in the moneys appropriated for the program.

#### SB 865 -- BOLL WEEVIL ERADICATION

Current law allows eligible voters to conduct a referendum on boll weevil suppression or eradication. Upon approval of the referendum, voters are allowed to vote on whether to continue their assessments for boll weevil suppression or eradication at least once every five years. This bill extends the time period for a vote from at least once every five years to at least once every 10 years.

#### SCS SB 874 -- EARLY CHILDHOOD SPECIAL EDUCATION

This bill requires school districts that provide early childhood special education to give preference to a child's birth-to-age-three service provider when making the transition to early childhood special education, as long as that decision does not result in a higher than average cost.

SS SCS SB 884 -- PAY DAY LOANS

This bill requires that after the first renewal of a payday loan, the borrower must reduce the principal amount of the loan by not less than 5% of the original amount of the loan until it is paid in full. No loan can be renewed more than six times.

A lender may charge any simple interest or fees agreed to by the parties to the loan. However, no borrower may be required to pay a total amount of interest and fees in excess of 75% of the initial loan amount on any single loan and all renewals.

All original or renewed payday loans must be for a term of at least 14 days, but no more than 31 days.

A loan is considered completed if the lender presents the check for payment or the consumer redeems the check by paying the full amount to the lender. Once a loan is completed, the consumer can enter into a new loan with the lender, but a loan cannot be repaid from the proceeds of another loan made by the same lender.

A lender cannot have more than \$500 in loans to the same borrower at any one time. A lender complies with this requirement if the lender receives a signed statement from the consumer in which the consumer attests to the fact that the consumer does not have more than \$500 in loans from that lender.

Receiving a payday loan on the basis of a check for which sufficient funds are not present at the time of writing does not constitute the crime of passing a bad check unless the person closes the checking account on which the loan was made before the loan is paid back or the person stops payment on the check. A return check fee may be charged where cash is advanced in exchange for a personal check.

Any loan that charges fees in violation of the bill will not be enforceable, and lenders cannot use certain devices to avoid its provisions.

The Division of Finance is required to make a report to the General Assembly on January 1, 2003, and every two years thereafter, that contains information about the number of payday loan licenses issued, the number of loans issued by licensees, the average face value of the loans, the average number of times that the loans are renewed, the default rate for the loans, the number and nature of complaints made to the division, the average interest and fees charged, and a comparison of the interest and fees charged in this state and adjoining states.

SB 891 -- TRANSPORTATION DEVELOPMENT DISTRICTS

This bill corrects a technical error created in HB 202 from the 2001 legislative session regarding ownership requirements for members of a transportation development district.

HCS SCS SB 892 -- CEMETERY SERVICES

This bill adds interment, entombment, and inurnment cemetery services to the list of items that may be pre-purchased from a cemetery. The cemetery owner is required to deposit a minimum of 40% of the retail price of the service in a trustee account. The bill also defines cemetery services as those services performed by an endowed care cemetery, including setting a monument, tent, or vault.

CCS HS HCS SB 895 -- SECURITY AND BANKING REGULATIONS

This bill:

- (1) Allows the State Treasurer to temporarily exchange certain obligations of state moneys for cash;
- (2) Allows county collectors or treasurer ex officio collectors to charge a returned check charge of \$10 or 5% of the total amount on a returned check, not to exceed \$100;
- (3) Allows Missouri resident S shareholders of out-of-state banks to qualify for a pro rata share of net tax paid;
- (4) Defines lease or rental of tangible personal property for banks, credit unions, and savings and loans;
- (5) Allows motor vehicle and trailer dealers to use the names by which they are known to the public on signs;
- (6) Requires the Director of the Department of Revenue to mail or electronically confirm receipt of notice of lien to the lienholder within 15 days of filing. Confirmation of ownership may also be sent electronically;
- (7) Requires the certificate of ownership of a motor vehicle or trailer to be sent to the owner shown on the face of the title rather than to the first lienholder;

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(8) Allows notice of subordinate liens to be sent electronically and makes it a class A misdemeanor for an owner to fail to name the lienholder in the application for title;

(9) Allows a document other than a certificate of ownership, if notarized, to be released upon the satisfaction of a lien or encumbrance on motor vehicles, trailers, motorboats, vessels, and watercraft. A person who sends in a separate document releasing a lien without authority is guilty of a class C felony;

(10) Allows policies involving liens on motor vehicles, trailers, motorboats, vessels, and watercraft entered into before July 1, 2003, to be covered by existing statute;

(11) Allows notice of subordinate liens to be sent electronically and outlines the procedures for perfecting a lien for a subordinate lienholder for motorboats, vessels, and watercraft;

(12) Allows corporations to change their registered office or registered agent with the filing of its annual registration report;

(13) Allows communications and forms between the Secretary of State and corporations to be electronic. It also requires the Secretary of State to furnish forms of annual corporate registration reports to any corporation upon request;

(14) Requires that failure to file the annual registration report will result in the administrative dissolution of the corporation;

(15) Requires corporations that are not required to file franchise tax reports to still file annual corporation registration reports on time;

(16) Adds any electronic means of transmitting or paying money to the definition of "check" for purposes of the Sale of Checks Law;

(17) Requires that articles of agreement involving a bank include additional information on shareholder rights;

(18) Grants banks, savings and loan associations, and state savings banks new powers currently permitted for national banks, federal savings and loan associations, and federal savings banks;

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(19) Revises the procedures used by a bank to become a trust company, the actions of a board of directors of a bank when immediate action is required, and restrictions regarding the amount of unimpaired capital lent by a bank and investment in the stock of a private corporation;

(20) Allows banks or trust companies to appoint officers and requires them to have a chief executive officer, but they need not have a president;

(21) Requires that the actuarial method be used for calculating refunds on prepayment of obligations from premium finance companies and on motor vehicles, insurance policies, small loans, and retail time contracts (repeals the "Rule of 78");

(22) Revises procedures for late payment in motor vehicle installment contracts;

(23) Allows an insurance business to renew a lapsed license within 12 months for a \$25 penalty for each month the license was lapsed;

(24) Revises procedures for the licensing of credit insurance companies and agents;

(25) Allows insurers to provide insurance policies, endorsements, riders, and explanatory materials in a language other than English;

(26) Makes several changes to the Uniform Commercial Code. It revises the definition of chattel paper to include a lease or security interest in certain goods and license of software used in the goods; deletes the definition of notice and limits the applicability of the definitions for original debtor and proceeds; revises the rules which may not be waived by certain debtors; revises the priority of certain security interests and agricultural liens; makes a technical change regarding parties to be sent notification and to the contents of the notification; makes a security interest subordinate to the rights of a lien creditor to the extent that the security interest secures an advance more than 45 days after the person becomes a lien creditor; revises certain rules regarding security interests so that they also apply if the interests are assigned or transferred; revises rules about filing statements so that a debtor authorizes the filing of a finance statement by the acquisition of certain security interests or agricultural liens; revises the process for the filing of certain termination statements; requires that the Department of Revenue, not the

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Secretary of State, administer the Uniform Commercial Code Transition Fee Trust Fund, revises the duties of the Secretary of State with regard to the fund, and requires that the moneys in the fund be deemed non-state funds; and limits the records to be accepted by a local filing office and extends the date for each local filing office to maintain former Article 9 records;

(27) Changes the perfection rights for liens on manufactured homes;

(28) Defines "merchant," "reencoder," and "scanning device" with regard to unlawful credit card practices and makes it an unlawful practice to disclose more than the last five credit card or debit card numbers on any sales receipt. A first violation is an infraction, and a subsequent violation is a class A misdemeanor. This change is effective on machines placed into service on or after January 1, 2003. Machines placed into service before January 1, 2003, must be in compliance by January 1, 2005. Prosecution of violators will be allowed in a variety of jurisdictions;

(29) Requires that all credit contracts with interest or time price differential calculated on an add-on basis, regardless of the length of term, be computed on the basis of the originally contracted rate;

(30) Revises the type and amount of fees that can be charged on small loans;

(31) Makes changes regarding temporary registration of investment advisors;

(32) Requires a corporation to make a declaration, not a notarized statement, within five business days of starting a business using a fictitious name;

(33) Requires financial institutions to encumber assets of noncustodial parents on whom a lien has been placed for child support enforcement, to notify the person affected, and respond to the Division of Finance or agency authorized under Title IV-D of the Social Security Act within 10 days; allows the state to place a lien or block on the issuance of a certificate of ownership on motor vehicles, boats, outboard motors, manufactured homes, and trailers in order to enforce child support and requires the Department of Revenue to maintain a child support lien database; and allows garnishees to pay or surrender property to either the sheriff or the court before final judgment without penalty;

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(34) Prohibits fraudulent use of a credit or debit device in paying property taxes;

(35) Adds electronic and other formats to the crime of making a false declaration; and

(36) Makes changes regarding liens and encumbrances on manufactured homes.

The effective date for the repeal and reenactment of the provisions concerning lapsed license renewal for insurance businesses; liens; encumbrances; certificates of ownership of land and sea vehicles, trailers, and manufactured homes; and the change to the actuarial method of calculating refunds is January 1, 2003.

