

MISSOURI HOUSE OF REPRESENTATIVES

STEVEN TILLEY, SPEAKER

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

MISSOURI GENERAL ASSEMBLY

96th GENERAL ASSEMBLY

FIRST REGULAR SESSION

2011

Prepared by House Research

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STEVEN TILLEY

**Speaker of the House
Missouri House of Representatives**

DATE: May 14, 2011

TO: Members of the House of Representatives

FROM: Speaker Steven Tilley

Attached are summaries of the Truly Agreed To and Finally Passed bills this legislative session.

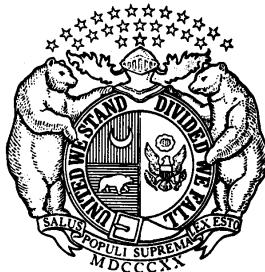
You will be mailed a printed booklet of the revised summaries with an index as soon as it is available.

**TRULY AGREED
TO
AND FINALLY
PASSED**

HOUSE BILLS

**FIRST REGULAR SESSION
96th GENERAL ASSEMBLY**

2011



**Prepared by
House Research Staff**

FY 2012 OPERATING BUDGET SUMMARY

House Bill		FY 2011 Budget	FY 2012 TAFP
1	<u>Public Debt</u>		
	General Revenue	\$ 34,891,457	\$ 75,335,644
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	13,463,215	2,030,806
	Total	\$ 48,354,672	\$ 77,366,450
2	<u>Elementary and Secondary Education</u>		
	General Revenue	\$ 2,720,046,017	\$ 2,749,599,010
	Federal Funds	997,828,378	981,586,860
	Federal Stabilization	246,557,436	64,918,743
	Other Funds	1,398,673,044	1,470,310,553
	Total	\$ 5,363,104,875	\$ 5,266,415,166
	FTE Total	1,717.26	1,711.26
3	<u>Higher Education</u>		
	General Revenue	\$ 911,637,406	\$ 834,133,784
	Federal Funds	6,168,003	7,268,774
	Federal Stabilization	39,952,504	0
	Other Funds	273,724,914	313,921,077
	Total	\$ 1,231,482,827	\$ 1,155,323,635
	FTE Total	75.67	75.67
4	<u>Revenue</u>		
	General Revenue	\$ 71,461,586	\$ 75,481,322
	Federal Funds	6,865,545	6,865,545
	Federal Stabilization	0	0
	Other Funds	353,363,570	351,225,010
	Total	\$ 431,690,701	\$ 433,571,877
	FTE Total	1,418.35	1,443.35
4	<u>Transportation</u>		
	General Revenue	\$ 15,334,842	\$ 9,094,129
	Federal Funds	75,181,950	116,946,746
	Federal Stabilization	0	0
	Other Funds	2,536,127,492	2,131,752,017
	Total	\$ 2,626,644,284	\$ 2,257,792,892
	FTE Total	6,616.68	6,416.68
5	<u>Office of Administration</u>		
	General Revenue	\$ 149,923,090	\$ 116,167,198
	Federal Funds	72,282,149	74,104,464
	Federal Stabilization	528,000	0
	Other Funds	63,880,818	56,145,301
	Total	\$ 286,614,057	\$ 246,416,963
	FTE Total	2,203.07	2,253.57

House Bill		FY 2011 Budget	FY 2012 TAFP
5	<u>Employee Benefits</u>		
	General Revenue	\$ 532,813,437	\$ 494,438,215
	Federal Funds	196,247,991	175,358,959
	Federal Stabilization	0	0
	Other Funds	170,627,563	144,573,725
	Total	\$ 899,688,991	\$ 814,370,899
6	<u>Agriculture</u>		
	General Revenue	\$ 22,847,496	\$ 26,244,449
	Federal Funds	4,317,568	4,475,585
	Federal Stabilization	0	0
	Other Funds	14,518,318	19,616,014
	Total	\$ 41,683,382	\$ 50,336,048
	FTE Total	393.31	409.81
6	<u>Natural Resources</u>		
	General Revenue	\$ 9,038,406	\$ 9,098,158
	Federal Funds	44,426,749	44,513,863
	Federal Stabilization	0	0
	Other Funds	256,815,232	256,195,821
	Total	\$ 310,280,387	\$ 309,807,842
	FTE Total	1,782.06	1,784.06
6	<u>Conservation</u>		
	General Revenue	\$ 0	\$ 0
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	145,534,841	145,467,841
	Total	\$ 145,534,841	\$ 145,467,841
	FTE Total	1,843.81	1,842.81
7	<u>Economic Development</u>		
	General Revenue	\$ 38,882,809	\$ 39,690,102
	Federal Funds	164,142,199	174,105,100
	Federal Stabilization	0	0
	Other Funds	53,752,363	51,028,105
	Total	\$ 256,777,371	\$ 264,823,307
	FTE Total	967.37	967.37
7	<u>Insurance, Financial Institutions and Professional Registration</u>		
	General Revenue	\$ 0	\$ 0
	Federal Funds	1,700,000	3,112,803
	Federal Stabilization	0	0
	Other Funds	36,439,040	36,991,595
	Total	\$ 38,139,040	\$ 40,104,398
	FTE Total	550.15	583.15

House Bill		FY 2011 Budget	FY 2012 TAFP
7	<u>Labor and Industrial Relations</u>		
	General Revenue	\$ 1,982,423	\$ 1,822,336
	Federal Funds	47,950,558	48,189,442
	Federal Stabilization	0	0
	Other Funds	<u>62,508,565</u>	<u>62,269,681</u>
	Total	\$ 112,441,546	\$ 112,281,459
	FTE Total	827.86	824.06
8	<u>Public Safety</u>		
	General Revenue	\$ 54,268,676	\$ 55,697,789
	Federal Funds	113,090,687	115,503,598
	Federal Stabilization	0	0
	Other Funds	<u>356,463,182</u>	<u>371,272,190</u>
	Total	\$ 523,822,545	\$ 542,473,577
	FTE Total	4,973.91	4,960.41
9	<u>Corrections</u>		
	General Revenue	\$ 593,435,940	\$ 595,281,878
	Federal Funds	10,434,834	10,003,791
	Federal Stabilization	0	0
	Other Funds	<u>56,163,438</u>	<u>54,441,661</u>
	Total	\$ 660,034,212	\$ 659,727,330
	FTE Total	11,151.85	11,046.85
10	<u>Mental Health</u>		
	General Revenue	\$ 575,426,388	\$ 563,509,258
	Federal Funds	578,775,972	632,094,832
	Federal Stabilization	0	0
	Other Funds	<u>44,827,524</u>	<u>42,469,399</u>
	Total	\$ 1,199,029,884	\$ 1,238,073,489
	FTE Total	7,873.94	7,440.49
10	<u>Health</u>		
	General Revenue	\$ 247,405,720	\$ 260,631,836
	Federal Funds	647,854,155	697,909,685
	Federal Stabilization	0	0
	Other Funds	<u>25,644,597</u>	<u>18,676,450</u>
	Total	\$ 920,904,472	\$ 977,217,971
	FTE Total	1,833.65	1,726.92
11	<u>Social Services</u>		
	General Revenue	\$ 1,458,352,466	\$ 1,594,286,317
	Federal Funds	4,011,581,216	4,326,035,467
	Federal Stabilization	0	0
	Other Funds	<u>2,186,658,673</u>	<u>2,203,530,740</u>
	Total	\$ 7,656,592,355	\$ 8,123,852,524
	FTE Total	7,759.68	7,355.18

House Bill		FY 2011 Budget	FY 2012 TAFP
12	<u>Elected Officials</u>		
	General Revenue	\$ 45,840,381	\$ 44,296,948
	Federal Funds	22,484,598	19,974,231
	Federal Stabilization	0	0
	Other Funds	43,993,721	42,282,788
	Total	\$ 112,318,700	\$ 106,553,967
	FTE Total	992.02	993.02
12	<u>Judiciary</u>		
	General Revenue	\$ 169,074,144	\$ 170,074,144
	Federal Funds	10,408,187	10,474,989
	Federal Stabilization	0	0
	Other Funds	10,292,942	10,292,942
	Total	\$ 189,775,273	\$ 190,842,075
	FTE Total	3,406.05	3,406.05
12	<u>Public Defender</u>		
	General Revenue	\$ 34,707,100	\$ 34,707,100
	Federal Funds	125,000	125,000
	Federal Stabilization	0	0
	Other Funds	2,980,263	2,980,263
	Total	\$ 37,812,363	\$ 37,812,363
	FTE Total	572.13	587.13
12	<u>General Assembly</u>		
	General Revenue	\$ 33,213,211	\$ 32,645,341
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	292,255	292,255
	Total	\$ 33,505,466	\$ 32,937,596
	FTE Total	688.17	680.17
13	<u>Statewide Leasing</u>		
	General Revenue	\$ 112,267,504	\$ 115,307,171
	Federal Funds	23,195,547	22,022,899
	Federal Stabilization	0	0
	Other Funds	12,931,904	12,457,475
	Total	\$ 148,394,955	\$ 149,787,545
	<u>Total Operating Budget</u>		
	General Revenue	\$ 7,832,850,499	\$ 7,897,542,129
	Federal Funds	7,035,061,286	7,470,672,633
	Federal Stabilization	287,037,940	64,918,743
	Other Funds	8,119,677,474	7,800,223,709
	Total	\$ 23,274,627,199	\$ 23,233,357,214
	FTE Total	57,646.99	56,508.01

Supplemental and Capital Improvement Appropriations

	FY 2011 TAFP
HB 14 <u>Supplementals - Operating</u>	
General Revenue	\$ 103,445,300
Federal Funds	106,635,585
Federal Stabilization	1,489,649
Other Funds	<u>15,446,723</u>
Total	\$ 227,017,257
FTE Total	2.50

HB 15 <u>Supplementals - Operating</u>	
General Revenue	\$ 0
Federal Funds	0
Federal Stabilization	189,727,725
Other Funds	<u>0</u>
Total	\$ 189,727,725

HB 17 Regular Reappropriations
 Appropriates unexpended balances as of June 30, 2011, for capital improvements previously authorized in other appropriations.

HB 18 Federal Stimulus Reappropriations
 Appropriates unexpended balances as of June 30, 2011, for federal stimulus funds previously authorized in other appropriations.

	FY 2012 Year 1	FY 2013 Year 2
HB 21 <u>Maintenance & Repair</u>		
General Revenue	\$ 70,882,154	\$ 70,000,000
Federal Funds	163,246	163,243
Federal Stabilization	0	0
Other Funds	<u>10,997,210</u>	<u>3,790,000</u>
Total	\$ 82,042,610	\$ 73,953,243
HB 22 <u>Capital Improvements</u>		
General Revenue	\$ 18,750,000	\$ 0
Federal Funds	25,002	25,000
Federal Stabilization	0	0
Other Funds	<u>31,350,600</u>	<u>26,225,000</u>
Total	\$ 50,125,602	\$ 26,250,000

SCS HCS HB 38 -- WORK-OFF RATE FOR COUNTY PRISONERS AND
NOTIFICATION OF JAIL ESCAPES

This bill increases the work-off rate for county prisoners from \$10 per day to a portion of the judgement that is equal to the greater of the actual daily incarceration cost or the amount that the municipality is reimbursed by the state for the incarceration.

The chief law enforcement official responsible for a municipal detention facility or a county or regional jail or the chief administrator of a private jail must notify the Missouri Uniform Law Enforcement System (MULES) as soon as reasonably possible but no later than five hours after an escape of a prisoner who has been convicted of murder in the first degree or a dangerous felony or who is being held on suspicion of having committed murder in the first degree or a dangerous felony. The notification may include the name, description, and photograph of the prisoner as well as any other relevant facts. It must also include the crimes for which the person was incarcerated and contact information for the jail or detention facility in order to report information concerning the whereabouts of the escapee.

SS SCS HCS HB 45 -- SMALL BUSINESS TAX RELIEF

This bill changes the laws regarding the Big Government Get Off My Back Act which provides tax relief to certain small businesses. In its main provisions, the bill:

- (1) Specifies that any federal mandate compelling the state to enact, enforce, or administer a federal regulatory program must be subject to authorization through appropriation or statutory enactment;
- (2) Extends from four years to five years the restriction on an increase for any state-imposed user fee and the requirement that any state agency proposing a rule to certify that it does not have an adverse impact on small businesses; that it is necessary to protect the life, health, or safety of the public; or that a small business is exempt from the rule;
- (3) Revises the definition of "small business" to include businesses with fewer than 50 employees instead of the current 25; and
- (4) Authorizes, for tax years 2011 through 2014, an income tax deduction for a small business for each full-time job created

with an annual salary of at least the county average wage as determined by the Department of Economic Development. To be a full-time job, the employee must work at least an average of 35 hours per week for a 52-week period. The business will be allowed a deduction of \$10,000 for each new full-time job created or \$20,000 for each full-time job if the business offers health insurance and pays at least 50% of the premiums.