#### CCS HS SCS SB 915, 710 & 907 -- TRANSPORTATION FUNDING

This bill repeals the expiration date on the six-cent motor fuel tax established in 1992 and increases the motor fuel tax by four cents. The motor fuel tax will total 21 cents per gallon.

The bill raises the general sales tax by 0.5% and distributes it as follows:

(1) 20% of the increased sales tax will go to the State Transportation Fund for purposes other than highways, with one-third of the amount to be used exclusively of capital improvements;

(2) 2% will go to the Missouri Qualified Fuel Ethanol Producer Incentive Fund and the Missouri Qualified Biodiesel Producer Incentive Fund;

(3) 78% will go to the State Road Fund.

Sales taxes collected on motor vehicles will be allocated as follows: half of the increased sales tax will be distributed according to Article IV, Section 30(b)2 of the Missouri Constitution; and the other half of the increased sales tax will be deposited in the same funds the increased non-motor vehicle sales tax is deposited in and in the same percentages.

The bill establishes within the Department of Transportation an inspector general and spells out the inspector general's duties.

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The bill also eliminates state offices, departments, and elected offices from receiving revenue from the State Transportation Fund, except for the State Highway Patrol, the Department of Revenue for the actual cost of collecting highway revenues, and the Office of Administration for the actual cost incurred on behalf of the State Highway Patrol and employees of the Department of Revenue for certain actual collection costs. Appropriations to the State Highway Patrol must be made in accordance with the constitution. The inspector general is authorized to conduct an audit of the State Transportation Fund to ensure compliance with this requirement.

The bill has a referendum clause and will be submitted to the voters at the August 2002 election. If it is approved by the voters, the tax increases in the bill will again be subject to referendum in 2012.

#### SCS SB 918 -- DISPLAY OF THE UNITED STATES FLAG

This bill excludes a properly displayed United States flag from regulation by the state or any city or village ordinance. A properly displayed flag is one that contains no additional design or embellishment and is displayed consistent with federal law, pursuant to the normally accepted guidelines for the display of the flag.

#### CCS HS HCS SS SCS SB 923, 828, 876, 694 & 736 -- CHILDREN AND FAMILIES; MEDICAL RECORDS

This bill contains various provisions pertaining to children and families.

#### FEEs FOR ADOPTION DOCUMENTS

The bill limits the allowable fees charged by the Secretary of State for processing certain adoption documents to \$100 per child per adoption or per multiple children adopted at the same time. Currently, the Secretary of State can charge a fee of \$10 per document.

#### SPECIAL NEEDS ADOPTION TAX CREDIT

Currently, a person can claim the sale of a special needs

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adoption tax credit to a for-profit entity at a discount rate of 75% or greater of the amount sold. The bill removes the limitation that the discount rate must apply to a sale made to a for-profit entity.

#### NEWBORN HEARING SCREENINGS

The bill revises a provision pertaining to hearing screenings for newborns.

Effective January 1, 2002, any facility which transfers a newborn to a different facility for further acute care prior to the completion of the newborn hearing screening is required to notify the receiving facility of the current status of the hearing screening. If the hearing screening is incomplete, the receiving facility is responsible for completing the hearing screening for newborns.

Currently, hospitals or ambulatory surgical centers are required to perform the hearing screening for newborns delivered in their facilities prior to discharge.

#### ESTABLISHMENT OF PATERNITY

The bill makes a technical correction to a statutory reference pertaining to the Putative Father Registry. The bill also makes a technical correction to a statutory reference pertaining to the Uniform Parentage Act concerning the establishment of paternity.

#### WELFARE REFORM

The bill requires the Division of Family Services to submit an annual report concerning the progress of welfare reform to the Governor, the Speaker of the House of Representatives, and the President Pro Tem of the Senate. The first report must be submitted by December 1, 2002, and annually thereafter.

The contents of the report are specified in the bill.

#### REGIONAL CHILD ASSESSMENT CENTERS

The bill adds the Clay-Platte Child Assessment Center and the Camden County Child Assessment Center to the list of regional child assessment centers funded by the Department of Social Services.

The bill also makes a distinction between currently existing

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child assessment centers located in Greene County and the Lakes Area (Branson West).

#### CHILD ABUSE REPORTING AND CHILD ABUSE REGISTRY

The bill adds members of the clergy to the list of mandatory reporters for suspected cases of child abuse or neglect. The bill specifies the procedure when members of the clergy or the clergy's designated agent are required to report a case of child abuse or neglect. Privileged communications between a member of the clergy and a parishioner are exempt from this requirement.

The bill revises a provision pertaining to the reporting of a suspected case of child abuse or neglect. The Division of Family Services is required to notify the parents of a child who is an alleged victim of child abuse if the parents are not the alleged abusers. The division is prohibited from meeting with a child who is an alleged victim of child abuse in any location where the alleged act of child abuse has occurred.

A provision pertaining to the public school district liaison who receives information on an investigation concerning a suspected case of child abuse is revised. A school superintendent is required to designate a person or persons to act as the public school district liaison. In addition, all information received by the public school district liaison or the school is subject to the provisions of the federal Family Educational Rights and Privacy Act.

The bill also prohibits a parent, guardian, or custodian from being listed in the child abuse central registry if a juvenile court or family court determines that during a custody proceeding the child requires mental health services and the parent, guardian, or custodian is unable to afford or access the appropriate mental health services or care for the child.

#### CHILD CARE FACILITIES

The bill revises the definition of a child care facility. A child care facility operated by a business establishment which provides child care for children of its employees for no more than four hours a day is not included in the definition.

#### FOSTER PARENTS

Currently, the Division of Family Services in the Department of Social Services is the state agency responsible for providing foster care services in Missouri. The bill specifies the rights

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and responsibilities of foster parents, the division, and contractors pertaining to foster care services. The bill:

(1) Requires the division and its contractors to treat foster parents with respect. Foster parents are required to treat foster children, their birth families, and the child welfare team with respect;

(2) Requires the division and its contractors to provide foster parents with training and support. The division and its contractors are required to disclose to foster parents all relevant information about the foster child, the birth family, and the case plan for assisting in the proper placement of a foster child. Except in emergencies, the division and its contractors are required to arrange pre-placement visits;

(3) Allows foster parents to inquire about a child's case plan, encourage a placement, or refuse a placement without reprisal from a caseworker or agency;

(4) Requires the division to provide new information about a foster child to foster parents after placement;

(5) Requires foster parents to seek all necessary information and to participate in pre-placement meetings when considering whether to accept a foster child for placement. Foster parents are required to receive proper notice of scheduled meetings and staffings consistent with Section 210.761, RSMo, pertaining to foster care hearings;

(6) Requires the division to establish procedures for reasonably accessible respite care for children in foster care consistent with Section 210.545, pertaining to respite care facilities;

(7) Requires foster parents to provide care that respects a child's values, needs, and cultural identity and to make daily decisions about the living concerns of the child. Discipline should be administered in a humane and sensitive manner and must be consistent with state laws and regulations. Foster parents are not prohibited from practicing their family values and routines and are allowed to help plan the visitation of the child's biological family. Flexibility and cooperation are required of foster parents concerning family visits;

(8) Gives a foster child's family preferential consideration for adoption if the child becomes free for adoption while in foster care. If adoption is not pursued, foster parents are required to support the placement of the child in a permanent home;

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(9) Maintains the confidentiality rights of the child and the foster parents;

(10) Authorizes foster parents to request information from the state about a child's progress after leaving foster care. The current policy of the division concerning the disclosure of reasons for removing a child from a foster family is maintained. If the child re-enters the foster care system, the child's foster parents are given the option for placement; and

(11) Requires that foster parents be informed in a timely manner of all court hearings and their right to attend and to participate in the hearings. Foster parents are allowed access to a placement agency's appeals process and retaliation against foster parents who exercise their right to appeal is prohibited.

#### FAMILY CARE SAFETY REGISTRY

The bill requires persons and entities licensed as foster parents, child placing agencies, and residential care facilities to be automatically registered with the Family Care Safety Registry at no additional cost.

#### HAZARDOUS CHILDREN'S PRODUCTS

The Department of Health and Senior Services is required to provide child care facilities with a comprehensive list of unsafe children's products identified by the Consumer Products Safety Commission. Initial notification for facilities must occur on or before July 1, 2003, and quarterly thereafter. If a child care facility fails to dispose of an unsafe product after notice is given by the department, the facility will be cited with a violation.

#### HOME AND COMMUNITY-BASED SERVICES FOR CHILDREN

The bill allows the court to order that a child receive certain care and treatment in the least restrictive setting, based on an individualized treatment plan which is consistent with Section 211.081, pertaining to certain institutional placements for children.

#### CHILD LABOR

The bill makes changes to provisions pertaining to child labor. The bill:

(1) Revises the definition of "employ";

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- (2) Revises the provision pertaining to the issuance of a work certificate for a child employed during the school year;
- (3) Limits some exemptions only to children working in the entertainment industry;
- (4) Requires employers to keep records on employed children and their work hours for at least two years;
- (5) Requires the Director of the Division of Labor Standards to consider the size of a business when determining the appropriate civil damages which are assessed against persons who violate the child labor laws; and
- (6) Makes records obtained by the Division of Labor Standards confidential.