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

HB 68 -- MISUSE OF EMERGENCY TELEPHONE SERVICE

This bill prohibits a political subdivision from imposing a fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for a call made to an emergency telephone service from the pay telephone.

HCS HB 70 -- COUNTY HIGHWAY COMMISSIONS

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

SS SCS HCS HB 73 & 47 -- TEMPORARY ASSISTANCE BENEFITS FOR NEEDY FAMILIES PROGRAM

This bill requires the Department of Social Services to develop a program to screen each applicant for or recipient of Temporary Assistance for Needy Families (TANF) Program benefits and test, using a urine dipstick five panel test, each person whom the department has reasonable cause to believe, based on the screening, engages in the illegal use of a controlled substance. An applicant or recipient who tested positive for the illegal use

of a controlled substance which has not been prescribed by a licensed health care provider or who refuses to submit to a test must, after an administrative hearing by the department, be declared ineligible for TANF benefits for three years from the date of the administrative hearing decision and must be referred to an appropriate substance abuse treatment program approved by the Division of Alcohol and Drug Abuse within the Department of Mental Health. However, an applicant or recipient who, after being referred by the department, enters and successfully completes a substance abuse treatment program and does not test positive for the illegal use of a controlled substance for six months from the date of entry into the program, will continue to receive benefits while participating in the program. The department may test these individuals for illegal drug use at random or set intervals, at the department's discretion, after the initial six months; and if the individual tests positive a second time, he or she will be declared ineligible for TANF benefits for a period of three years from the date of the administrative hearing decision.

Case workers of applicants or recipients are required to report or cause a report to be made to the Children's Division within the department any suspected child abuse as a result of drug abuse when an applicant or recipient has tested positive for the illegal use of a controlled substance or has refused to be tested. Any member of a household which includes a person who has been declared ineligible for TANF benefits, if otherwise eligible, will continue to receive benefits as protective or vendor payments to a third-party payee.

All electronic benefits cards distributed to recipients of TANF benefits must have imprinted on the card a photograph of the recipient or protective payee authorized to use the card and cannot be accepted for use at a retail establishment if the photograph does not match the person presenting the card. A card will expire and be subject to renewal after three years.

HCS HB 83 -- AUTOMATED TELLER MACHINE FOREIGN ACCOUNT SURCHARGES

This bill specifies that an agreement to operate or share an automated teller machine (ATM) cannot prohibit the owner or operator of the machine from imposing an access fee or surcharge on an individual conducting a transaction using a foreign bank account if the fee or surcharge is not otherwise prohibited by federal or state law. Currently, foreign banks, trust companies, or credit unions may charge fees but domestic ones cannot.

SS#2 SCS HCS HB 89 -- NATURAL RESOURCES

This bill changes the laws regarding natural resources.

STATE DEPARTMENT TRANSPARENCY (Section 37.970, RSMo)

The bill specifies that it must be the policy of each state department to carry out its duties with full transparency to the public and any data collected must be available to the public in a timely fashion and reports and other information must be easily accessible to the public. Each department must broadly interpret any request for information under the Open Meetings and Records Law, commonly known as the Sunshine Law, and must respond accordingly regardless of the format in which the request is made. Any failure to release the information will be considered a policy violation and constitute a breach of the public's trust.

COUNTY DRINKING WATER SUPPLY LAKE AUTHORITY (Sections 67.4500 - 67.4520)

The bill establishes a county drinking water supply lake authority in Sullivan County. The bill:

(1) Allows the authority to acquire, own, construct, lease, and maintain recreational or water quality projects; acquire, own, lease, or sell property to fulfill the purposes of the authority; enter into contracts; sue and be sued; accept gifts, grants, loans, or contributions; employ staff or contract with independent contractors for needed services; disperse funds and set salaries of its employees; fix rates, fees, and charges for the use of any projects and property owned, leased, or managed by the authority; adopt, alter, or repeal its own governing bylaws and rules; sell and supply water; issue revenue bonds; and adopt tax increment financing within its boundaries;

(2) Specifies that the authority must consist of between six and 30 members appointed by the members of the water commission owning the reservoir. The members will serve six-year terms with the initial members being appointed to staggered terms. A member of the authority must be over 25 years of age and have been registered to vote in Missouri and lived in the county for more than five years;

(3) Requires the water commission, by resolution, to establish a date and time for the initial meeting of the authority. At the initial meeting, and annually thereafter, the authority must elect from its members a chairman and vice-chairman and appoint a secretary and a treasurer. The authority may appoint an

executive director who must not be a member of the authority and who will serve at the authority's pleasure;

(4) Requires each member of the authority to execute a surety bond in the amount of \$50,000 or the authority chairman must execute a blanket bond covering each member and the employees or other officers of the authority;

(5) Prohibits an authority member from participating in any decisions or deliberations concerning issues where the authority member has a direct financial interest;

(6) Allows the state or any political subdivision or municipal corporation to transfer possession or control of any property to the authority;

(7) Allows the state or any political subdivision to appropriate, allocate, and expend funds for the benefit of the authority; and

(8) Authorizes the authority to exercise all zoning and planning powers that are granted to cities, towns, and villages except that the authority cannot exercise the powers within the limits of any city, town, or village that has adopted a city plan before August 28, 2011.

REAL-TIME BACTERIAL WATER QUALITY TESTING (Section 192.1250)

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

PUBLIC WATER SUPPLY DISTRICTS BOARD OF DIRECTORS (Section 247.060)

The bill:

(1) Allows each member of a public water supply district board to receive a fee of up to \$100 for attending each regularly or specially called board meeting. A member can receive payment for up to two meetings per month except in a first classification county where a member can receive payment for up to four meetings per month. No member can be paid for attending more than one board meeting per week;

(2) Allows the president of a board to receive an additional \$50 for attending each regularly or specially called board meeting

but prohibits him or her from receiving the additional fee for attending more than two meetings per month;

(3) Specifies that a member will be reimbursed for any actual expenditures in the performance of his or her duties on behalf of the district;

(4) Prohibits a member from receiving any attendance fees or additional compensation until he or she has completed a minimum of six hours of training regarding the responsibilities of the board and its members in specified areas including the basics of water treatment and distribution; budgeting and rates; planning; and the Open Meetings and Records Law, commonly known as the Sunshine Law;

(5) Specifies that the circuit court of the county having jurisdiction over the district is authorized to:

(a) Suspend any member from exercising his or her office when it appears that he or she has abused his or her trust or become disqualified;

(b) Remove any member upon proof or conviction of gross misconduct or disqualification for his or her office; or

(c) Restrain and prevent any alienation of property of the district by members in certain specified cases; and

(6) Specifies that the jurisdiction conferred by these provisions must be exercised upon petition by any member or at the instance of any 10 voters residing in the district who join in the petition. The petition must be heard in a summary manner after 10 days' written notice to the member or officer who is the subject of the complaint.

STATE PARKS EARNINGS FUND (Section 253.090)

Any moneys remaining in the State Parks Earnings Fund at the end of the biennium will not revert to the credit of the General Revenue Fund.

PRIVATE LANDOWNER PROTECTION ACT (Section 442.014)

The Private Landowner Protection Act is established which allows for the creation and enforcement of conservation easements designed to protect the environment or preserve certain historical, architectural, archaeological, or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or

affected in the same manner as other easements; and a court may modify or terminate an easement based on the principles of law and equity.

An existing real property interest is not impaired by an easement unless the owner is a party to the conservation easement or consents to it. A conservation easement will be valid in a number of situations that are specified in the bill which are not recognized by common law. Retroactive application is mandated to the extent allowed by state and federal law but cannot place any additional burden or obligation on any grantor or grantee, or their successors, of a conservation easement.

MINING PERMITS (Sections 444.771 and 444.773)

The Department of Natural Resources and the Land Reclamation Commission in the department are prohibited from issuing a surface mining, water, or air permit to any person whose mine plan boundary is within 1,000 feet of any property where an accredited school has been located for at least five years prior to the permit application. This provision does not apply to anyone applying to any request for an expansion of an existing mine or to any underground mining operation.

Currently, the commission may deny a surface mining permit if it finds in any hearing, based on competent and substantial scientific evidence, that the interested party's health, safety, or livelihood would be unduly impaired by the issuance of the permit. The bill specifies that it must be in a public hearing and removes the provision placing the burden of proof on the permit applicant.

CLEANSFIELD RENEWABLE ENERGY DEMONSTRATION PROJECT (Section 620.2300)

An owner of a park which consists of at least 50 acres in which property is subject to remediation under a clean-up program supervised by the Department of Natural Resources or the United States Environmental Protection Agency may seek to establish a cleansfields renewable energy demonstration project by submitting an application to the Department of Economic Development for certification of the project. The department must review all project applications and, in consultation with the Department of Natural Resources, verify satisfaction of all requirements. If the Department of Economic Development approves a project application, it must forward the application and approval to the Missouri Public Service Commission. Upon receipt of the application and approval, the commission must assign twice the credit to any electric power, renewable energy, renewable energy

credits, or any successor credit generated from certain renewable energy resources or certain electric power generated off-site by utilizing biomass fuel or renewable energy resources.

ADMINISTRATIVE HEARING COMMISSION (Section 621.250)

Currently, any party who is affected by a finding, order, decision, or assessment made by a state regulatory environmental commission may file an appeal with the Administrative Hearing Commission. The bill specifies that the party must be aggrieved or adversely affected by the finding, order, decision, or assessment in order to file an appeal.

Currently, the commission has discretion as to whether or not to hold a hearing on an appeal request. The bill requires the commission to hold a hearing and make a recommended decision within 60 days of the date of the request or make a recommended decision within the 60-day period based on the stipulation of the parties, consent order, or agreed settlement or by the disposition in the nature of default judgment, judgment on the pleadings, or summary determination. The commission must issue its final decision on an appeal of a decision by the Director of the Department of Natural Resources within 90 days of the date the notice of appeal is filed.

The bill prohibits a cause of action or appeal arising out of a finding, order, decision, or assessment of a regulatory environmental commission from accruing in any court unless the party has already filed a notice of appeal and received a final decision in accordance with these provisions.

ENVIRONMENTAL PERMITS (Section 640.018)

In any case in which the Department of Natural Resources has not issued a permit or made a permit decision by the expiration of the statutorily required time frame, the permit must be issued as of the first day following the expiration if all the necessary information has been submitted for the application and the department has had the information for the duration of the required time frame.

All engineering plans, specifications, and designs prepared by a registered professional engineer that are submitted to the department as part of a permit application or modification must include a statement that the plans, specifications, and designs were prepared in accordance with all applicable requirements and must be sealed by the registered professional engineer. The department must use the complete, sealed plans, specifications, and designs as submitted in addition to a permit application or

other relevant information, documents, and materials in developing comments on the engineering submittals and in determining whether to issue or deny a permit. The review of documents, plans, specifications, and designs sealed by a registered professional engineer must be conducted by a registered professional engineer or an engineering intern on behalf of the department.

The department must designate a supervisory registered professional engineer for permitting purposes in environmental programs. Any applicant receiving written comments on an engineering submittal may request a determination from the department's supervisory engineer as to a final disposition of the department's comments. The supervisory engineer must inform the applicant of a preliminary decision within 15 days of the request and must make a final determination within 30 days.

These requirements cannot be construed to require plans or other submittals to the department that come under a general permit or an application for a site specific permit to be prepared by a registered professional engineer unless otherwise required by state or federal law.

NOTIFICATION OF PUBLIC HEALTH RISKS (Section 640.128)

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

CONSOLIDATION OF SERVICES REPORT (Section 640.850)

The Governor must convene a committee consisting of representatives from the departments of Agriculture, Conservation, Economic Development, Health and Senior Services, and Natural Resources to evaluate ways to consolidate services with the goal of improving efficiency and reducing costs while optimizing the benefits to Missourians. The committee must specifically review the transfer of the Division of Energy from the Department of Natural Resources to the Department of Economic Development and the consolidation of laboratory testing for water quality under the Department of Health and Senior Services and must provide recommendations to the Governor and the General Assembly by December 31, 2011.

ASBESTOS AND AIR QUALITY (Sections 643.020 - 643.250)

The bill:

(1) Expands the citation range of statutes in Chapter 643 that refer to the regulation of air quality and responsibilities of the Air Conservation Commission within the Department of Natural Resources in numerous provisions and corrects a federal law reference for asbestos requirements under United States Occupational Safety and Health Administration (OSHA) regulations;

(2) Authorizes the commission or its authorized representative to enter upon public or private property having material information relevant to an air contaminant source. Currently, it may only enter upon public or private property which the commission or department director has probable cause to believe is an air contaminant source;

(3) Adds renovation or demolition to the list of projects that the commission has authority to require corrective measures be taken to protect public health and the environment as it relates to asbestos abatement;

(4) Removes the option to complete an annual refresher course that is accredited by the United States Environmental Protection Agency (EPA) in order to qualify for a renewal of an asbestos-related certificate. Currently, an individual must complete an annual course that is accredited by the EPA or the State of Missouri;

(5) Reduces from 24 months to 12 months, the amount of time after the expiration of a certificate in which an individual must complete the annual refresher course or retake the original training course;

(6) Removes the exemption from certain state asbestos requirements for asbestos certification and registration for certain persons who are subject to EPA and OSHA asbestos regulations;

(7) Reduces from at least 20 working days to at least 10 working days the period of time that a person must submit an application to the department in advance of an asbestos abatement project. The application must include a copy of an asbestos inspection survey for the structure which includes, but is not limited to, sample analysis results, quantities of asbestos materials identified, and documentation that the inspection was conducted by a certified asbestos inspector;

(8) Removes the notification requirements for an asbestos abatement project of a magnitude of less than 160 square feet or 260 linear feet but greater than 10 square feet or 16 linear feet;

(9) Allows the analysis of asbestos air samples to be conducted according to EPA standards as well as OSHA standards;

(10) Requires asbestos abatement projects of a magnitude of greater than or equal to 160 square feet or 260 linear feet or 35 cubic feet or all regulated demolition projects to be subject to inspection. Currently, projects greater than or equal to 10 square feet or 16 linear feet must be inspected; and

(11) Removes the requirement that any civil penalty paid for asbestos-related violations be deposited into the Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount.