#### GRANDPARENT VISITATION

Currently, the court can grant visitation privileges to grandparents based on certain factors. The bill adds the following to the factors the court can consider when granting visitation rights to grandparents:

- (1) One parent of the child is deceased and the surviving parent denies visitation to a parent of the deceased parent of the child;
- (2) The child has lived in the grandparent's home for at least six months within the previous two years which immediately precede the filing of the petition for visitation;
- (3) A grandparent has been denied visitation for over 90 days. If the natural parents are married and living together, the grandparent may not file for unsupervised visitation; or
- (4) The child is adopted by a stepparent, another grandparent, or relative.

Current law requires that the court decide if grandparent visitation privileges would be in the best interest of the child. The bill also requires that if the natural parents are currently married and living together, then a rebuttable presumption exists that the parents know what is in the best interest of the child.

#### CHILD SUPPORT ENFORCEMENT

The bill makes several changes to the law governing how health

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insurance premiums are collected by employers as part of court-ordered child support. The bill:

(1) Requires the Division of Child Support Enforcement to use federal guidelines in notifying employers of their obligation to enroll the obligor's child in their health benefits plan. The division must notify the employer within two days of the employee's name appearing on the state's directory of new hires;

(2) Requires an obligor who wants to contest the withholding of funds for required employee contributions to do so in writing within 30 days;

(3) Requires the employer to notify its health plan within 20 days of the order for health benefits coverage, and the health plan must respond within 40 days of the order;

(4) Requires the health plan to provide the custodial parent and the division with a description of coverages that are available;

(5) Requires the division and custodial parent to select a plan option within 20 days or the child will be enrolled in the health plan's default option;

(6) Requires employers to promptly notify the division when the obligor leaves its employ and provide it with the last known address for the obligor and the obligor's new employer, if known; and

(7) Removes the obligation to provide health benefits for the child if the obligor's employer eliminates family health coverage for all of its employees.

#### MEDICAL RECORD FEES

The bill revises a provision pertaining to the annual price adjustment index used to determine the amount of the handling fee and the per page fee licensed health care providers can charge persons who request copies of their medical records. Currently, the fee is set at 35 cents per page adjusted annually by the Market Basket Survey of the Health Care Financing Administration. Under the bill the annual adjustment will be based on the annual un-adjusted, medical care component of the Consumer Price Index as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

The Department of Health and Senior Services is required to report the annual adjustment in the index and the adjusted handling fee and per page fee on the department's Internet website by February 1 of each year.

#### HCS SB 932 -- LANDLORD TENANT NOTICE PROVISIONS

This bill changes the notice provisions required in first classification counties when an owner of rental property sells the property. Instead of a copy of the deed, the owner may attach a notarized affidavit stating the date the property was transferred and the name of the new owner.

The bill also allows landlords to request a water or sewer utility to notify them before services to the rental property are terminated for nonpayment.

#### SB 941 -- DRAINAGE DISTRICTS

This bill allows a business owner of property in a drainage district to delegate an individual to represent the owner in matters requiring a public vote involving the drainage district.

The bill also allows the secretary and treasurer of the board to be a resident of an adjoining county.

#### HCS SCS SB 947 -- COMMUNITY COLLEGES

This bill clarifies that public community colleges may participate in certain aspects of the Missouri Health and Educational Facilities Authority, such as direct deposit. The bill also reenacts current law that sets community college property tax rates and adds new provisions that permit community college districts to form capital improvement subdistricts, which may levy taxes with voter approval.

#### HCS SB 950 -- NAMING OF CORRIDOR

This bill designates a portion of Interstate 44 located within St. Louis and Franklin counties as the "Henry Shaw Ozark Corridor."

#### HCS SCS SB 957 -- SPECIAL LICENSE PLATES

This bill allows those who are serving or who have served in operations Enduring Freedom or Noble Eagle to obtain a special license plate denoting that fact after providing proof of eligibility and paying a \$15 fee in addition to the regular registration fees.

The bill also revises the language regarding the registration of historic motor vehicles. Any person wishing to register a plate which is over 25 years old and is consistent with the year of manufacture of the motor vehicle may register the plate as a historic vehicle plate. The plate must not contain a configuration of letters or numbers already issued to another vehicle owner. The owner of the historic vehicle must keep the certificate of registration in the vehicle at all times.

#### SS SCS SB 959 -- INVESTMENT FUNDS SERVICE CORPORATIONS

This bill requires the Director of the Department of Economic Development to determine whether or not an investment funds service corporation or S corporation not currently headquartered in Missouri would, if it were to relocate its principal business headquarters to Missouri, be able to take advantage of the annual election to determine its taxable income in one of two ways. The determination rendered by the director will be binding if the business does relocate and if the business still meets the requirements.

The bill contains an emergency clause.

#### HCS SCS SB 960 -- SPECIAL LICENSE PLATES

This bill creates the "GOD BLESS AMERICA," "AIR MEDAL," and "I'M PET FRIENDLY" license plates.

To obtain the God Bless America plate, a person must make a \$10 contribution to the World War II Memorial Fund. The person must also pay an additional \$15 fee to the Department of Revenue in addition to the regular registration fees.

To obtain the Air Medal plate, a person must furnish proof of receiving the medal as required by the Director of the Department of Revenue and pay a \$15 fee in addition to the registration.

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There will be no limit on the number of license plates any person may obtain.

To obtain the I'm Pet Friendly plate, a person must get a use authorization statement (\$25 contribution) from the Missouri State Humane Association and present the statement and payment of a \$15 fee in addition to the regular registration fees to the Department of Revenue. No additional fee will be charged for the personalization of the license plate. The bill creates a Missouri Pet Spay/Neuter Fund consisting of moneys collected from the contribution. The fund will be administered by the Department of Agriculture. Moneys deposited in the fund will be paid as grants to humane societies, local municipal animal shelters, and non-profit organizations to be used solely for the spaying and neutering of dogs and cats. The Governor will be required to appoint a volunteer board consisting of three members. Two of these members must be administrators of local municipal animal shelters and one must be an administrator of a humane society. The terms of the board will be for three years and each of the members must be from separate congressional districts.

#### HCS SB 961 -- KANSAS CITY POLICE RETIREMENT SYSTEM

This bill:

- (1) Prohibits the Board of Police Commissioners of Kansas City from adopting any policy that would impose an increase in contributions to the police retirement system without the city's consent;
- (2) Allows any policy adopted by the board in contravention of any provision in the statutes to remain valid until the close of the next regular session of the General Assembly, unless the statutes are amended during the session to adopt and incorporate the policy within statute;
- (3) Requires a member's benefits to be 100% vested and nonforfeitable upon the member's attainment of the normal retirement age;
- (4) Requires the distribution of retirement benefits to begin no later than April 1 of the year following the calendar year during which the member becomes 70 1/2 years of age;
- (5) Limits benefits to those set under Section 415 of the Internal Revenue Code;

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(6) Limits the total salary taken into account for any purpose for any member to no more than \$200,000 per year. This amount will change as permitted by the Internal Revenue Code;

(7) Gives the board authority to change actuarial assumptions at any time;

(8) Allows a member or beneficiary to transfer an eligible rollover distribution to another eligible retirement plan; and

(9) Gives the board authority to provide fiduciary liability insurance.

#### HCS SB 962 -- ELECTION AUTHORITY VERIFICATION BOARDS

This bill allows Kansas City to designate one of the election authorities wholly or partially within its boundaries as the verification board to certify the election results within the city. This designation must be done by city ordinance. The designated election authority will then be responsible for notifying all verification boards within the city of its designation. Within a specified time after an election, each verification board in Kansas City will certify its election results to the designated election authority verification board, which will announce the results of the election and certify the cumulative returns to the city.

#### SCS SB 966 -- SPECIAL LICENSE PLATE

This bill allows for a special license plate bearing the emblem of the St. Louis College of Pharmacy. To obtain the plate, a person must get a use authorization statement (\$25 contribution) from the St. Louis College of Pharmacy and present the statement along with any other documents which may be required and payment of a \$15 fee in addition to the regular registration fees to the Department of Revenue. The fee for personalized license plates will not be required.

#### SCS SB 967 -- ST. LOUIS POLICE COMPENSATION

This bill requires the St. Louis Board of Police Commissioners to provide health, medical, and life insurance coverage for spouses or dependents of deceased or retired officers and employees of the department who receive pension benefits. Current state law prohibits the board from providing these benefits to dependents.

This bill makes a variety of changes to the laws governing the prosecution and prevention of sex crimes.