JUDICIAL REVIEW (Sections 643.130 and 644.071)

Any action seeking judicial review of a final decision made by the Air Conservation Commission, the Clean Water Commission, or the Director of the Department of Natural Resources must be filed in a court of appeals instead of a circuit court.

CLEAN WATER NOTICE REQUIREMENTS AND FEES (Sections 644.036 and 644.054)

The bill removes the expiration date on the public notice requirements of the Clean Water Commission of the State of Missouri when listing any impaired waters of the state under Section 303(d) of the federal Clean Water Act.

The commission's authority to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control is extended from December 31, 2010, to September 1, 2013.

The Director of the Department of Natural Resources must conduct a comprehensive review of the water pollution fee structure including input from stakeholders. The department director must submit a report to the General Assembly by December 31, 2012, including the findings and a recommended plan for the fee structure.

CLEAN WATER COMMISSION PERMITS AND APPEALS (Section 644.051)

The bill:

(1) Allows a potential permit applicant to appeal the terms and conditions of a water pollution control general permit template to the Clean Water Commission within 30 days of the issuance of the template by the department if the applicant can demonstrate

that he or she is or may be adversely affected by any permit, term, or condition;

(2) Specifies that the permit applicant has the burden of proof only for an appeal relating to the denial of a permit, license, or registration; but for all other appeals, the commission will have the burden of proof. Currently, the burden of proof in an appeal hearing regarding the issuance of a water pollution control permit is on the permit applicant;

(3) Authorizes the department to modify, reissue, or terminate a water pollution control permit at the request of the permit holder. All requests must be in writing and contain facts or reasons in support of the request; and

(4) Requires the department to implement permit shield provisions that are equivalent to the provisions implemented pursuant to federal law.

AFFORDABILITY DETERMINATIONS (Section 644.145)

The Department of Natural Resources must make a determination regarding the affordability to communities and their residents of permit requirements and other department decisions related to combined or separate sanitary sewer systems or publicly-owned treatment works. The affordability determination must be made prior to issuing a permit or rendering a decision. If the department fails to make a determination, the proposed permit or decision will be void and unenforceable. The bill specifies the criteria that the department must follow when making a determination.

PRIVATE SEPTIC SYSTEMS (Sections 701.033 and 701.058)

The Department of Health and Senior Services is authorized to provide technical assistance, guidance, and oversight to a local authority that administers and enforces individual on-site sewage disposal system standards. The department may provide this assistance at the request of the local government or in any case where the department determines that its intervention is necessary to prevent a violation of state law.

The departments of Natural Resources and Health and Senior Services must jointly hold stakeholder meetings to gather data and information regarding permits and inspections for on-site sewage disposal systems and submit a report to the General

Assembly by December 31, 2011.

MISSOURI ENERGY TASK FORCE (Section 386.850)

The bill repeals the provisions requiring the Missouri Energy Task Force within the Missouri Public Service Commission to reconvene at least one time a year and issue a status report to the Governor and General Assembly by December 31 of each year.

The provisions of the bill contain a nonseverable clause.

The bill contains an emergency clause for the provisions regarding state department transparency, county drinking water supply lake authority, real-time bacterial water quality testing, State Parks Earnings Fund, mining permits, cleansfield renewable energy demonstration project, environmental permits, notification of public health risks, consolidation of services report, judicial review, clean water notice requirements and fees, clean water commission permits and appeals, affordability determinations, private septic systems, and the Missouri Energy Task Force.

CCS SCS HB 101 -- LIQUOR CONTROL

This bill changes the laws regarding liquor control. In its main provisions, the bill:

- (1) Creates a special liquor license for a wine shop to serve alcohol in the shop on Sundays from 10 a.m. to 10 p.m. A fee of \$200 per year for the license is established;
- (2) Creates a special permit for a licensed liquor establishment located in Kansas City to sell intoxicating liquor from 6 a.m. to 3 a.m. on the morning of the following day within one 24-hour period. Only six permits per calendar year can be granted for each establishment. The fee for each permit will be \$50 which is to be paid to the Director of the Department of Revenue;
- (3) Allows any winery, distiller, manufacturer, wholesaler, or brewer or designated employee, with the permission of the licensee, to provide samples for customer tasting purposes at licensed retail premises that have a special permit or a by-the-drink-for-consumption-on-the-premises-where-sold retail license. No money or anything of value can be given to the retailer for the privilege or opportunity to conduct the tasting;

(4) Allows employee of or a sampling service retained by a winery, distiller, manufacturer, wholesaler, or brewer to dispense distilled spirits, wine, or malt beverage samples. All employees of a sampling service who actually dispense samples must complete a server training program approved by the Division of Alcohol and Tobacco Control within the Department of Public Safety; and

(5) Allows any intoxicating liquor in its original package to be served at retail by the drink for consumption on the premises of a licensed liquor establishment or certain organizations licensed by the Division of Liquor Control within the Department of Public Safety to serve liquor by the drink.

HB 109 -- LINKED DEPOSIT PROGRAM

Currently, the State Treasurer cannot invest in any linked deposit, the value of which is to be lent to a recipient other than an eligible water supply system or an eligible student borrower, after December 31, 2015, or invest in any linked deposit, the value of which is to be lent to any new eligible facility borrower, after January 1, 2020. This bill repeals these provisions allowing the State Treasurer to invest in these deposits after those dates.

The bill contains an emergency clause.

SS#2 SCS HCS HB 111 -- JUDICIAL PROCEDURES

This bill changes the laws regarding judicial procedures.

TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT (Sections 34.376, 34.378, and 34.380, RSMo)

This bill establishes the Transparency in Private Attorney Contracts Act. The bill:

(1) Prohibits the state from contracting with a private attorney for a contingency fee unless the Attorney General makes a written determination prior to the contract that the contingency fee representation is both cost effective and in the public interest;

(2) Requires the Attorney General if the determination to contract with a private attorney is made to request written proposals from private attorneys to represent the state unless

the Attorney General determines and puts in writing that requesting proposals is not feasible under the circumstances;

(3) Requires the Attorney General to select the lowest and best bid or to request the Office of Administration to establish an independent panel to evaluate the proposals and choose the lowest and best bid;

(4) Requires the government attorney to retain complete control over the course and conduct of the case and the contracted attorney in any contingency fee contract and requires the Attorney General to include provisions in the contract detailing the expectations of both the contracted attorney and the state;

(5) Requires a copy of any contingency fee contract, the Attorney General's written determination, and payments of contingency fees to be posted on the Attorney General's web site;

(6) Requires a private attorney under contract with the state on a contingency fee basis to maintain detailed records of his or her services, expenses, and fees, including time records in increments of no greater than 1/10 of an hour for at least four years after the expiration or the termination of the contract. Any request under the Open Meetings and Records Law, commonly known as the Sunshine Law for inspection and copying of records must be served upon and responded to by the Attorney General's office; and

(7) Requires the Attorney General to annually submit a report by February 1 to the President Pro Tem of the Senate and the Speaker of the House of Representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year and specifies the information which must be included in the report.

HOSPITAL DISTRICT SALES TAX (Sections 144.032 and 205.205)

The governing body of any hospital district in Iron County is authorized to impose, upon voter approval, a local sales tax of up to 1% in lieu of a property tax to fund the hospital district. The Department of Revenue will deposit the sales tax in the newly created Hospital District Sales Tax Fund less 1% of the amount collected which is to be deposited into the General Revenue Fund for the cost of collecting the sales tax.

ELECTRONIC MONITORING (Sections 221.025, 544.455, 544.470, and 557.011)

The bill allows a judge to release a person before trial on electronic monitoring or order a person to serve part or all of a sentence of confinement on electronic monitoring. All costs associated with electronic monitoring will be charged to the person on house arrest.

A judge may credit any period of electronic monitoring against any period of confinement or incarceration ordered; however, electronic monitoring will not be considered to be in custody or incarceration for purposes of eligibility for MO HealthNet benefits or for purposes of determining responsibility for the individual's health care.

A court may not place an individual on electronic monitoring in lieu of the required imprisonment, community service, or court ordered treatment program involving community service, if that individual is a prior, persistent, aggravated, or chronic offender sentenced pursuant to Section 577.023.

CERTAIN MISDEMEANOR VIOLATIONS (Sections 302.020, 302.321, 303.025, and 311.325)

The bill changes the specified class of certain misdemeanor violations to only be a misdemeanor violation and establishes fines and penalties for a violation of the provisions regarding:

- (1) Driver's licenses;
- (2) Motorcycle helmets;
- (3) Driving while revoked;
- (4) Financial responsibility; and
- (5) Purchase, possession, or consumption of alcohol by a minor.

CORPORATE COMMITTEE MEETINGS (Section 351.340)

The bill allows actions required to be taken at corporate committee meetings to be taken without a meeting if all of the board or committee members consent by electronic transmission. The transmissions must be filed with the minutes of the corporate meetings.

CHILD SUPPORT AWARDS (Section 452.340)

The Missouri Supreme Court is required to amend the child support guidelines to address instances where there is an award of equal or substantially equal joint physical custody.

The court may award child support in an amount that provides up to a 50% adjustment below the basic child support amount for custody awards of joint physical custody where the child or children spend equal or substantially equal time with both parents.

FULL ORDERS OF PROTECTION (Section 455.007)

The bill specifies that, notwithstanding any other provision of law to the contrary, the public interest exception to the mootness doctrine will apply to an appeal of a full order of protection which has expired and which subjects the person against whom the order is issued to significant collateral consequences by the mere existence of the order after its expiration.

GUARDIANSHIP OF AN INCAPACITATED PERSON (Sections 475.060 and 475.061)

The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

TRANSFER REQUESTS OF COURT CASES BY PUBLIC ADMINISTRATORS (Section 475.115)

The bill allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the court's transfer and forwarded to the receiving county upon audit and approval.

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (Sections 475.501 - 475.555)

The bill authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

- (1) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;
- (2) Allows a court to request an out-of-state court to:
 - (a) Hold an evidentiary hearing;

- (b) Order an individual to produce evidence or give testimony;
 - (c) Order that an evaluation or assessment be made of a respondent;
 - (d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;
 - (e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding any evidence otherwise produced and any evaluation or assessment prepared in compliance with a court order;
 - (f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and
 - (g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;
- (3) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable;
 - (4) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;
 - (5) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;
 - (6) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;
 - (7) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;
 - (8) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;
 - (9) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

(10) Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;

(11) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office and of any bond; and

(12) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.

BASIC CIVIL LEGAL SERVICES FUND (Section 477.650)

The bill extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

STANDARDS FOR REPRESENTATION OF CHILDREN BY GUARDIANS AD LITEM (Section 484.350)

The bill requires the Missouri Supreme Court standards from September 17, 1996, regarding representation of children by guardians ad litem to be updated.

CONDEMNATION PROCEEDINGS (Section 523.040)

The bill requires that in St. Louis City and the counties of St. Louis and Jackson at least one of the three commissioners appointed by the court in condemnation proceedings must be either a licensed real estate broker, or a licensed or certified real estate appraiser.

SEXUAL CONTACT WITH A STUDENT (Section 566.086)

Currently, a person who works for or volunteers at a school commits the crime of sexual contact with a student while on public school property, a class D felony, if he or she has sexual contact with a student while on any public school property. This bill

removes the requirement that the crime be committed while on public school property and adds an elected official of the school district to the list of individuals to whom the provision applies.

SEXUAL OFFENDERS (Sections 566.147 and 589.040)

Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or child care facilities. The bill specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but subject to state fire, safety, health, and sanitation inspections and holds itself out to be a child care facility.

The bill also requires a person incarcerated for a sexual assault offense to successfully complete all treatment, education, and rehabilitation programs provided by the Department of Corrections prior to being eligible for parole or conditional release.

CRIMINAL NON SUPPORT (Section 568.040)

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

RECEIVING STOLEN PROPERTY (Section 570.080)

The bill revises the punishment for the crime of receiving stolen property, a class A misdemeanor. If the value of the property or services stolen is \$500 or more but less than \$25,000 or a person physically takes the property from the victim or the property consists of certain specified items, the person will be guilty of a class C felony. The receipt of any item of property or services that exceeds \$500 may be considered a separate felony and may be charged in separate counts. Any person with a prior conviction for receiving stolen livestock or captive wildlife who violates those same provisions a subsequent time when the value of the animal stolen exceeds \$3,000 will be guilty of a class B felony and will be required to serve at least 80% of any sentence imposed before he or she is eligible for probation, parole, conditional release, or other early release by the Department of Corrections. Anyone committing an offense in which the value of the property or services is an element will be guilty of a class B felony if the value equals or exceeds \$25,000.

STEALING LEASED OR RENTED PROPERTY OFFENSES (Section 578.150)

The bill changes the crime of failing to return leased or rented property and changes the name of the crime to stealing leased or rented property.

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

Currently, it is evidence of the crime when a person who has leased or rented property, other than a motor vehicle, fails to return the property 10 days after the owner has sent written demand by certified or registered mail to the address provided in the lease agreement. The demand must include a statement that the failure to return the property may subject the person to criminal prosecution. The bill specifies that evidence of intent to commit the crime is established if the lessee uses a false; fictitious; or not current name, address, or place of employment in obtaining the property or if the lessee fails to return the property or pay the lease charges within seven days after written demand is sent by certified mail, return receipt requested, to the address provided in the lease agreement or the person's last known address.

Currently, failure to return leased or rented property is a class A misdemeanor unless the property is valued at \$500 or more, in which case it will be a class C felony. The bill increases the maximum property value so that the crime becomes a class C felony if the property is valued at \$1,000 or more.

STATE REIMBURSEMENT FOR SHERIFFS (Section 632.312)

A sheriff is allowed to receive reimbursement from the state, subject to appropriations, for the actual costs of transporting a person to and from a mental health facility from a public or private hospital, a non-profit charitable organization, the state, or a political subdivision.

The bill contains an emergency clause for the provisions regarding the hospital district sales tax.

HCS HB 136 -- UNEMPLOYMENT BENEFITS AND COURTESY PROFESSIONAL LICENSES FOR MILITARY SPOUSES

This bill changes the laws regarding unemployment benefits for military spouses and courtesy professional licenses for nonresident military spouses.

UNEMPLOYMENT BENEFITS FOR MILITARY SPOUSES

The bill specifies that a claimant seeking unemployment compensation is not disqualified for waiting week credit or benefits, regardless if the claimant has earned wages for insured work equal to 10 times the claimant's weekly benefit amount, if the claimant quit work in order to relocate with his or her spouse who is on active duty in the United States armed forces, the national guard, or other reserve. If a claimant is not disqualified as a result of this provision, no benefits based on wages paid for work prior to the quitting date can be chargeable to the claimant's former employer.

COURTESY PROFESSIONAL LICENSES FOR NONRESIDENT MILITARY SPOUSES

Any state agency or board that regulates an occupation or profession must establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who is stationed in Missouri allowing him or her to lawfully practice his or her occupation or profession in this state. The bill:

(1) Requires an applicant for a courtesy license to hold a current license or certificate from another state, district, or United States territory whose licensing requirements are equivalent to those established by Missouri law for that occupation or profession;

(2) Requires an applicant to have been engaged in the active practice of the occupation or profession for at least two of the five years immediately preceding the date of his or her application;

(3) Specifies that an applicant cannot have committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate under Missouri law at the time the act was committed;

(4) Specifies that an applicant cannot have been disciplined by a licensing or credentialing entity in another jurisdiction or be the subject of an unresolved complaint, review, or disciplinary

proceeding by a licensing or credentialing entity in another jurisdiction;

(5) Authorizes the appropriate board or agency to conduct and pay for a criminal background check;

(6) Requires an applicant to pay any required fees and comply with other requirements as provided by the appropriate board; and

(7) Specifies that a temporary courtesy license or certificate will be valid for 180 days and may be extended at the discretion of the applicable regulatory board or agency for another 180 days upon application of the holder.

These provisions will not apply to the practice of law or the regulation of attorneys.

SS SCS HB 137 -- CONVEYANCES OF STATE PROPERTY

This bill repeals the authority of the board of governors, regents, or curators of four-year state universities, with the exception of schools within the University of Missouri System, to convey or lease property without authorization by the General Assembly. Currently, this provision allows these universities to convey or lease property without authorization until August 28, 2011. The bill authorizes the Board of Governors of Missouri Western State University to convey or lease property for fair market value without authorization by the General Assembly until August 28, 2014.

The bill also authorizes the Governor to convey:

(1) State property located at the Algoa Correctional Center in Jefferson City in Cole County;

(2) State property located at the Boonville Correctional Center in the City of Boonville in Cooper County;

(3) State property located at the Western Reception and Diagnostic Correctional Center in the City of St. Joseph in Buchanan County;

(4) State property located at the Central Missouri Correctional Center in Jefferson City in Cole County;

(5) State property located at the Farmington Correctional Center in the City of Farmington in St. Francois County;

- (6) State property located in the City of Farmington in St. Francois County;
- (7) State property located at the Fulton Reception and Diagnostic Correctional Center in the City of Fulton in Callaway County;
- (8) State property located at the Maryville Treatment Center in the City of Maryville in Nodaway County;
- (9) State property located at the Eastern Reception Diagnostic Correctional Center in the City of Bonne Terre in St. Francois County;
- (10) State property located at the Missouri Eastern Correctional Center in the City of Pacific in St. Louis County;
- (11) State property located at the South Central Correctional Center in the City of Licking in Texas County;
- (12) State property located at the Potosi Correctional Center in the City of Potosi in Washington County;
- (13) State property located at the Chillicothe Correctional Center in the City of Chillicothe in Livingston County;
- (14) State property located at the Tipton Correctional Center in the City of Tipton in Moniteau County;
- (15) State property located at the Women's Eastern Reception and Diagnostic Correctional Center in the City of Vandalia in Audrain County;
- (16) State property located at the Moberly Correctional Center in the City of Moberly in Randolph County;
- (17) State property located at the St. Francois County Correctional Facility in the City of Farmington in St. Francois County to St. Francois County;
- (18) A permanent sidewalk easement over, on, and under state property located at the Adrians Island in Cole County to the City of Jefferson;
- (19) A permanent levee easement over, on, and under state property located at the Church Farm in Cole County to the Cole Junction Levee District;

(20) A permanent pipeline easement over, on, and under state property located at the Moberly Correctional Center in Randolph County to the Panhandle Eastern Pipeline Company, LP;

(21) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County to the Highways and Transportation Commission;

(22) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County which was previously authorized by House Bill 2285 in 2010 but contained an error in the legal description;

(23) State property located at the National Guard site in the City of Centertown in Cole County; and

(24) A permanent drainage easement over, on, and under state property at the Department of Mental Health Regional Office and the Department of Elementary and Secondary Education State School for the Severely Disabled in the City of Joplin in Jasper County.

The bill contains an emergency clause.

CCS SCS HB 142 -- POLITICAL SUBDIVISIONS

This bill changes the laws regarding political subdivisions. In its main provisions, the bill:

(1) Increases from \$250 to \$1,000 the minimum original value of county property that must be inventoried annually by the auditor in a charter county (Section 55.030, RSMo);

(2) Authorizes any city, town, or village to impose, upon voter approval, a fee of up to \$1 per month or \$12 annually for each line providing water service to residential property having four or fewer dwelling units for the purpose of repair or replacement due to failure of the water lines extending from the water main to the residential dwelling. The fee may be added to the general tax levy bill of the property owner and collected in the same manner as delinquent real estate taxes and tax bills (Section 67.319);

(3) Authorizes any city in which voters have approved fees to recover costs associated with the enforcement of certain property ordinances to issue a special tax bill against the property to recover the costs (Section 67.451);

(4) Authorizes a community improvement district special

assessment to be added to and collected with the annual real estate tax bill for the property (Section 67.1521);

(5) Authorizes the board of commissioners of Tower Grove Park to adjust the size of its membership upon the approval of a majority of its members (Section 90.101);

(6) Allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval (Section 475.115); and

(7) Adds the City of St. Joseph to the list of cities authorized to establish an administrative adjudication system for certain municipal code violations. The cities of Kansas City, St. Joseph, and St. Louis are authorized to establish, by order or ordinance, an administrative system for adjudicating housing, property maintenance, and nuisance municipal code violations and to issue a special tax bill to collect fines issued for housing, property maintenance, and nuisances code violations (Section 479.011).

SCS HB 149 -- MISSOURI MILITARY FAMILY RELIEF FUND

Currently, the provisions that allow an individual or corporation to designate part of a tax refund to the Missouri Military Family Relief Fund expire August 28, 2011, and terminate December 31, 2012. This bill removes the expiration and termination dates of those provisions.

HB 151 -- DESIGNATION OF TAX REFUNDS TO THE ORGAN DONOR PROGRAM FUND

Beginning January 1, 2011, this bill authorizes an individual or corporation to designate at least \$2 on a Missouri individual

income tax return or at least \$4 on a combined return of his or her tax refund amount to the Organ Donor Program Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes.

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

SS SCS HCS HB 161 -- CERTAIN TAXES IMPOSED BY POLITICAL SUBDIVISIONS

This bill changes the laws regarding certain transient guest taxes. In its main provisions, the bill:

(1) Specifies that for the purpose of collecting a transient guest tax under Sections 67.1000 and 67.1002, RSMo, the term "transient guests" means a person or persons who occupy a room in a hotel or motel for 31 days or less during any calendar quarter with the exception of Pulaski County where the term means a person or persons who occupy a room in a hotel or motel for 90 days or less during any calendar quarter (Section 67.1000.3);

(2) Prohibits any city or county from imposing a transient guest tax pursuant to Section 67.1000 or Section 67.1002 if the city or county already imposes a tax on transient guest room charges of a hotel or motel located wholly or partially within the city or county under these sections or any other section of law (Sections 67.1000.5(1) and 67.1003.3(1));

(3) Prohibits any city not already imposing a transient guest tax pursuant to Section 67.1000 or Section 67.1002 from imposing a transient guest tax under those provisions if the city is located wholly or partially within a county that already imposes a tax on transient guest room charges of a hotel or motel located wholly or partially within the county under these sections or any other section of law (Sections 67.1000.5(2) and 67.1003.3(2));

(4) Specifies that the prohibition against imposing more than one transient guest tax in Sections 67.1000, 67.1002, and 67.1003 will not be construed as repealing any taxes levied by any city or county on transient guests as allowed under Chapter 67 or Chapter 94 as of August 28, 2011 (Sections 67.1000.6 and 67.1003.8);

(5) Expands the purpose for which a transient guest tax may be imposed under Section 67.1002 to include funding a convention and visitors bureau. Currently, the tax is imposed solely for the promotion of tourism (Section 67.1002);

(6) Authorizes Pettis County, upon voter approval, to change its transient guest tax from \$2 per room, per night to up to 5% per occupied room, per night; increases from five to seven the number of members on the Pettis County Tourism Commission; and changes the way appointments are made to the commission (Sections 67.1006 and 67.1008);

(7) Authorizes the City of St. Peters to impose, upon voter approval, a transient guest tax of up to 2% per occupied room, per night for the promotion of tourism (Section 67.1003.5);

(8) Adds the construction and operation of job training and educational facilities to the list of allowed projects that can be funded with the revenue generated by a retail sales tax for economic development purposes under Section 67.1303 (Section 67.1303);

(9) Exempts the City of Riverside from the provision which requires a member of the board of directors of a tourism community enhancement district to be a resident of the district, own real property within the district, be employed by a business within the district, or operate a business within the district (Section 67.1956);

(10) Authorizes the City of St. Joseph to impose, upon voter approval, a retail sales tax of up to 0.5% for the operation of public safety departments including compensation, pension programs, health care, and additional equipment and facilities (Section 94.900);

(11) Authorizes a public library district located at least partially in the counties of Butler, Dunklin, New Madrid, Ripley, Stoddard, or Wayne to impose, upon voter approval, a sales tax of up to one-half of one cent for the operation and maintenance of public libraries within the district. State appropriations to public library districts will not be affected by a voluntary reduction in property tax levies resulting from the enactment of a library district sales tax if the sales tax revenue equals or exceeds the reduction in property tax revenue (Sections 181.060 and 182.802).

This bill specifies that a claimant will be ineligible for waiting week credit or benefits for any week that he or she has an outstanding penalty which was assessed based upon an overpayment of benefits and reduces the maximum total amount of benefits payable to any insured worker during any benefit year from the lesser of 26 times his or her weekly benefit amount or 33 1/3% of his or her wage credits to the lesser of 20 times his or her weekly benefit amount or 33 1/3% of his or her wage credits.