SEX CRIMES

The bill:

(1) Creates the crime of enticement of a child. A person commits the crime of enticement if he or she is at least 21 years old and persuades, solicits, coaxes, entices, or lures any person who is less than 15 years of age for the purpose of engaging in sexual conduct. Attempting to entice a child is a class D felony. Enticement of a child is a class C felony unless a person has been found guilty of previous sexual offenses, then it is a class B felony;

(2) Creates the crime of sexual contact with an inmate. A person who is an employee of or assigned to work in any correctional facility who has sexual intercourse or deviate sexual intercourse with an inmate or resident of the facility is guilty of the crime, which is a class C felony;

(3) Expands the crime of invasion of privacy, splitting the offense into a first and second degree. The current crime (knowingly photographing another person in a state of full or partial nudity in a place where that person has a reasonable expectation of privacy without that person's consent) becomes invasion of privacy in the second degree. A person commits invasion of privacy in the first degree if the defendant then disseminates these photographs to another person or makes the photographic image accessible by computer. Invasion of privacy in the first degree is a class D felony. Invasion of privacy in the second degree is a class A misdemeanor;

(4) Creates the crime of sexual contact with a nursing home resident. Owners or employees of skilled nursing facilities or Alzheimer's units that have sexual contact with a resident of the facility commit a class B misdemeanor. A subsequent offense is a class A misdemeanor. Any owner or employee having sexual intercourse with a resident is guilty of a class D felony, with subsequent offenses being a class C felony. Consent of the victim is not a defense. This section does not apply to a person married to a resident; and

(5) Creates the crime of unlawful sex with an animal. The crime is a class A misdemeanor, with a subsequent offense being a class

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D felony. A court may order forfeiture of the animals and counseling for the offender. The section does not prohibit any generally accepted animal husbandry, farming, ranching, or veterinary medical practices.

#### PROSECUTION AND PREVENTION OF SEX CRIMES

The bill:

(1) Creates the Missouri Regional Computer Forensics Laboratory, within the Department of Public Safety. The laboratory will combine local, state, and federal resources to research and combat computer and Internet-related crimes;

(2) Requires any person who may meet the criteria of a sexually violent predator to be evaluated by either a psychiatrist or a psychologist as to whether or not the person meets the definition of a sexually violent predator;

(3) Adds attempted forcible rape and attempted forcible sodomy to the list of dangerous felonies if the victim suffers physical injury;

(4) Adds forcible sodomy, statutory sodomy, and statutory rape to the list of crimes for which an appeal bond cannot be granted; and

(5) Allows parole boards to consider information listed on the juvenile sex offenders registry if the offender being considered for parole is between the ages of 17 and 21.

#### SEX OFFENDER REGISTRY

The bill:

(1) Requires convicted sex offenders to register with the chief law enforcement official of the county in which the sex offender resides within 10 days of his or her conviction, release from incarceration, or being placed on probation. Current law requires registration within 10 days of coming into any county;

(2) Requires persons convicted of a sex offense in another state or under federal jurisdiction since July 1, 1979, to register;

(3) Requires all sex offenders who are not currently registered to do so within 10 days of the effective date of the bill;

(4) Amends the list of crimes requiring sex offender

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registration by adding felonious restraint and by removing sexual misconduct when the victim is not a minor; and

(5) Authorizes the State Highway Patrol to provide youth service agencies with the address and offense of registered sex offenders who apply for employment at these agencies.

#### SB 974 -- COMMERCIAL MOTOR VEHICLES

This bill allows the Chief Engineer of the Department of Transportation to issue special permits to persons moving lumber products and earth-moving equipment over 14 feet in width.

#### SB 976 -- BOARD OF HEALTH

This bill requires that one of the members of the State Board of Health be a licensed chiropractic physician.

#### HCS SCS SB 980 -- PHYSICAL THERAPY

This bill permits persons holding licenses to practice physical therapy in other states to be issued a license to practice in this state, upon application to the State Board of Registration for the Healing Arts. Applicants who are graduates of programs not approved by the Commission on Accreditation in Physical Therapy Education must provide evidence that their degree program is the equivalent of the commission's program, and they must meet the English language proficiency requirements established by rule.

The provision which prohibits the board from granting licenses to persons which have failed the physical therapy examination three or more times is repealed by the bill.

#### CCS HS SS#2 SCS SB 984 & 985 -- ENVIRONMENTAL REGULATION

This bill makes numerous changes to laws regarding environmental regulation.

#### DRINKING WATER

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Drinking water primacy fees will expire on September 1, 2002. The bill extends the fees to September 1, 2007.

The bill also gives landowners the same rights as resident voters in procedures for water district formation, consolidation, dissolution, and territory annexation and detachment. The bill reduces the minimum time period between the final public notice and the public hearing for a proposed district formation or dissolution from 15 to seven days, increases the majority by which voters must approve dissolutions from four-sevenths to two-thirds, and clarifies other notice and procedural requirements. Petitions for the dissolution of a district must include a detailed plan for the payment of all debt and obligations and will be dismissed at the cost of the petitioners if they cannot prove that all debts and financial obligations of the district can be paid.

#### BONDS FOR WATER AND SEWER PROJECTS

In addition to amounts authorized prior to August 28, 2003, the bill authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution. The authorizations are for:

- (1) \$10 million of bonds for water pollution control, drinking water system improvements, and storm water control pursuant to Section 37(e);
- (2) \$10 million of bonds for rural water and sewer projects pursuant to Section 37(g); and
- (3) \$20 million of bonds for storm water control plans, studies, and projects in first classification counties and the City of St. Louis pursuant to Section 37(h).

#### SEWER SERVICES

The bill establishes procedures for sewer districts in Butler County to develop agreements with the City of Poplar Bluff to provide sewer service in annexed areas that were not receiving sewer service at the time of annexation. The bill also requires that the Department of Natural Resources regulate non-profit sewer companies in the same manner as other non-profit corporations providing sewer services.

#### CLEAN WATER COMMISSION

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The bill requires the Clean Water Commission to develop a general permit for the operation of aquaculture facilities, with annual fees capped at \$250. In developing the permit, the Department of Natural Resources will meet with applicants and the public to evaluate permit requirements and potential impacts on water quality and will conduct public hearings if requested. Facility operators that materially violate general permit requirements may be required to obtain a site-specific permit.

The bill also requires any listing of impaired waters by the commission to be adopted by rule and prohibits the department from requiring total maximum daily loads for waters that meet water quality standards.

#### RENEWABLE FUELS

The bill requires the Department of Transportation to develop and implement a program by October 1, 2003, to use biodiesel fuel blends in its vehicle fleet and heavy equipment. The fuel must contain at least 20% biodiesel and may not exceed conventional diesel fuel in price by more than 25 cents per gallon. Program goals are to have at least 50% of the department's diesel-fueled vehicles using biodiesel blends by July 1, 2004, and 75% by July 1, 2005.

The bill also requires the Missouri Qualified Fuel Ethanol Producer Incentive Fund to be administered on a fiscal year, rather than calendar year basis, and requires eligible producers to be majority owned by individuals actively engaged in commercial agriculture. Producers who could not receive grants during their 60-month qualification period because of a lack of appropriations can extend their eligibility for 24 months or until they have received the amount they were eligible for during the original qualification period.

Further, the bill repeals gasoline pump labeling requirements for oxygenate additives and bans more than trace amounts of MTBE from gasoline after July 31, 2005.

#### OTHER PROVISIONS

In other provisions, the bill:

(1) Places the burden of proof on the applicant in appeals of decisions by the Department of Natural Resources or its commissions involving permit denials and places the burden of proof on the department or the commission that made the original decision in all other appeals;

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(2) Requires power plants with coal-fired cyclone boilers that also burn tire-derived fuel to limit nitrogen oxide emissions to 80% of the emissions limit required by federal law. This provision expires on April 30, 2004, or upon revision of the pertinent state regulation, whichever occurs later;

(3) Clarifies that air emission reduction credits in the current air emissions bank may be traded;

(4) Repeals the ban on disposing of microwave ovens in landfills;

(5) Establishes procedures for the detachment of territory within a watershed subdistrict upon voter approval; and

(6) Exempts registered liquefied petroleum gas retailers and transporters from liability for injuries resulting from improper installation or repair of appliances by others.

#### HCS SB 992 -- CONTIGUOUS PROPERTY REDEVELOPMENT FUND

This bill allows any city, town, or village in Missouri to create by ordinance a historic preservation revolving fund. The bill outlines how the funds can be used by the municipality. These uses include acquiring, preserving, restoring, maintaining, and operating any historic property.

The bill also authorizes Buchanan County to apply for a grant from the Contiguous Property Redevelopment Fund administered by the Department of Economic Development.

#### SCS SB 997 -- COLLECTION OF PROPERTY TAXES

This bill requires county collectors to apply payments for real property taxes against any delinquent property taxes before applying the payment to taxes due in the current year. The requirement does not apply to the payment of real property taxes made by financial institutions or mortgage loan companies from escrow accounts.

SB 1001 -- SHERIFFS' RETIREMENT FUND

This bill requires the City of St. Louis or any county that has elected or elects in the future to join the Sheriffs' Retirement Fund to participate in the funding of the system. The system is funded by the assessment and collection of \$3 for each civil and criminal court case filed in all jurisdictions except the City of St. Louis, St. Louis County, and Jackson County.

HCS SS SCS SB 1009 -- INSURANCE

This bill makes changes in the law regarding the types of investments that insurance companies may make and revises the law governing long-term care insurance.

In its provisions regarding investments, the bill:

(1) Allows insurance companies to invest in a wider assortment of financial instruments, including derivative instruments. These investments are limited to various percentages of the insurance company's assets, depending on the type of financial instrument, and must fall within guidelines established by the National Association of Insurance Commissioners. The Director of the Department of Insurance may promulgate reasonable rules and regulations to enforce the law, including financial solvency standards, valuation standards, and reporting requirements;

(2) Allows life insurance companies to use their most recent annual statement of assets and capital in their filings with the department regarding their investments and the assets and capital supporting those investments. Current law requires the insurer to use the value of the asset in the year it was originally obtained;

(3) Limits the value of the insurer's real estate to an amount not greater than 20% of the insurance company's capital and surplus; and

(4) Sets the annual interest rate at 1.5% when determining the value of a minimum nonforfeiture amount in an annuity.