In order for Missouri to receive recently approved additional extended federal unemployment benefit funds until August 28, 2013, the bill changes the laws regarding unemployment compensation. Currently, "extended benefit period" as it relates to unemployment compensation benefits means a period which begins with the third week after a week for which there is a state "on" indicator, as determined by the Director of the Division of Employment Security within the Department of Labor and Industrial Relations, and ends on the third week after the first week for which there is a state "off" indicator or other specified conditions. The bill removes the provision which limits the period for a state "on" indicator from extending beyond March 3, 2011, when 100% federal sharing is available under Public Law 111-5, Section 2005(a) and specifies that there is a state "on" indicator beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312, and ending on or before the last day allowable by the act when the average rate of total unemployment in the state (seasonally adjusted), as determined by the United States Secretary of Labor, for the most recent three-month period for which data for all states are published equals or exceeds 110% of the average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

The bill contains an emergency clause.

HCS HB 174 -- HIGHER EDUCATION GOVERNING BOARDS

Currently, the Coordinating Board for Higher Education, the University of Missouri Board of Curators, and the Missouri State University Board of Governors have nine voting members, with no more than one person appointed from the same Congressional district. This bill requires at least one voting member, but no more than two, to be appointed from each Congressional district. A member who is in office on the effective date of the bill may complete his or her term.

HB 182 -- COLON CANCER AWARENESS DAY

This bill designates the first Friday in March of each year as "Dress in Blue for Colon Cancer Awareness Day" to increase awareness of colon cancer.

HB 183 -- KANSAS CITY POLICE AND CIVILIAN EMPLOYEES' RETIREMENT SYSTEMS

This bill changes the laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City. In its main provisions, the bill:

(1) Changes the definition of "employee" to prohibit membership in the civilian employees' retirement system by any retired member of the police retirement system or from any other retirement or pension system of Kansas City who is appointed on or after August 28, 2011;

(2) Changes the start date for benefits of a member who retires or terminates after August 28, 2011, to the first day of the month following the month in which a member retires or terminates. No partial benefit is payable for the month in which the member retires or terminates;

(3) Specifies the requirements and time frame for the final beneficiary payment or a survivor's benefit upon the death of a retired member;

(4) Allows creditable service to include when a member is on an unpaid leave of absence for 30 consecutive days or less and returns from the leave prior to August 28, 2011, if it is leave approved by the board of police commissioners; and

(5) Requires a member, when purchasing prior creditable service after a leave of absence and return to active service, to pay the actuarial cost as determined at the time of purchase rather than repaying the amount of his or her accumulated contributions with interest.

SS SCS HB 184 -- POLITICAL SUBDIVISIONS

This bill authorizes commissioners of road districts organized under Sections 233.170 - 233.315, RSMo, upon majority vote, to

provide compensation for their services of up to \$100 per month plus all expenses incurred in transacting business of the district. The compensation of a commissioner cannot change during his or her term of office. Currently, only the payment of expenses is authorized.

The bill also specifies that risk coverages procured by certain political subdivision bodies will not be deemed to constitute a contract, purchase, or expenditure of public funds and does not require the solicitation of competitive bids. An association formed by three or more political subdivisions to provide liability and other insurance is authorized to close meetings, records, and votes under the Open Meetings and Records Law, commonly known as the Sunshine Law, to the extent that the meetings, records, and votes pertain to actuarial analysis, loss history, claims, data, reports, and similar information relating to the determination of member rates and contributions.

SCS HB 186 -- COUNTY OFFICERS

This bill changes the laws regarding county officers. In its main provisions, the bill:

(1) Prohibits a person from being elected or appointed the clerk of a county commission unless he or she has resided within the county for one year prior to his or her election instead of the current six-month requirement; and

(2) Establishes qualifications and appointment procedures for a candidate for county recorder where the offices of the court clerk and recorder of deeds are separate, except in the City of St. Louis or a charter county. A candidate for county recorder must be at least 21 years of age, a registered voter, and a resident of the state and county in which he or she is a candidate for at least one year prior to the general election. If elected, the recorder must continue to be a resident of the county during his or her term of office. In the event of a vacancy in the office due to a resignation or death, the county commission must appoint a deputy recorder or a qualified person to serve as an interim recorder of deeds until the Governor appoints someone.

HB 190 -- CASH TRANSACTIONS BY THE DEPARTMENT OF NATURAL RESOURCES

Upon a request from the Director of the Department of Natural Resources, this bill authorizes the Commissioner of the Office of

Administration to provide funds in an amount not to exceed \$500 each to the division directors of State Parks and Geology and Land Survey or to any other division within the department to be placed in a revolving fund for the purpose of cash transactions involving the sale of items made by that division.

CCS SS HCS HB 193 -- CONGRESSIONAL DISTRICTS

(Vetoed by the Governor -- Overridden by the General Assembly)

This bill establishes eight districts for the election of representatives to the United States Congress beginning with the 113th Congress. The districts are described by census geography, voting districts, and census blocks in accordance with the 2010 census. Districts currently in statute will remain in effect for any election for a vacancy in the 112th Congress.

HCS HB 197 -- CORD BLOOD BANKING

This bill requires the Director of the Department of Health and Senior Services to post on its web site resources relating to umbilical cord blood that have been developed by the Parent's Guide to Cord Blood Foundation or a successor organization which includes an explanation of the potential value and uses of umbilical cord blood, including cord blood cells and stem cells; the differences between using one's own blood cord cells and using related or unrelated cord blood stem cells in the treatment of disease; the differences between public and private cord blood banking; various options to a mother for donating, storing, or discarding stem cells contained in the cord blood; and other specified subjects. Beginning October 1, 2011, a licensed physician who provides obstetrical or gynecological care to a pregnant woman can make available to the patient prior to the beginning of her third trimester or, if later, at her first visit the information posted on the department's web site regarding umbilical cord blood banking.

HB 199 -- COMMUNITY SERVICE FOR INTOXICATION-RELATED TRAFFIC OFFENSES

Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for

parole or probation and a persistent offender can perform at least 60 days of community service. This bill specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole.

HB 204 -- DRIVER'S LICENSE RENEWAL FOR MILITARY PERSONNEL

Currently, a resident who is a member of the national guard or the armed forces of the United States who is serving on active duty and fails to renew his or her driver's license is not required to take a complete examination if he or she renews within 60 days after completing the military service. This bill specifies that the member will be given 90 days after completing the military service and re-establishing residence within the state to renew his or her license without being required to take the complete examination.

Any person discharged from the armed forces of the United States will have six months from the date of discharge or within 90 days after re-establishment of residence within the state, whichever is sooner, to renew an expired driver's license without examination. A Missouri resident on active military duty or any dependent, 21 years of age or older, residing outside Missouri or the United States may renew his or her driver's license by mail.

SS SCS HB 209 -- NUISANCE ACTIONS

(Vetoed by the Governor)

This bill changes the laws regarding county nuisance abatement ordinances, junkyards, and private nuisance actions. In its main provisions, the bill:

(1) Adds the counties of Andrew, Buchanan, Cass, Dade, Jasper, Livingston, and Newton to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of real property;

(2) Prohibits a county from enacting a nuisance abatement ordinance relating to agricultural structures or operations including, but not limited to, the raising of livestock or row crops and specifies that no county of the first, second, third, or fourth classification will have the power to adopt any ordinance,

resolution, or regulation governing any railroad company regulated by the Federal Railroad Administration;

(3) Changes the penalty for a junkyard screening violation by making a first violation a class C misdemeanor and a second or subsequent violation a class A misdemeanor. In addition to the penalties, a violator must be ordered to remove the junk or build a fence to fully screen the junk from public view;

(4) Specifies that the exclusive damages that may be awarded to a claimant for a private nuisance originating from property primarily used for crop or animal production purposes will be:

(a) For a permanent nuisance, compensatory damages measured by the reduction in the fair market value of the claimant's property caused by the nuisance not to exceed the fair market value of the property;

(b) For a temporary nuisance, compensatory damages measured by the reduction in the fair rental value of the claimant's property caused by the nuisance; and

(c) For a nuisance that has been shown by objective and documented evidence to have caused a medical condition to the claimant, compensatory damages arising from the medical condition may be awarded in addition to the aforementioned damages;

(5) Specifies that if any subsequent claim for a temporary nuisance related to a similar activity or use of the defendant's property is brought against the same defendant or the defendant's successor by the same claimant or the claimant's successor with ownership or possessory interest and the activity or use of property at issue is deemed a nuisance, the activity or use of property must be considered a permanent nuisance and the claimant and the claimant's successor must be limited to and bound by the remedies available for a permanent nuisance;

(6) Specifies that if a defendant in a private nuisance case where the alleged nuisance is from property used for crop or animal production purposes demonstrates a good faith effort to abate the condition determined to be a nuisance, the nuisance is to be deemed to be not capable of abatement;

(7) Specifies that a person is not prohibited from recovering damages for:

(a) Annoyance, discomfort, sickness, or emotional distress if the damages are awarded on the basis of a cause of action independent of a claim of nuisance; or

(b) Crop destruction, crop damage, contamination of the seed supply, or a reduction of crop value resulting from contamination of the seed or grain supply, herbicide drift, or other reduction of crop value; and

(8) Requires a copy of the final judgment in any action alleging a private nuisance to be filed with the recorder of deeds in the county in which the judgment was issued. The filing will operate as a notice to any purchaser of the claimant's property that the property was related to a previous nuisance claim.

SS HCS HB 213 -- LATE-TERM ABORTIONS

This bill revises the definition of "abortion" to include using or prescribing any medicine, instrument, or device with the intent to destroy the life of an unborn child and terminating a pregnancy with an intent other than to increase the probability of a live birth or to remove a dead or dying unborn child. No abortion of a viable unborn child can be performed or induced except in the case of a medical emergency where the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, illness, or injury or when the continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Except in the case of a medical emergency, a physician must, prior to performing or inducing an abortion, determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards.

If a physician determines that the gestational age of the unborn child is 20 weeks or more, he or she must, prior to performing or inducing an abortion, determine if the unborn child is viable by performing medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and enter that information in the woman's medical record. If a physician determines the gestational age of the unborn child is 20 weeks or more and the unborn child is not viable and an abortion is performed or induced, the physician must report these findings and determinations and the reasons for the determinations to the health care facility in which the abortion is performed and to the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. The physician must also enter the determinations in the woman's medical records and in the individual abortion report submitted to the Department of Health and Senior Services. If a physician determines that the

unborn child is viable, the physician cannot perform or induce an abortion except in the case of a medical emergency as specified in the bill.

A physician must certify in writing the medical threat posed to the life of the pregnant woman or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman before the physician can proceed with performing or inducing an abortion on a woman when it has been determined that the unborn child is viable.

Before a physician may perform or induce an abortion on a woman carrying an unborn child that has been determined to be viable, he or she must:

(1) Obtain the agreement of a second physician who has knowledge of accepted obstetrical and neonatal practices and standards and concurs that the abortion is necessary to preserve the life of the pregnant woman or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. The second physician must also report the reasons and determinations to the health care facility and the department and enter that information in the woman's medical record and the individual report to the Department of Health and Senior Services. The second physician cannot have any legal or financial affiliation or relationship with the physician performing or inducing the abortion; however, this will not apply to a physician whose affiliation or relationship is the result of being employed by or having staff privileges at the same hospital;

(2) Use the available method or technique of abortion that is most likely to preserve the life or health of the unborn child;

(3) Certify in writing the available methods considered and the reasons for choosing the method used; and

(4) Have in attendance at the abortion a second physician who is responsible for taking control of and providing immediate medical care for a child born as a result of the abortion.

Any person who knowingly performs or induces an abortion of an unborn child in violation of these provisions will be guilty of a class C felony and subject to imprisonment for not less than one year and a fine of between \$10,000 and \$50,000. Any physician licensed in this state who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of these provisions can have his or her license suspended or

revoked by the State Board of Registration for the Healing Arts. Any licensed hospital or ambulatory surgical center that knowingly allows an abortion to be performed or induced in violation of these provisions can be subject to the suspension or revocation of its license.