In its provisions regarding the Long-term Care Insurance Act, the bill:

(1) Clarifies that the term "long-term care insurance" includes any insurance policy that meets the requirements of a "qualified

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long-term care insurance contract," as defined in Section 7702B of the Internal Revenue Code;

(2) Requires the issuer of a long-term care contract to state clearly in its enrollment materials whether the contract is intended to be tax-qualified, pursuant to Section 7702B;

(3) Requires the issuer to deliver the certificate of insurance to the applicant within 30 days of approval;

(4) Requires the policy summary to state whether it includes cost-inflation protection;

(5) Requires issuers to provide a written explanation for a denial of coverage within 60 days of receiving a written request for an explanation from the applicant. The issuer must provide all information directly related to the denial;

(6) Allows issuers to rescind long-term care contracts upon a showing of misrepresentation. The degree of misrepresentation that must be proven will vary, depending on the length of time the policy has been in effect;

(7) Prohibits a long-term care contract to be "field issued" based on health status;

(8) Prohibits an issuer from recovering benefits paid to the policyholder when the issuer rescinds the policy;

(9) Requires issuers to offer a policy that includes a nonforfeiture benefit. If that benefit is declined, the issuer must then offer a contingent benefit upon lapse. The contingent benefit must be available for a specified period of time if the issuer increases the premium substantially; and

(10) Requires the department to promulgate rules creating the standards for nonforfeiture benefits, contingent benefits upon lapse, the length of time these benefits must run, and the extent to which premiums may be increased. The department must also promulgate rules regarding marketing practices, agent compensation, agent testing, penalties, and reporting practices for long-term care insurance.

## SB 1011 -- WASTE TIRES; EMISSIONS REGULATION

This bill clarifies that waste tires, and not used tires, are regulated by the Department of Natural Resources.

The bill also requires power plants with coal-fired cyclone boilers that also burn tire-derived fuel to limit nitrogen oxide emissions to 80% of the emissions limit required by federal law. This provision expires on April 30, 2004, or upon revision of the pertinent state regulation, whichever occurs later.

## HCS SB 1012 -- ENERGY EFFICIENCY PROJECTS

This bill increases the maximum payment period for state contracts with guaranteed energy cost savings from 10 to 15 years.

## SCS SB 1015 -- STATE PARKS

Currently, state park concession contracts awarded for 10 or more years must be approved through a concurrent resolution by the General Assembly. This bill repeals this approval process and allows the Department of Natural Resources to award contracts for more than 10 years only if the director considers the extended contract period necessary for the contractor to make substantial capital and other improvements.

The bill increases the maximum amount that can be provided for the revolving fund at each state park from \$500 to \$1,500.

The bill also establishes a permanent endowment fund for interpretative programs at Arrow Rock State Historic Site. Initial funding is provided from personal property bequeathed to the department by Bill and Cora Lee Miller. The department can expend up to half of the interest earned by the fund annually until January 1, 2100, and can expend all of the interest earned annually thereafter.

Finally, the bill authorizes the department to develop agreements with private not-for-profit organizations to enhance interpretative and educational functions in state parks. Eligible organizations must have been formed solely to provide these services. Net proceeds from sales of publications and other items by the organizations must be used for services in their designated parks.

## SCS SB 1024 -- MEDICAL RECORDS

This bill requires physicians to maintain adequate, complete, and legible medical records for each patient. Physicians may maintain electronic records if the records can be printed for review by the State Board of Registration for the Healing Arts. The bill specifies the contents for an adequate and complete medical record. Physicians or their designees are required to maintain the medical records for a period of seven years from the last date of service provided to a patient.

Physicians are required to clearly mark and sign any corrections, additions, or changes to any patient medical record made after a 48-hour period from the final entry in a medical record. Consultative reports are considered an adequate medical record for a radiologist, a pathologist, or a consulting physician.

The board is prohibited from initiating disciplinary action as required in Subsection 2 of Section 334.100, RSMo, against a physician who violates provisions contained in the bill. If the board initiates a disciplinary action against a physician for any reason other than a violation of the bill, the board can allege a violation of the bill as an additional cause for disciplinary action as contained in Subdivision 6 of Subsection 2 of Section 334.100.

The board is prohibited from obtaining a patient medical record without written authorization from the patient or the issuance of a subpoena for the patient medical record.

## CCS HS SCS SB 1026 -- HEALTH INSURANCE; ORGAN DONATIONS

This bill makes various changes to laws pertaining to health insurance coverage and health treatments.

### HEALTH INSURANCE COVERAGE FOR CLINICAL TRIALS

The bill requires health insurance plans to provide coverage for routine patient care costs incurred as a result of participating in clinical trials for the prevention and treatment of cancer. The clinical trial must be approved or funded by one of the entities which are specified in the bill.

Entities seeking coverage of a clinical trial approved by an academic institutional review board in Missouri are required to maintain and electronically list clinical trials which meet

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certain requirements contained in the bill. Providers participating in clinical trials are required to obtain a patient's informed consent which is consistent with current legal and ethical standards.

Information required by this provision will be available to a health insurer upon request. A policy, plan, or contract paid under Title 18 or Title 19 of the federal Social Security Act is exempt from the requirements of the bill.

#### HEALTH INSURANCE COVERAGE FOR INHERITED DISEASES

The bill requires health insurers to pay for low protein modified food products that are recommended by a physician for treatment of patients with certain inherited diseases.

Insurance coverage provided under this provision may be subject to the same deductible for similar services provided by a policy or contract. Insured persons will be subject to a reasonable co-insurance or co-payment amount which will not exceed 50% of the cost of formula and food products. A total annual benefit maximum amount is established which cannot be lower than \$5,000 per covered child.

Insurance carriers are not prohibited from using individual case management or from contracting with vendors of formula and food products.

#### HEALTH INSURANCE COVERAGE FOR SECOND MEDICAL OPINIONS

The bill requires health care entities to provide coverage for a second medical opinion by an appropriate specialist for patients with a newly diagnosed cancer. Effective January 1, 2003, this coverage must be provided even if the appropriate specialist is not in the provider's network and will be subject to the same deductible and co-insurance conditions applied to other specialist referrals, including prior authorizations or referral authorizations.

The coverage required by the bill does not apply to certain health insurance policies.

#### HEALTH INSURANCE COVERAGE FOR BONE MARROW TESTING

The bill requires health benefit plans to include coverage for bone marrow testing when the testing is done in a licensed facility and is performed as part of the National Bone Marrow Donor Program. The coverage would apply only to testing of

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health plan members, and reimbursement for the testing may be capped at \$75.

#### ORGAN DONATION

The bill revises a provision pertaining to the Anatomical Gift Act. Persons who are 16 years of age can make an anatomical gift with parental or guardian consent. This provision will take effect July 1, 2003.

#### SB 1028 -- LAW ENFORCEMENT DISTRICTS

This bill modifies certain procedures in the creation of a law enforcement district. Once a petition for creation of a district is filed, the bill provides a process for holding a public hearing on the proposed district. Current law does not require a public hearing.

#### HS HCS SB 1039 -- MUNICIPAL HOUSING AUTHORITY COMMISSIONERS

Under current law, all seven members of the Kansas City Housing Authority Commission are appointed by the mayor, with one member from each of the six city council districts and the seventh member a tenant of a housing authority project. All commissioners must have resided in Kansas City for at least five years.

Under this bill, six commissioners will be nominated by a nominating committee and appointed by the mayor, and one commissioner will be elected by the tenants of the housing authority. All must be residents of Kansas City for at least one year. One of the appointed commissioners must be receiving Section 8 housing assistance and one member must own rental property in Kansas City, but not any property containing public housing. Each commissioner will receive a stipend of \$200 per month, plus reimbursement for travel and conference expenses.

#### SB 1041 -- CONVEYANCES IN CAMDEN, COLE, AND PHELPS COUNTIES

This bill authorizes the conveyance of certain state property: property held by the Department of Natural Resources located in Camden County to Lawrence and Helen Taylor in consideration for

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like property; property held by the Department of Corrections located in Cole County, known as Sugarloaf Rock, to the Department of Natural Resources; property located at the Jefferson City Correctional Center to the General Services Administration; and property located in the City of Rolla, Phelps County, to the Gingerbread House, Inc.

#### SB 1048 -- SPINAL CORD INJURY FUND

This bill makes a technical correction to the statute pertaining to the Spinal Cord Injury Fund.