SCS HCS HB 214 -- HUMAN TRAFFICKING

This bill changes the laws regarding human trafficking. In its main provisions, the bill:

(1) Expands the crime of abusing an individual through forced labor to include by causing or threatening to cause serious physical injury to any person, by physically restraining or threatening to physically restrain another person, by blackmail, or by causing a person to believe that he or she will suffer serious physical injury or financial harm. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, the crime will be punishable for a term of not less than five years or life and a fine of up to \$250,000 (Section 566.203, RSMo);

(2) Revises the crime of trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor by specifying that a person commits the crime if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm another person for labor or services for the purposes of slavery, involuntary servitude, peonage, or forced labor or benefits, financially or by receiving anything of value, from participation in these activities. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, the crime will be punishable by imprisonment for a term of

not less than five years or life and a fine of up to \$250,000 (Section 566.206);

(3) Revises the crime of trafficking for the purpose of sexual exploitation by specifying that a person commits the crime if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means including, but not limited to, through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm another person for the use or employment of the person in sexual conduct, a sexual performance, or the production of specified explicit sexual material or benefits, financially or by receiving anything of value, from participating in these activities. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to \$250,000. If a violation of this crime was effected by force, abduction, or coercion, the punishment will be imprisonment for a term of not less than 10 years or life and a fine of up to \$250,000 (Section 566.209);

(4) Expands the crime of sexual trafficking of a child to include if a person knowingly uses force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to a person younger than 18 years of age to participate in a commercial sex act, a sexual performance, or the production of specified explicit sexual material. It will not be a defense that the defendant believed the person was 18 years of age or older. The crime will be punishable by imprisonment for a term of not less than 10 years or life and a fine of up to \$250,000 if the child is younger than 18 years of age. If a violation of this crime was effected by force, abduction, or coercion, the crime will be a felony for which the authorized term of imprisonment is life without eligibility for probation or parole until the defendant serves at least 25 years of his or her sentence (Section 566.212);

(5) Expands the crime of sexual trafficking of a child younger than 12 years of age to include if a person knowingly uses force, abduction, coercion, fraud, deception, or blackmail or causes or threatens to cause financial harm to a person younger than 12 years of age to participate in a commercial sex act, a sexual performance, or the production of specified explicit sexual material. It will not be a defense that the defendant believed the person was 12 years of age or older (Section 566.213);

(6) Specifies that a court must order a defendant convicted of trafficking or contributing to human trafficking to pay restitution to the victim regardless of whether the defendant is sentenced to a term of imprisonment or probation. The minimum

restitution must be an amount determined by the court necessary to compensate the victim for the value of the victim's labor and/or for the mental and physical rehabilitation of the victim and any child of the victim (Section 566.218);

(7) Specifies that it will be an affirmative defense for the offense of prostitution that the defendant engaged in the conduct charged because he or she was coerced to do so by the use of, or threatened use of, unlawful physical force upon himself or herself or a third person in which a person of reasonable firmness in his or her situation would have been unable to resist (Section 566.223.2);

(8) Authorizes the Department of Public Safety to establish procedures for identifying victims of trafficking and to develop training programs and standard protocols for appropriate agencies to educate officials and employees on state and federal laws regulating human trafficking. Upon a first encounter with a person who reasonably appears to be a victim of trafficking, a law enforcement agency must notify the Department of Social Services and, where applicable, juvenile justice authorities in order for the agencies to determine whether the victim may be eligible for state or federal services, programs, or assistance (Sections 566.223.3 and 566.223.4);

(9) Allows the Department of Social Services to coordinate with relevant state, federal, and local agencies to evaluate appropriate services for victims of trafficking and allows state agencies to implement programs and enter into contracts with nonprofit agencies and nongovernment organizations to provide services to confirmed victims of trafficking if funds are available (Section 566.223.5);

(10) Allows a victim of trafficking to bring a civil action within 10 years after the later of the final order in the criminal case, the victim's emancipation from the defendant, or the victim's eighteenth birthday against any person who pled guilty to or was found guilty of trafficking to recover the actual damages sustained, court costs, attorney fees, and punitive damages when determined appropriate by the court (Section 566.223.6); and

(11) Allows the Attorney General to file a civil action to recover from any person or entity that benefits from trafficking a civil penalty of up to \$50,000 for each violation and injunctive and other equitable relief as may be ordered by the court. Any money or property collected by a civil action must first be used to pay restitution to the victim (Section 566.223.7).

HB 217 -- ELECTRONIC VOTER IDENTIFICATION

This bill allows an election authority to use an electronic voter identification system or an electronic signature pad to verify a voter's address, registration status, and signature information at a polling place. The system or pad must be able to read identifying information from an individual's driver's or nondriver's license and must allow the election authority to manually enter information into the system from a valid form of personal identification containing the voter's signature.

HCS HB 220 -- REAL ESTATE LICENSEE LIABILITY

Currently, a real estate licensee is immune from liability for statements made by certain expert professionals unless the expert was selected and engaged by the licensee. This bill specifies that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

HCS HB 223 & 231 -- HIGHER EDUCATION FINANCIAL ASSISTANCE PROGRAMS

Subject to appropriation, this bill requires the Department of Higher Education to make available a nonrenewable advanced placement incentive grant of \$500 to any recipient of financial aid under the A+ Schools or Access Missouri programs if the recipient received a score of three or higher on two advanced placement examinations in mathematics or science while attending a Missouri public high school.

The Nursing Education Incentive Program is established within the Department of Higher Education to address nursing shortages. The Board of Nursing within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration is authorized to provide funding for the program; and subject to appropriation, the Department of Higher Education will award grants to eligible accredited higher education institutions based on criteria to be determined by the board and the Department of Higher Education. Grant award amounts cannot exceed \$150,000, and no campus may receive more than one grant per year. An eligible institution must offer a nursing program that meets the category and area of need as determined by

the board and the Department of Higher Education based on data from sources specified in the bill.

The bill also repeals the provisions regarding an obsolete incentive grant program which focused on nontraditional nursing students and the provisions regarding the Nurse Training Incentive Fund.

HB 229 -- PUBLIC SCHOOL RETIREMENT SYSTEM OF KANSAS CITY

This bill changes the laws regarding the Public School Retirement System of Kansas City. In its main provisions, the bill:

(1) Revises the definition of "actuarial equivalent" to require the formulas and tables in effect that are used to determine actuarial equivalents to be in a written document maintained at the system's office and treated for all purposes as part of the documents governing the system. The formulas and tables can be changed if recommended by the system's actuary and approved by the board of trustees (Section 169.270, RSMo);

(2) Specifies that the system's plan is intended to be a qualified plan under federal law and requires the board of trustees to interpret the statutes governing the system and to administer the system consistently in all respects with that intent. System assets must be held in trust for the exclusive benefit of its members and their beneficiaries and for defraying reasonable administrative costs (Section 169.280);

(3) Specifies that the rights of all members to benefits accrued to the date of termination or discontinuance, to the extent funded at that time, will be fully vested and nonforfeitable if the system is completely terminated or contributions are discontinued to the system (Section 169.301.4);

(4) Specifies that if a member leaves employment to perform qualified military service and dies while in that service, his or her survivors will be entitled to any additional benefits that would have been provided had the member resumed employment with the employer and then terminated on account of death. In this case, the member's period of qualified military service will be counted as creditable service for the purpose of vesting but not for the purpose of determining the amount of the member's retirement allowance (Section 169.301.5);

(5) Specifies that any retired member of the system performing substitute, part-time, or temporary employment for an employer in

the system cannot earn more than 50% of the annual salary or wages earned prior to retirement adjusted for inflation and continue to receive his or her retirement allowance. Anyone exceeding this limit will have his or her retirement allowance suspended for any month in which the limit was exceeded and each subsequent month he or she receives remuneration from any employer in the system (Section 169.324); and

(6) Allows any member or beneficiary who is entitled to receive an eligible rollover distribution under federal law to elect to have that distribution transferred directly to another eligible retirement plan (Section 169.328).

HCS HB 250 -- WATER WELL REGULATIONS

This bill specifies that any water system that exclusively serves a charitable or benevolent organization will be exempt from all rules relating to well construction except those applying to multifamily wells and those requiring proof of water quantity drawn unless it is determined to present a threat to groundwater or public health. A water system cannot be exempt if it regularly serves an average of 100 people or more for at least 60 days of the year or if it serves a school or day care facility.

If a system has three or more violations of the total coliform maximum contaminant level in a 12-month period or one acute violation of the maximum contaminant level, the system's owner must provide an alternative source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 99.99% treatment of viruses.

No facility can be required to replace, change, upgrade, or alter an existing well constructed prior to August 28, 2011, unless the well is determined to be a threat to groundwater or public health or contains certain contaminant levels.

SCS HB 256 -- BASIC CIVIL LEGAL SERVICES FUND

This bill extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

HB 260 -- UNIFORM INTERSTATE FAMILY SUPPORT ACT

This bill repeals the provisions regarding the Uniform Interstate Family Support Act; re-enacts them to be consistent with the changes adopted by the National Conference of Commissioners on Uniform State Laws; and extends the provisions of the act to the establishment, enforcement, or modification of a child or spousal support order that involves a foreign country that is a party to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Whenever more than one state is involved in establishing, enforcing, or modifying a child or spousal support order, the act specifies the jurisdiction and power of the courts in the different states and establishes which state's law will be applied in the proceeding. The act establishes rules requiring every state to defer to the child support order entered by the court of the child's home state. The place where the order was originally entered holds continuing exclusive jurisdiction; and only the law of that state can be applied to a request to modify the order of child support, unless the original tribunal loses the continuing exclusive jurisdiction. Various direct interstate enforcement mechanisms are specified in the bill.

The bill becomes effective upon ratification by the United States Congress.

SS SCS HCS HB 265 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding professional registration.

PROFESSIONAL LICENSES

Any board, commission, committee, council, or office in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must notify any known current employer of a change in a licensee's license and discipline status. An employer may provide any board, commission, committee, council, or office in the division with a current list of licensed employees and request in writing to the board, commission, committee, council, or office to be notified regarding any change in the licensing status of an employee.

DIVISION OF PROFESSIONAL REGISTRATION

The bill changes the laws regarding disciplinary and administrative procedures for professions and businesses regulated by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional

Registration. The division or any board, committee, commission, or office within the division is authorized to enter a default decision against a licensee if he or she fails, upon proper notice, to plead or otherwise defend against a disciplinary proceeding.

LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS

The bill:

(1) Allows an individual with a general equivalency diploma to be eligible for a license as a funeral director or an embalmer at the discretion of the State Board of Embalmers and Funeral Directors;

(2) Removes the requirement that a licensee be a Missouri resident or a resident of a county which borders Missouri;

(3) Removes the provision requiring an applicant for an embalmer's license to graduate from an accredited institute of mortuary science education and instead requires him or her to complete a program accredited by the American Board of Funeral Service Education or another accrediting entity approved by the board;

(4) Specifies that an applicant for a funeral director's or embalmer's license must complete at least a 12-consecutive-month apprenticeship program. Currently, a person must complete an apprenticeship for at least 12 months;

(5) Removes the provision requiring a funeral director or an embalmer to have his or her registration district recorded in the office of the local registrar of vital statistics; and

(6) Changes the membership of the board from 10 to six and requires its membership to represent diversity in gender, race, ethnicity, and geographic regions of the state.

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

The bill:

(1) Requires the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration to list certain specified information regarding individuals who are licensed or applying for licensure by the board on its web site. The board must disclose specified confidential information to a licensee or applicant upon request without a cost if the information is less than five years old. If

the requested information is more than five years old, the board may charge a specified fee;

(2) Removes the provision which authorizes the board to require a doctor licensed in another state to pass an examination prior to waiving the Missouri examination requirement. The board is authorized to require the successful completion of another examination, continuing medical education, or further training prior to issuing a permanent medical license to an applicant who has not actively practiced medicine or held a teaching position for two of the three years before his or her application;

(3) Allows the board to initiate a hearing to determine if reasonable cause exists to believe that a licensee or applicant is unable to practice his or her profession. The board may require a licensee or applicant for a license to submit to an examination of his or her skills, a multi-disciplinary evaluation, or a substance abuse evaluation if there is cause to believe that the individual is incompetent, is mentally or physically incapacitated, or excessively uses or abuses alcohol or controlled substances;

(4) Authorizes the board to cause a complaint to be filed with the Administrative Hearing Commission against a licensee for violating a municipal ordinance, prescribing drugs through the Internet without a valid physician-patient relationship, being on a state or federal sexual offender registry, violating a probation order or other settlement agreement, unethical or unprofessional conduct involving a minor, negligence, knowingly making a false statement to the board, habitual intoxication or dependence on alcohol, failing to comply with a treatment or an aftercare program, probation of any controlled substance authority, or violating any professional trust or confidence;

(5) Requires the board to hold a hearing to determine if probable cause exists when determining whether to issue an emergency suspension or restriction on a licensee for engaging in sexual conduct with a patient; sexual misconduct with a minor; possession or use of a controlled substance without a valid prescription; court-determined incapacity or disability; habitual intoxication or alcohol or drug addiction; failing to comply with a treatment program, an aftercare program as part of a board order or settlement agreement, or a licensee's professional health program; or any conduct that is a serious danger to the health, safety, or welfare of a patient or the public. The suspension or restriction will take effect when the document is served to the licensee;

(6) Authorizes the board to initiate a hearing before itself for disciplining a licensee's license or certificate for certain actions. The board's decision is appealable to the circuit court;

(7) Revises the laws regarding the board's authority to discipline athletic trainers;

(8) Requires a doctor who prescribes any drug, controlled substance, or other treatment through the Internet to establish that there is a valid physician-patient relationship;

(9) Prohibits evidence contesting or challenging the basis of a criminal conviction from being admissible in an administrative hearing; and

(10) Requires the Administrative Hearing Commission to deliver findings of fact and conclusions of law in a disciplinary case to the appropriate agency within 120 days of the date the case became ready for decision.

PRENEED FUNERAL CONTRACTS

The definition of "insurance-funded preneed contract" is revised to include a preneed contract designated to be funded by a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. A trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider; and a preneed seller and purchaser can agree in writing to put the funds for the preneed contract in an account in the beneficiary's name and payable on the beneficiary's death to the seller. The bill also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who wants to cancel a preneed contract funded by a joint account.