#### HCS SCS SB 1070 -- PROTECTION OF CHILDREN

This bill:

- (1) Requires convicted sex offenders to register with the chief law enforcement officer of the county in which the sex offender resides within 10 days of his or her conviction, release from incarceration, or being placed on probation;
- (2) Requires individuals subject to registration requirements who have not yet registered to do so within 10 days of the bill's effective date. Current law requires registration within 10 days of "coming into any county";
- (3) Requires individuals to register who have been convicted of a sex offense in another state or under federal jurisdiction since July 1, 1979;
- (4) Authorizes the State Highway Patrol to inform providers whether an applicant for employment is a registered offender under "Megan's Law";
- (5) Requires the information from the offender registry to be made available to other entities, as provided by law; and
- (6) Adds statutory rape, sexual assault, forcible sodomy, statutory sodomy, deviate sexual assault, and sexual abuse to the list of crimes for which an appeal bond can be denied.

SCS SB 1071 -- WEIGHTS AND MEASURES

This bill brings Missouri's Weights and Measure Law into conformity with the Uniform Weights and Measure Law drafted by the National Conference on Weights and Measures.

Current provisions which assess a penalty of 1% per month on the unpaid balance of fees for inspection of measuring devices and a \$100 penalty for fees 90 days or later are removed.

HCS SB 1078 -- COUNTY RECORDER OF DEEDS

This bill transfers custody of the County Recorder's Fund from the State Treasurer to the Department of Revenue. Moneys in the County Recorder's Fund are not to be considered state funds.

The bill also clarifies that the Department of Revenue must administer the Uniform Commercial Code Transition Fee Trust Fund. Moneys in that fund are not to be considered state funds. The Secretary of State is required to provide the Department of Revenue and the County Employees' Retirement Fund with an accurate record of the moneys.

HCS SCS SB 1086 & 1126 -- ABATEMENT OF NUISANCES; ABANDONED PROPERTY

This bill allows the cities of Independence and Excelsior Springs to order the abatement of weeds or trash within five business days after notice is sent or posted on the property. The cost of removal may be billed on a special tax bill to be collected by the collector with other taxes assessed against the property.

The bill expands the nuisance abatement law in Kansas City to include the abatement of vacant buildings or structures open to entry or other nuisances. The abatement of hazardous trees and shrubs is also added to the powers of all cities and villages and to Cass, Clay, Jackson, Platte, St. Charles, and St. Louis counties.

Jefferson County is allowed to enact ordinances to provide for the abatement of rubbish, lumber, bricks, tin, steel, and parts of derelict motorcycles, automobiles, construction equipment, appliances, furniture, and any material that may endanger public safety. The bill outlines certain conditions for the passage of

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an abatement ordinance by the county. If the rubbish or other derelict materials are not removed, the county may have them removed and the cost of removal billed on a special tax bill to be collected by the collector with other taxes assessed against the property.

Current law requires that several conditions be met in order for an organization to petition the court for temporary possession of abandoned property. One of these requirements is that the organization must intend to rehabilitate the property and use it for low- or moderate-income housing. The bill eliminates the requirement that the property being rehabilitated be used as low- or moderate-income housing and does not require any particular use for the property.

Under current law, title to the property is conveyed to the organization one year following the entry of the order granting temporary possession to the organization. Under the bill, title is conveyed to the organization when the rehabilitation is complete.

The bill allows the owner of the property to file a motion for restoration of possession prior to the completion of rehabilitation. If the rehabilitation has not already been completed by the organization, the court will determine whether the owner has the resources and capacity to complete the rehabilitation. If the court determines that the owner is not able to complete the rehabilitation, the court will not restore possession to the owner. However, if the court determines that the owner is able to complete the rehabilitation, possession of the property will be restored to the owner, and the court will determine proper compensation due to the organization for its expenditures.

Current law requires that the organization file an annual report detailing its rehabilitation and use of the property, including a statement of all expenditures made by the organization. The bill requires that these reports be submitted quarterly.

#### HCS SCS SB 1093 -- HISTORIC VEHICLES

This bill revises language regarding registration of historic motor vehicles. Any person wishing to register a plate which is over 25 years old and is consistent with the year of manufacture of the motor vehicle may register the plate as a historic vehicle plate. The plate must not contain a configuration of letters or

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numbers already issued to another vehicle owner. The owner of the historic vehicle must keep the certificate of registration in the vehicle at all times. The certificate will be prima facie evidence that the vehicle has been properly registered with the Director of the Department of Revenue and that all fees have been paid.

#### HCS SB 1094 -- LONG-TERM CARE PROGRAMS

This bill extends the expiration date of the nursing facility reimbursement allowance from September 30, 2002, to September 30, 2005.

The bill allows specified health maintenance organizations acting as programs for all-inclusive care for the elderly (PACE) projects to be exempt from the certificate of authority requirement. This exemption applies only to the approved PACE contract.

#### HCS SB 1102 -- NUISANCE

This bill allows county prosecutors with jurisdiction to prosecute nuisance cases along with the Department of Health and Senior Services under Section 191.683, RSMo.

#### CCS HS HCS SS SCS SB 1107 -- EMERGENCY SERVICES

This bill makes changes to laws regarding emergency services and emergency service personnel.

##### EMERGENCY SERVICES RETIREMENT (Sections 87.177 - 87.238, RSMo)

The bill allows members of the St. Louis Firefighters' Retirement System at age 62 with five to 20 years of service to apply for a service retirement allowance benefit. The benefit will be 2% times years of service times the average final compensation. The member must be repaid the total amount of the member's contribution, without interest. The benefit is to be paid in lieu of the refund of accumulated contributions. Survivor benefits will be 50% of the member benefit or a refund of accumulated contributions. Members will also receive a cost-of-living allowance of 5% per year for a maximum of five years.

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Outdated language is removed regarding the distribution of the cost-of-living adjustment under the St. Louis Firefighters' Retirement Plan.

The bill also allows a minimum benefit of \$525 per month to a surviving spouse of a St. Louis firefighter if the surviving spouse is currently receiving less than that amount.

Firefighters are allowed to receive a minimum retirement benefit of \$625.

This portion of the bill contains an emergency clause.

#### EMERGENCY SERVICES REIMBURSEMENT FROM TAX INCREMENT FINANCING DISTRICTS (Section 99.847)

Under current law, emergency services districts must be reimbursed for direct costs related to increased demands for services within a tax increment financing (TIF) district. Reimbursement is allowed only if the increased tax revenue resulting from the TIF project is insufficient to fund these direct costs and if the emergency services district can provide proof that increased costs were incurred. Reimbursement is to be at least 25%, but no more than 100%, of the emergency services district's tax increment.

The bill removes the reimbursement requirements that the district show that it incurred costs not covered by increased tax revenue and that it must provide proof of the increased costs. The bill also changes the reimbursement amount of at least 25% to 50%, but not more than 100%, of the emergency services district's tax increment.

The bill also prohibits the authorization of certain tax increment finance projects in a flood plain in St. Charles County.

Tax increment finance projects approved after July 1, 2003, are allowed to modify, amend, and expand projects by 40% of cost as they existed as of June 30, 2003. Tax increment districts are also allowed to modify, amend, or expand by not more than 5% as the district existed as of June 30, 2003.

#### AMBULANCE SERVICES

The bill:

- (1) Repeals state law prohibiting the taxation by both an

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ambulance district and a fire district in counties of the third classification (Section 190.044);

(2) Changes the residency requirements for candidates for directors of ambulance districts (Section 190.050);

(3) Allows ambulance boards to increase to seven members or decrease to five or three members upon voter approval (Section 190.051);

(4) Allows for the recall by petition of an ambulance board member. If a board member is recalled, the election authority must order an election for a new member at the next scheduled public election (Sections 190.053 - 190.054);

(5) Changes requirements for the use of an automated external defibrillator (Section 190.092);

(6) Removes the requirement that Cass, Bates, Henry, Johnson, and St. Clair counties have a mobile emergency medical technician in the ambulance when transporting a patient (Section 190.094);

(7) Defines an emergency medical technician-intermediate and specialty care transportation. The bill also allows the Department of Health and Senior Services to license emergency medical technician-intermediates only in the counties of Clay, Platte, and Jackson (Sections 190.100 and 190.131);

(8) Increases the number of persons serving on the state advisory council on emergency medical services by one person who must reside in the City of St. Louis (Section 190.100);

(9) Requires most ground ambulances to have at least two licensed individuals when transporting a patient (Section 190.105);

(10) Requires the owner, upon the sale or transfer of an ambulance service, to notify the department of the change within 30 days. The department is required to inspect the service to verify compliance with licensure standards (Sections 190.105 - 190.108);

(11) Changes the requirements for the county letter of endorsement to the department for new ambulance service within unincorporated portions of a county. The letter must state the public health benefits of the service and show that the service has the expertise and resources to operate the service (Section 190.109);

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(12) Requires all ambulance services, including services in St. Louis City, to maintain adequate insurance coverage or proof of financial responsibility with adequate reserves maintained. Provisions for the self-insurance of St. Louis City ambulance services are removed (Sections 190.100 and 190.120);

(13) Requires the department to reissue a license to an emergency medical technician within two years of the lapse of the license if certain conditions are met (Section 190.145);

(14) Expands causes for which a complaint may be filed with the Administrative Hearing Commission against an ambulance service (Section 190.165);

(15) Forbids relicensure of any individual whose license has been revoked twice within a 10-year period (Section 190.165);

(16) Requires the department to submit a copy of certain licensee settlement agreements to the Administrative Hearing Commission (Section 190.172);

(17) Requires a patient care report to be completed for each run. A patient care report is also required to be given by a health care facility when a patient is transferred to another facility (Section 190.175);

(18) Requires an ambulance service to report to the department within 72 hours of its having knowledge of certain felony charges filed against an employee of the licensee. The employee of a service is also required to notify the service of these charges within 72 hours (Section 190.196); and

(19) Requires any investigation into violation of ambulance laws to be completed within six months. The department is given access to all records related to the investigation (Section 190.248).