SCS HB 270 -- STATE EMPLOYEES' HEALTH INSURANCE BENEFITS

Beginning with the open enrollment period for the 2012 plan year, this bill requires the Missouri Consolidated Health Care Plan Board of Trustees to offer a qualified high-deductible health plan that has a monthly subscriber premium that is materially lower than the non-high deductible health plan premium with a goal of it being at least 50% lower. The amount of the annual deductible for the high-deductible plan offered cannot be greater than 200% of the minimum annual deductible for self-only coverage and family coverage as established by the federal Internal Revenue Service for the current tax year. The coverage afforded by the high-deductible plan, after the deductible has been met, must be substantially similar or better than the annual coverage provided by the non-high deductible plan.

If after the completion of the open enrollment period for the 2012 plan year fewer than 10% of Missouri's active state employees have enrolled in a high-deductible plan, the board must offer a more competitive high-deductible plan with increased financial and coverage incentives including, but not limited to, alternative annual deductibles, out-of-pocket expenses, and other health plan design features, all within the established federal guidelines, with the goal of having 40% of Missouri's active state employees enrolling in a health savings account compatible high-deductible plan by the open enrollment period for the 2015 plan year.

Currently, the state employees' health insurance benefit plan must provide full health benefit plan coverage to participants who are also eligible for and covered by Medicare. The bill requires the state employees' health insurance benefit plan to provide a health plan that offers substantially similar benefits to Medicare to participants who are eligible for and covered by Medicare as well as to participants who are eligible for but not covered by Medicare.

SS SCS HB 282 -- PUBLIC EMPLOYEE RETIREMENT

This bill changes the laws regarding public employee retirement.

MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM (Sections 70.710 - 70.730, RSMo)

A funding mechanism is created for survivor benefits when a member of the Missouri Local Government Employees' Retirement System dies as the result of a duty-related injury or disease.

POLICE RETIREMENT SYSTEM OF KANSAS CITY AND THE CIVILIAN EMPLOYEES' RETIREMENT SYSTEM OF THE POLICE DEPARTMENT OF KANSAS CITY (Chapter 86)

The bill:

(1) Changes the definition of "employee" to prohibit membership in the civilian employees' retirement system by any retired member of the police retirement system or from any other retirement or pension system of Kansas City who is appointed on or after August 28, 2011;

(2) Changes the start date for benefits of a member who retires or terminates after August 28, 2011, to the first day of the month following the month in which a member retires or terminates. No

partial benefit is payable for the month in which the member retires or terminates;

(3) Specifies the requirements and time frame for the final beneficiary payment or a survivor's benefit upon the death of a retired member;

(4) Allows creditable service to include when a member is on an unpaid leave of absence for 30 consecutive days or less and returns from the leave prior to August 28, 2011, if it is leave approved by the board of police commissioners; and

(5) Requires a member, when purchasing prior creditable service after a leave of absence and return to active service, to pay the actuarial cost as determined at the time of purchase rather than repaying the amount of his or her accumulated contributions with interest.

FIREMEN'S RETIREMENT SYSTEM OF ST. LOUIS (Sections 87.205, 87.127, and 87.207)

The bill:

(1) Specifies that the retirement plan is intended to be a qualified governmental plan under applicable federal law and requires the benefits and conditions of the plan to be interpreted and the system to be operated to ensure that the system meets the federal qualification requirements;

(2) Changes the laws regarding a member of the Firemen's Retirement System of St. Louis who retires because of accidental disability as follows:

(a) Any member retiring on or after August 28, 2011, because of accidental disability based on conditions of the heart, lungs, or cancer or based on permanent and total disability which will prevent the member from obtaining employment elsewhere, as determined by the board of trustees of the retirement system, based on medical evidence presented by the retirement system's physicians will receive, regardless of his or her years of credible service, 75% of the earnable compensation then provided for the step in range of salary for the title or rank held by the member at the time of his or her retirement;

(b) Any member retiring because of accidental disability for a condition not stated above will receive a base pension equal to 25% of his or her salary at the time of retirement plus, for members having 25 years or less of creditable service at retirement will receive an additional 2.75% for each year of

creditable service equal to or greater than 10 years but not more than 25 years. A member with more than 25 years of creditable service will receive an additional pension equal to 50% of his or her salary;

(c) A member can elect to receive an education allowance in an amount not to exceed the tuition for a state resident at the University of Missouri-St. Louis. The member must enroll in a college, university, community college, or vocational or technical school at the first opportunity after retirement, and the member will be reimbursed upon proof of payment to the institution. The education allowance must cease if the member is no longer a full-time student, fails to provide proof of achievement of a grade point average of two on a four-point scale or the equivalent on another scale for each academic term or if he or she is restored to active service as a firefighter. The education allowance cannot be available for more than five years after the member retires. A member with 25 years or less of creditable service electing to receive the education allowance who is a full-time student will also receive an additional supplemental disability retirement pension in an amount that will pay him or her 100% of the member's active duty salary, excluding the education allowance, for up to five years;

(d) A member with more than 20 years but not more than 25 years of creditable service may waive the right to receive the education allowance, the additional pension allowance, and the supplemental disability retirement pension and may elect instead to receive in addition to the accidental disability retirement base pension an additional pension equal to 40% of the member's salary at the time of retirement if the election is made prior to receiving his or her first accidental disability pension payment; and

(e) The retirement allowance will be increased annually in October for a member who retired due to accidental disability on or after August 28, 2011, for a reason other than based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which prevents the member from obtaining employment elsewhere, unless a member has more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 1% per year, compounded each year, up to age 60, then 5% per year for five years. For a member having more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 2.25% per year, compounded each year, up to age 60, then 5% per year for five years.

MISSOURI DEVELOPMENT FINANCE BOARD EMPLOYEES' RETIREMENT (Section 100.273)

Any person employed by the Missouri Development Finance Board on or after September 1, 2011, in a full-time position will be a state employee and a member of the Missouri State Employees' Retirement System (MOSERS). He or she will not have coverage under the Missouri Consolidated Health Care Plan unless the coverage is requested by the board and approved by the board of trustees of the health care plan. An employee of the finance board prior to September 1, 2011, may elect to purchase his or her prior creditable or credited service in MOSERS up to the actual years of prior full-time service with the finance board.

TRANSFER OF SERVICE BETWEEN THE MISSOURI DEPARTMENT OF TRANSPORTATION AND HIGHWAY PATROL EMPLOYEES' RETIREMENT SYSTEM AND THE MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM (Section 104.603)

The Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) and the Missouri State Employees' Retirement System (MOSERS) must transfer money between the two systems when an employee transfers service between the systems on or after September 1, 2011, and specifies the method the systems are required to use to calculate the amount of the transfer payment. The amount of the money transferred cannot be less than the amount of the employee's accumulated contributions and interest plus any purchased service payments.

QUARTERLY REPORTING OF PUBLIC DEFINED BENEFIT RETIREMENT PLANS (Section 105.661)

Each public retirement system that provides a defined benefit retirement plan is required to submit a quarterly report about the plan's investment performance to the Joint Committee on Public Employee Retirement. If the plan fails to submit the report, the committee may subpoena witnesses, take testimony under oath, and compel the production of records regarding this information pursuant to the committee's authority under Section 21.561.

STATE OF MISSOURI DEFERRED COMPENSATION PLAN (Sections 105.915 and 105.927)

Each new employee eligible to participate in the State of Missouri Deferred Compensation Plan who is hired on or after July 1, 2012, will automatically be enrolled in the plan unless he or she elects not to participate in the plan within the first 30 days of employment. An employee of a state college or university will not be automatically enrolled but may elect to participate in the plan and make contributions. Contributions to the plan will be effective on or after the first day of the month following the date of hire; and his or her employer will withhold and contribute

to the plan an amount equal to 1% of eligible compensation received on and after the date of hire. An employee may change his or her contribution amount or opt in or out of the plan at any time.

Beginning September 1, 2011, a member's surviving spouse must automatically be designated as the primary beneficiary under the deferred compensation plan unless the surviving spouse consented in writing, witnessed by a notary public, to allow the participating member to designate someone else as the beneficiary. The automatic beneficiary designation will not apply to designations made prior to that date.

Currently, the state must credit an amount up to \$75 per month, as determined by appropriation, to each qualified participant's deferred compensation account if the participant is making continuous deferrals of at least \$25 per month, the participant has been employed by the state for at least 12 consecutive months, and the state contribution does not exceed the amount that the participant contributes. The bill removes these contribution conditions but requires the state to pay up to \$75 per month, as determined by appropriation, to each participant's account.

SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 -- FIREARMS

This bill changes the laws regarding firearms, ammunition, and concealed carry endorsements. In its main provisions, the bill:

(1) Specifies that the county sheriff's revolving fund may be used to pay for information and data exchange (Section 50.535, RSMo);

(2) Prohibits the sales tax on any firearms or ammunition from being levied at a higher rate than for any sales tax or other excise tax charged on any sporting goods or equipment or any hunting equipment (Section 144.064);

(3) Specifies that a nondriver's license containing a concealed carry endorsement will expire three years from the date the certificate of qualification was issued. The fee for nondriver's licenses issued for a period exceeding three years will be \$6 or \$3 for licenses issued for a period of three years or less (Sections 302.181 and 571.101);

(4) Allows a person to possess, manufacture, transport, repair, or sell a machine gun, short barreled rifle or shotgun, or firearm silencer if he or she conforms with federal law. A person will

not commit a crime if he or she possesses, manufactures, transports, repairs, or sells an explosive weapon; explosive, incendiary, or poisonous substance or material; a gas gun; a switchblade knife; certain explosive bullets; or knuckles if he or she conforms with federal law. A person who possesses, manufactures, transports, repairs, or sells an explosive weapon; explosive, incendiary, or poisonous substance or material; a gas gun; or a machine gun, short barreled rifle or shotgun, or firearm silencer in violation of federal law will be guilty of a class C felony. A person who possesses, manufactures, transports, repairs, or sells a switchblade knife, certain explosive bullets, or knuckles will be guilty of a class A misdemeanor (Section 571.020);

(5) Removes a requirement that some specified uses of a firearm will not be a crime when the use was reasonably associated with or necessary to the fulfillment of a person's official duties; exempts any federal probation officer or federal flight deck officer, whether they are on duty and whether they are within their agency's jurisdiction; and any member of a fire department who is employed on a full-time basis as a fire investigator, when such uses are reasonably associated with or necessary to the fulfillment of their official duties, and who has a valid concealed carry endorsement, from the crime of unlawful use of weapons. No person who pleads guilty to or is found guilty of a felony violation of the unlawful use of weapons can receive a suspended imposition of sentence if the person has previously received a suspended imposition of sentence for any other firearms or weapons related felony offense. The bill adds to the exceptions for the crime of unlawful use of weapons a club-sponsored firearm-related event in which a student can participate (Section 571.030);

(6) Creates the crime of fraudulent purchase of a firearm, a class D felony, if a person knowingly solicits, persuades, encourages, or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate federal or state laws; provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with the intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or willfully procures another to violate these provisions. These provisions do not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (Section 571.063);

(7) Repeals non-penalty merchandising practices provisions, in Sections 407.500 and 407.505, which restrict the sale of rifles

and shotguns by requiring purchasers or sellers to live in Missouri or a contiguous state and to conform to federal and state gun regulations. Currently, handguns are not subject to this merchandising practice regulation because all permit requirements for purchasing a handgun have been repealed. The bill applies this practice to all types of firearms by allowing a Missouri resident or the resident of any state to purchase any firearm if he or she conforms to federal laws and the laws of the state in which he or she resides (Sections 571.085 and 571.087);

(8) Lowers the age at which a person can obtain a concealed carry endorsement from 23 to 21 years of age (Sections 571.101 and 571.117);

(9) Specifies that current provisions do not preclude a member of the General Assembly, a full-time or legislative employee of the General Assembly, or statewide elected officials and their employees who hold a valid concealed carry endorsement from carrying a concealed firearm in the State Capitol Building (Section 571.107);

(10) Specifies that a certificate of firearms safety training course completion may be issued to any applicant by any qualified firearms safety instructor if the applicant completes at least eight hours of instruction that includes a live firing exercise of sufficient duration for the applicant to fire both a revolver and a semiautomatic pistol and specifies that any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant's performance on any portion of the required training and qualification will be guilty of a class C misdemeanor (Section 571.111); and

(11) Specifies that a municipality may regulate, by order or ordinance, the shooting of pneumatic guns within its boundaries when, in the opinion of the governing body, it is so heavily populated that the conduct is dangerous to its inhabitants. The municipality may require any minor younger than 12 years of age when using pneumatic gun on public property to be supervised. Any minor 12 years of age or older may, with parental or guardian consent, use a pneumatic gun at any place designated for its use or on private property with the owner's consent. However, the minor must obey all laws, regulations, and restrictions regardless of whether a parent or guardian has permitted the use. No ordinance can prohibit the use of pneumatic guns at facilities approved for shooting ranges (Section 1).