The bill also gives ambulance services the same rights in regards to liens as hospitals have under Chapter 430. If liens against any entity exceed 50%, all those giving notice of a lien will share in the net proceeds due the patient.

#### STRETCHER VAN SERVICES

The bill also contains provisions related to the regulation of stretcher van services. A stretcher van service provides transportation to passengers who are confined to stretchers and

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whose conditions are not likely to need medical attention during transportation. The bill:

(1) Requires any person, owner, or agent to be licensed by the department if the person or entity advertises, operates, maintains, engages, or proposes to engage in the transport of persons confined to stretchers. The department can issue these licenses for a period of five years (Section 190.528);

(2) Allows political subdivisions that are authorized to provide ambulance service, prior to January 1, 2002, to continue to enforce laws, ordinances, and regulations regarding ambulance service (Section 190.528);

(3) Allows the governing body in St. Louis County to set standards for all stretcher van services. Any service in the county must be licensed by the state. The county may not prohibit a licensed service from operating in the county as long as the service meets county standards. Laws, regulations, and ordinances that political subdivisions had in effect prior to August 28, 2001, may continue to be enforced (Section 190.528);

(4) Requires stretcher vans to operate with a two-person crew (Section 190.528);

(5) Requires stretcher van operators to immediately contact the appropriate ground ambulance service if a passenger's medical condition deteriorates (Section 190.528);

(6) Prohibits services from transporting persons currently admitted to a hospital or persons being transported to a hospital for admission or emergency treatment (Section 190.528);

(7) Requires the department to establish regulations requiring adequate insurance, vehicle maintenance and specifications, passenger safety, and service records and reports (Section 190.528);

(8) Requires the department to establish the application forms for stretcher van service licenses in order to ensure compliance with rules (Section 190.528);

(9) Requires services to notify the department upon the sale or transfer of any service ownership. The department must inspect the new service to verify compliance with licensure standards (Section 190.528);

(10) Allows the department to refuse to issue or deny renewal of

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a stretcher van license for failure to comply with the law or any regulation promulgated by the department. Guidelines for disciplinary action and relicensure are established. The department may cause a complaint to be filed with the Administrative Hearing Commission against a licensee for noncompliance with regulations. Procedures are established for the notification of the applicant that a license has been refused and for the applicant to file a complaint with the commission. An individual whose license has been revoked must wait one year to apply for relicensure. The department may notify any other state in which a person is licensed of a suspended or revoked license in this state (Section 190.531);

(11) Protects any person or organization from civil damage when in good faith the person provides information to the department regarding stretcher van regulations (Section 190.531);

(12) Allows the department to suspend a license if it finds that there is an imminent threat to public health. The department must file a complaint with the Administrative Hearing Commission upon the suspension. Procedures are established for the suspension and appeal of suspension (Section 190.531); and

(13) Makes persons violating the stretcher van provisions guilty of a class B misdemeanor. Each day that any violation continues constitutes a separate offense, but the court may stay the cumulative penalties (Section 190.534).

HEALTH AND WELFARE OF EMERGENCY SERVICE WORKERS (Sections 191.630 - 191.631)

The bill requires persons who receive care from an emergency service provider and who have exposed the provider to blood or other potentially infectious materials to consent to a test for infectious diseases.

FIRE PROTECTION DISTRICT DIRECTORS (Section 321.130)

The bill changes the qualifications of candidates for fire protection district directors in third and fourth classification counties. A candidate must reside in the district for two years before the election or appointment. Currently, the candidate must reside in the county in which the district is located for two years. A candidate for director in a newly formed district must reside in the district for one year before the election or appointment.

AMBULANCE DISTRICT AND FIRE PROTECTION DISTRICT SALES TAX  
(Sections 321.552 - 321.556)

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In all counties, except Greene, Platte, Clay, and St. Louis, any ambulance or fire protection district may impose a retail sales tax of up to one-half of 1% on all retail sales made within the district, upon voter approval. The tax must be used for the operation of the district and for the reduction of property taxes. The ambulance or fire protection district must reduce property tax revenues by an amount equal to 50% of the amount of sales tax collected in the preceding year. The Department of Revenue will collect the retail sales taxes. When the fire protection district or ambulance district receives a petition signed by at least 20% of the qualified voters in the last gubernatorial election calling for an election to repeal the sales tax, the district must submit the question to the voters.

#### SB 1109 -- DRIVER'S LICENSE

This bill requires the Department of Revenue to give all first-time driver licensees information on the danger of operating a motor vehicle while in an intoxicated or drugged condition.

#### HCS SCS SB 1113 -- CORONER'S INQUEST

This bill makes the issuance of a coroner's warrant to a sheriff discretionary. Under current law, a coroner must issue a warrant to the sheriff to summon a jury for a coroner's inquest when a death has been caused by violence or casualty.

Under current law, jurors are responsible for determining if a person died as a result of a felony. The bill requires jurors to also determine if the felonious act was justified. Coroners are empowered to issue summons for evidence, documents, and materials of substance. The jury may view the dead body by photographic, electronic, or other means.

#### HCS SB 1119 -- STATE FACILITIES

This bill authorizes the Office of Administration to provide armed security guards at state-owned or leased facilities, excluding facilities located in Jefferson City or Cole County. The Office of Administration may hire guards as state employees or contract with a licensed firm.

SB 1124 -- CONVEYANCE IN ST. LOUIS CITY

This bill authorizes the public sale of state property located within the City of St. Louis known as the Hubert Wheeler State School.

SCS SB 1132 -- CITY OF ST. LOUIS RECORDER OF DEEDS

This bill requires the State Registrar to appoint the Recorder of Deeds as the local registrar for the City of St. Louis.

The bill also allows a local registrar, subject to the approval of the State Registrar, to appoint deputies to complete some or all of the duties of a local registrar.

SB 1143 -- STATE AUDITOR

This bill repeals the requirement that the State Auditor register general obligation bearer bonds issued by a political subdivision in a book in the same manner as state bonds are registered.

SCS SB 1151 -- TOURISM TAX

This bill allows cities with a population of less than 1,500 inhabitants which have a tourism tax on transient guests to transfer 40% of the tourism funds into the city's general revenue fund and to transfer 35% into the capital improvements fund, pursuant to voter approval. Under current law, 25% of the funds must be used for tourism marketing and promotional purposes.

SCS SB 1163 -- AIR EMISSIONS BANKING AND TRADING

This bill clarifies that air emission reduction credits in the current air emissions bank may be traded.

SB 1168 -- CONVEYANCES IN LACLEDE AND COLE COUNTIES

This bill authorizes the Governor to convey a clear zone easement for the airspace above the property managed by the National Guard to the City of Lebanon.

The bill further conveys certain state property located at the Jefferson City Correctional Center to the General Services Administration for the purpose of building a federal court house.

SCS SB 1182 -- INACTIVE LICENSES AND COLLABORATIVE PRACTICE

This bill allows persons licensed by the State Board of Registration for the Healing Arts to apply for an inactive license. Persons holding inactive licenses may not practice their profession or prescribe controlled substances. The bill waives continuing education requirements for persons holding inactive licenses. Persons holding an inactive license may treat themselves or their immediate family.

The bill also gives the board the authority to discipline physicians who are supervising nurse practitioners without first entering into a collaborative practice agreement.

HS HCS SS#2 SB 1191 -- TOBACCO SETTLEMENT FINANCING AUTHORITY ACT; BOARD OF PUBLIC BUILDINGS

This bill allows the state to sell a portion of its share of tobacco settlement proceeds through the Missouri Tobacco Settlement Authority, which is created by the bill. The authority will consist of the Governor, Lieutenant Governor, and Attorney General, with the Speaker of the House of Representatives and the President Pro Tempore of the Senate as ex officio members without the power to vote. The Secretary of State may also serve as an ex officio member without the power to vote. The Governor may sell or assign to the authority up to 30% of the state's share of tobacco settlement proceeds. The authority may receive appropriations from the state in order to secure debt obligations with a maturity of a year or less.

Proceeds from bonds issued by the authority will be deposited in the Tobacco Securitization Settlement Trust Fund. Moneys in the fund must be used solely for the payment of all amounts due the state. Within the fund is a qualified tax-exempt expenditure

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account and a taxable expenditure account. Net proceeds from tax-exempt bonds will be deposited in the former account and used to reimburse the state. Net proceeds from taxable bonds will be deposited in the latter account and transferred to the State Treasurer for deposit in the General Revenue Fund. No more than \$175 million of the net proceeds of the bonds will be used during any fiscal year.

Amounts deposited in the General Revenue Fund will be used solely for implementing the program plan which provides moneys for budget purposes to fund one-time expenditures, short-term revenue shortfalls, and capital projects of any kind.

The authority will not have the power to agree to or pay any expenses, reimbursements, insurance, or credit enhancements that exceed 1.5% of the total sales price of the bonds or other funding options. The authority will dissolve no later than two years from the date of the final payment of all outstanding bonds and the satisfaction of all outstanding obligations of the authority, except to the extent necessary to fulfill outstanding covenants or provisions with bondholders or third parties.

The bill establishes the Advisory Committee on Tobacco Securitization as a joint committee of the General Assembly consisting of five members of each chamber. The committee will study and recommend in writing the choice of financial advisors, investment bankers, and professional advisors within 60 days of the bill's passage and study and submit a written report of suggested allowable projects by December 31 of each year.

The bill adds the Speaker of the House of Representatives and the President Pro Tempore of the Senate as ex officio members of the Board of Public Buildings without the power to vote. The board may receive appropriations from the state in order to secure debt obligations with a maturity of a year or less.

The bill contains an emergency clause.

#### SB 1199 -- SPECIAL DESIGNATION

This bill designates the portion of State Highway 72 in Iron and Madison counties as the "Sergeant Randy Sullivan Memorial Highway" and the portion of Ozark County north of U.S. Highway 160, east of State Routes 5 and 95, south of the Ozark and Douglas county line, and west of the Ozark and Howell county line as "Ozark Mills Country."

CCS HCS SCS SB 1202 -- MOTOR CARRIER SERVICES UNIT

This bill transfers various agencies and powers to a newly created Motor Carrier Services Unit within the Department of Transportation. The bill implements the Governor's Executive Order 02-03 (February 7, 2002) which transferred these agencies to the Department of Transportation so that commercial truck drivers can obtain licenses and other services from one department.

The bill transfers the motor carrier and railroad functions of the Division of Motor Carrier Services, Highway Reciprocity, and the Department of Natural Resources to the Motor Carrier Services Division in the Department of Transportation. The Division of Motor Carrier and Railroad Safety and the Highway Reciprocity Commission are abolished. The personnel of those respective entities are transferred to the department. The bill also transfers the Motor Carrier administrative law judge to the Administrative Hearing Commission and extends jurisdiction to the commission to conduct hearings on motor carrier and railroad matters.

The bill also allows employees transferred to the department who are currently under the Missouri State Employees Retirement System (MOSERS) to elect into the Highway and Transportation Employees and Highway Patrol Retirement System. Election must occur within 90 days of the effective date of the bill. Any election to choose the highways retirement plan will result in the forfeiture of any rights or benefits in the MOSERS plan. If the employees choose not to elect this option, the employees will remain in the MOSERS plan. MOSERS must pay to the highways retirement plan an amount actuarially determined to equal the liability transferred from the MOSERS plan. No employee will receive service credit for the same period of service under more than one retirement system.

The bill contains an emergency clause and will be effective upon passage and approval, or July 1, 2002, whichever occurs later.

SCS SB 1207 -- CONTINUING MEDICAL EDUCATION

This bill requires the State Board of Registration for the Healing Arts to accept continuing medical education courses on autism toward the licensure renewal requirement for physicians.



#### HCS SCS SB 1210 -- TAXES FOR PROMOTION OF TOURISM

This bill permits a transient guest tax to be levied on hotel room charges in the City of St. Joseph and in the unincorporated portion of Buchanan County. The tax must be approved by the voters of the jurisdiction and must be between 2% and 8%. The revenue raised must be used to fund tourism and convention facilities.

The bill also increases the allowable hotel tax in Kansas City from 6.5% to 7.5% and the allowable restaurant tax in Kansas City from 1.75% to 2%. The proceeds of these taxes will be used for the advertising and promotion of convention and tourism business and international trade.

#### HCS SB 1213 -- RAILROAD POLICE OFFICERS

This bill requires railroad policemen to be commissioned by the Director of the Department of Public Safety and requires all railroad policemen employed after September 28, 1971, to be licensed peace officers in accordance with the provisions of Chapter 590, RSMo.

#### SB 1217 -- PERSONAL PROPERTY TAX LIST

Current law requires personal property tax lists to be filed with the county assessor by April 1 each year. This bill sets the deadline as the next business day when April 1 falls on a Saturday or Sunday.

#### SCS SB 1241, 1253 & 1189 -- SPECIAL LICENSE PLATES

This bill allows special license plates to be issued to members of Delta Sigma Theta and Omega Psi Phi Greek organizations, the Kingdom of Calontir and Missouri Civil War Reenactors Association, and for Breast Cancer Awareness. To obtain the special plate, individuals must obtain an emblem-use authorization statement from the respective organization (\$25 contribution) and present it to the Department of Revenue along with a payment of a \$15 fee in addition to the registration fee and any other documents required by law. No additional fee will be assessed for the personalization of these plates.

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The bill prohibits the Director of the Department of Revenue from issuing specialized license plates for sponsoring organizations which raise revenues from the use of their emblems on such plates unless the organization is a governmental entity or a not-for-profit organization. Current organizations have until January 1, 2004, to comply with the provisions of the bill. The director will require these organizations to verify their eligibility status.

#### SB 1243 -- LODGING ESTABLISHMENTS

This bill changes the term "innkeeper" in the statutes to "lodging establishment." The bill also changes posting requirements of certain notices to be placed at the registration desk and in the guest rooms of lodging establishments.

#### HCS SB 1244 -- HEARING SCREENING FOR NEWBORNS

This bill revises a provision pertaining to hearing screening for newborns.

Effective January 1, 2002, any facility which transfers a newborn to a different facility for further acute care prior to the completion of the newborn hearing screening is required to notify the receiving facility of the current status of the hearing screening. If the hearing screening is incomplete, the receiving facility is responsible for completing the hearing screening for newborns.

Currently, hospitals or ambulatory surgical centers are required to perform the hearing screening for newborns delivered in their facilities prior to discharge.

#### SB 1247 -- KANSAS CITY FIREFIGHTERS PENSION FUND

This bill requires the Kansas City Firefighters Pension Fund to recognize domestic relations orders in dissolutions involving firefighters who are participants in the pension fund.

The bill:

(1) Authorizes a tax amnesty program allowing taxpayers to pay various back taxes owed prior to December 31, 2001, during the period of August 1, 2002, through October 31, 2002;

(2) Temporarily disallows certain federal deductions for net operating losses and deductions allowed under the Job Creation and Worker Assistance Act of 2002 for the period of July 1, 2002, to July 1, 2003, for purposes of calculating Missouri adjusted gross income. Twenty-seven million dollars of this additional revenue will be transferred to the Schools of the Future Fund, established in the bill;

(3) Eliminates interest on tax credit carrybacks;

(4) Transfers \$5 million from the Lottery Proceeds Fund and unclaimed lottery prize money for Fiscal Year 2003 to the Schools of the Future Fund;

(5) Imposes a tax upon licensed retail pharmacies in Missouri at a rate based on monthly gross retail prescription receipts of pharmacies, not to exceed 6%. The Department of Social Services will notify each individual pharmacy of the amount of quarterly tax due, and the Department of Revenue will promulgate rules to carry out these provisions. The bill allows a credit against the tax on pharmacies for certain taxes paid to the federal government and provides for offsets against any Medicaid payment due the pharmacy from the state. The Medicaid pharmacy tax expires on June 30, 2003;

(6) Revises the law regarding unclaimed, abandoned, and seized money and property held by the state so that it may be used more quickly. Additional revenue gained by these changes will go to the Schools of the Future Fund for Fiscal Year 2003; and

(7) Requires the State Treasurer each calendar quarter to calculate an annual rate of interest equal to the average rate of return on all funds invested by the State Treasurer. This calculated interest rate will be forwarded to the Department of Revenue and other applicable agencies and will be applied to situations for which the State of Missouri pays interest to entities on various overpayments received by the state. Under current law, interest applied to most overpayments is based on the adjusted prime rate charged by banks.

All increased revenues resulting from these changes, unless limited to a particular time period, are to go to the Schools of the Future Fund.

The bill contains an emergency clause.

#### SCS SB 1266 -- TOBACCO SALES

This bill makes it unlawful to sell or distribute cigarettes that do not comply with all requirements imposed by federal law, including requirements regarding labeling and packaging, or to remove, obscure, or conceal any label indicating that the manufacturer did not intend the cigarettes to be sold in the United States or to remove, obscure, or conceal any health warning. Persons are also prohibited from affixing any tax stamp or meter impressions to these cigarettes. Persons in violation of this law are guilty of a class D felony. The bill allows the Director of the Department of Revenue to revoke or suspend the license of a wholesaler who violates this law. In addition, the director may impose a civil penalty not greater than 500% of the retail value of the cigarettes involved or \$5,000. Cigarettes sold or distributed in violation of this law are considered contraband and subject to seizure and forfeiture. In addition, violations are subject to remedies or penalties available for a violation of unlawful trade practices. This law is to be enforced by the director through the State Highway Patrol and all local police authorities. The Attorney General has concurrent power with the prosecuting attorneys of the state to enforce this law.

The bill contains an emergency clause.

#### HCS SJR 24 -- TERM LIMITS

This proposed constitutional amendment excludes from counting toward years served in legislative service any service to fill out the unexpired term of another person that is less than one year in the House and less than two years in the Senate. This change would not apply to any current members.