The provisions regarding the issuance of nondriver's licenses containing conceal carry endorsements will become effective when the Director of the Department of Revenue begins to issue

nondriver's licenses with the conceal carry endorsement that expire three years from the date the certificate of qualification was issued, or January 1, 2013, whichever occurs first.

SCS HCS HB 300, 334 & 387 -- INTERSCHOLASTIC YOUTH SPORTS BRAIN INJURY PREVENTION ACT

This bill establishes the Interscholastic Youth Sports Brain Injury Prevention Act to enact rules focused on the safety and protection against long-term injuries to youth athletes. By December 31, 2011, the Department of Health and Senior Services must work with a statewide association of school boards, a statewide student athletic activities association, and a support services organization for brain injuries to establish the rules to develop guidelines, information, and forms to educate coaches, student athletes, and their parents or guardians on the nature and risk of concussion and brain injury including continuing to play after a concussion or brain injury.

Every school district must annually distribute a concussion and brain injury information sheet to each youth athlete in the district's athletic program which must be signed by the athlete's parent or guardian and submitted to the school district prior to the youth athlete participating in a practice or competition.

A youth athlete suspected of sustaining a concussion or brain injury must be removed from competition at that time and for at least 24 hours. He or she must not return to competition until being evaluated by a licensed health care provider trained in the evaluation and management of concussions, under the guidelines developed by the department, and receiving a written clearance from the provider to return to competition.

An annual report regarding the impact of student athlete concussions and head injuries must be published by a statewide athletic organization with a public school district as a member and must be distributed to the Joint Committee on Education, the House of Representatives committee on Elementary and Secondary Education, and the Senate committee on Education or any other education committee designated by the Speaker of the House of Representatives or the President Pro Tem of the Senate. The first report must be distributed by January 31, 2012, and made available to school districts and parents of students. A public school district is prohibited from being a member of a statewide athletic organization if it fails to publish the annual report.

SCS HB 307 & HB 812 -- SPECIAL LICENSE PLATES

This bill allows the Department of Revenue to issue the following special license plates to any motor vehicle except an apportioned motor vehicle or a commercial motor vehicle licensed in excess of 18,000 pounds:

(1) A "COMBAT ACTION" plate with an image of the combat action badge to any person who has been awarded the combat action badge. To obtain the plate, a person must make application, furnish proof as a recipient of the badge, and pay a \$15 fee in addition to the regular registration fee. No fee can be charged for the personalization of the plate;

(2) A "CASS COUNTY -- THE BURNT DISTRICT" plate to a person making an annual \$25 contribution to the Cass County collector and paying a \$15 fee in addition to the regular registration fee. No fee can be charged for the personalization of the plates. Any funds received by the collector, except for reasonable administrative costs, must be distributed within the county with 80% to be used for public safety and 20% to the Cass County parks and recreation department;

(3) A "NIXA EDUCATION FOUNDATION" plate to a person making a \$15 emblem-use contribution to the foundation and paying a \$15 fee in addition to the regular registration fee. No fee can be charged for the personalization of the plate. Prior to the issuance of the plate, the department must be in receipt of an application with specified information and an application fee not to exceed \$5,000 to defray the department's cost; and

(4) A "DON'T TREAD ON ME" plate to any person who applies.

HCS HB 315 -- MULTIPLE VERSIONS OF STATE STATUTES

This bill combines and modifies the provisions of the Revised Statutes of Missouri that have been enacted by more than one bill so that there is only one version of a statute.

Some revisions may result in a clarification or change to an existing statute.

SS HCS HB 338 -- TELECOMMUNICATIONS

This bill specifies that a telecommunications company may, upon written notice to the Missouri Public Service Commission, elect to be exempt from certain retail rules relating to the provision of service to retail customers which include provisions already mandated by the Federal Communications Commission including, but limited to, federal rules regarding customer proprietary network information, verification of orders for changing telecommunications service providers (slamming), submission or inclusion of charges on customer bills (cramming), or the installation, provision, or termination of retail services.

A telecommunications company cannot be exempt from any Missouri Public Service Commission rule which was established under authority delegated to it pursuant to federal statute, rule, or order including, but not limited to, universal service funds, number pooling and conservation efforts, or any authority delegated to the commission to facilitate or enforce any interconnection obligation or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration, or other similar matters.

A telecommunications company may, upon written notice to the commission, elect to be exempt from filing or maintaining with the commission any tariff or schedule of rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract for telecommunications services offered or provided to residential or business retail end user customers if it posts generally available retail prices for those available services on a publicly accessible web site.

The provisions of the bill cannot affect the rights and obligations of any entity, including the commission, established pursuant to federal law; any state law, rule, regulation, or order related to wholesale rights and obligations; or any tariff or schedule that is filed with and maintained by the commission.

SS HB 339 -- TELECOMMUNICATIONS

This bill changes the laws regarding telecommunications as they relate to the carrier of last resort obligations. In its main provisions, the bill:

(1) Relieves a local exchange carrier from serving as the carrier of last resort in greenfield areas and from being obligated to provide basic local voice service or any telecommunications service to any occupant of real property if the owner or developer or a person acting on his or her behalf:

- (a) Allows an alternative service provider to install, based on a condition of exclusion of the local exchange carrier, facilities during the construction phase of the real property;
- (b) Accepts or agrees to accept incentives or rewards from an alternative service provider that are contingent upon the provision of any or all local voice telecommunications services by one or more alternative service providers to the exclusion of the local exchange carrier; or
- (c) Collects from the occupants or residents of the property mandatory charges for the provision of any local voice telecommunications service provided by an alternative service provider including collection through rent, fees, or dues;
- (2) Requires the local exchange carrier relieved of its carrier of last resort obligation to notify the Missouri Public Service Commission in writing of that fact within 120 days after knowledge of that fact;
- (3) Allows a local exchange carrier to seek a waiver of carrier of last resort obligation requirements from the commission for good cause shown based on the facts and circumstances of the provision of services to a particular property. Notice of the petition to seek the waiver must also be given to the relevant owner or developer. The commission must make a determination on or before 90 days after the petition is filed with certain specified exceptions;
- (4) Requires, if a local exchange carrier is relieved of its carrier of last resort obligation, the owner or developer of the property to notify the occupants of the property and any subsequent owners that the incumbent local exchange carrier does not have facilities installed to serve their property and the name of the person who will be providing the local communications service;
- (5) Specifies the conditions for resuming the carrier of last resort obligation by a local exchange carrier if the circumstances under which an exemption was granted change. The local exchange carrier must provide notice to the commission that it is assuming the carrier of last resort obligation. The local exchange carrier may require an owner or developer to pay the carrier in advance a reasonable fee to recover the costs that exceed the costs that would have been incurred to construct or acquire facilities to serve customers at the real property initially. The bill allows a petition to be submitted to the original carrier of last resort to make local voice service available if the exclusive contract with the alternative service provider changes or the services are no

longer provided. The petition must be submitted by more than 50% of the residents within the exclusive contract area, and the carrier must respond to the request within a reasonable time but not to exceed 180 days after the request;

(6) Requires the owner or developer who permits an alternative service provider to install its facilities or equipment used to provide local voice service to the property based on a condition of exclusion of the local exchange carrier to provide written notice to the purchaser of the property that there is an exclusion of that local exchange carrier and that the alternative service provider is the exclusive provider of service to the property;

(7) Allows an incumbent local exchange carrier to require a payment from an owner or developer in certain cases where the costs of extending facilities to provide service are not economically reasonable;

(8) Specifies that a telecommunications company may meet its carrier of last resort obligations and its obligations to provide or offer basic local voice or basic interchange telecommunications service by providing local voice service using any technology. If the company uses a wireless technology, the company must use a technology that provides 911 caller location information technology that meets or exceeds wireless Phase II enhanced 911 rules requirements as adopted by the Federal Communications Commission;

(9) Prohibits the carrier of last resort obligation from being transferred to an alternative service provider and prohibits the loss of carrier of last resort obligation in areas outside a greenfield area;

(10) Allows a telecommunications company, upon notice to the commission, to elect to no longer be designated as a carrier of last resort for any telecommunications service in St. Louis County, St. Louis City, or the portion of Kansas City in Jackson County. The company may provide local voice service using any technology; and

(11) Prohibits a telecommunications company from receiving state high-cost universal service funds in a high-cost area as defined in Section 392.248, RSMo, if it has been relieved of its carrier of last resort obligation. The company may receive high-cost universal service funds for those areas where it retains the carrier of last resort obligation.

HB 340 -- COUNTY FACILITIES

This bill allows a county of any classification to erect and maintain a jail or holding cell facility at a site other than the county seat. Currently, only fourth classification and certain third classification counties are allowed this option.

Currently, the circuit court in Cape Girardeau County is required to hold court and maintain an office of the probate division in the courthouses in the cities of Jackson and Cape Girardeau and the circuit clerk is required to maintain offices in both courthouses. The bill removes that requirement and specifies that the circuit court may hold court and maintain an office of the probate division in Jackson and Cape Girardeau and the circuit clerk may maintain an office at both locations.

The bill contains an emergency clause for the provisions regarding the erection and maintenance of a county jail or holding cell facility.

SCS HCS HB 344 -- AGRICULTURE

This bill establishes the Farm-to-Table Advisory Board and changes the laws regarding the Commodity Merchandising Council Program.

FARM-TO-TABLE ADVISORY BOARD (Section 262.950, RSMo)

The Farm-to-Table Advisory Board is established consisting of at least one representative from the University of Missouri-Extension Service; the departments of Agriculture, Elementary and Secondary Education, Economic Development, and Corrections; and the Office of Administration. The Director of the Department of Agriculture will appoint one person who is actively engaged in the practice of small agribusiness. The representative from the Department of Agriculture will serve as chair of the board and will coordinate meetings. The board must hold at least two meetings but may hold more if necessary to fulfill its requirements.

The mission of the board is to provide recommendations for strategies that allow schools and state institutions to more easily incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines and that increase public awareness of local agricultural practices and the role that local agriculture plays in sustaining healthy communities and supporting healthy lifestyles.

The board must:

(1) Investigate the status and availability of local, state, federal, and any other resources that may be used to link schools and other public institutions with local and regional farms for the purchase of locally grown products, increase market opportunities for locally grown products, and assist schools and other entities with education campaigns that teach children and the public about the concepts of food production and consumption; the interrelationships between nutrition, food choices, obesity, and health; and the value of an accessible supply of locally grown food;

(2) Identify any type of barrier that prevents or hinders schools and state institutions from purchasing more locally grown products, the expansion of market opportunities for locally grown products, or schools and other entities from engaging in the educational campaigns;

(3) Develop recommendations for the maximization of existing resources and the development of necessary new or expanded resources to accomplish its objectives and the removal of barriers that hinder these objectives; and

(4) Submit a report with its findings and recommendations to the Governor, General Assembly, and the director of each agency represented on the board by August 31, 2012.

COMMODITY MERCHANDISING COUNCIL PROGRAM (Section 275.360)

The bill adds a rice grower or producer to those exempt from the provision allowing a producer or grower to independently request a refund of the fees paid to the Commodity Merchandising Council Program instead of through a commodity council.

The provisions regarding the Farm-to-Table Advisory Board will expire August 31, 2012.

HCS HB 354 -- EMISSIONS INSPECTION OF ELECTRIC DRIVE VEHICLES

This bill exempts a qualified plug-in electric drive vehicle from the state's motor vehicle emissions inspection program. A "qualified plug-in electric drive vehicle" means a plug-in electric drive vehicle that is made by a manufacturer, has not been modified from the original manufacturer's specifications, can operate solely on electric power, and is capable of recharging its battery from an on-board generation source and an off-board electricity source.

HB 358 -- POLICE RETIREMENT SYSTEM OF ST. LOUIS

This bill changes the laws regarding the Police Retirement System of St. Louis by applying federal tax law requirements to the provisions related to annuity distributions, rollovers to individual retirement accounts, rollovers from other retirement plans and accounts, and the annual amount allowed to be distributed to a member.

The bill also specifies that if a member of the retirement system dies on or after January 1, 2007, while performing qualified military service, the member's surviving spouse or other dependents will be entitled to the benefits that would have been provided if the member had returned to active service as a police officer and died while in active service.

SCS HB 388 -- PATIENT INFORMATION REQUIREMENTS REGARDING BREAST IMPLANTATIONS

Currently, the attending physician must make available to any patient the advantages; disadvantages; and risks, including cancer, associated with breast implantation prior to an operation as provided in a standardized written summary prepared by the Department of Health and Senior Services. This bill removes the provisions requiring the department to provide the standardized summary information, the physician to make it available to the patient, and the patient to sign a statement acknowledging receipt of the information and requires the attending physician to advise the patient of the advantages, disadvantages, and risks prior to an operation.

HCS HB 407 -- CERTIFICATE OF INSURANCE FOR PROPERTY AND CASUALTY INSURANCE COVERAGE

This bill prohibits a person from preparing, issuing, or requesting the issuance of a certificate of insurance form regarding property and casualty insurance unless it has been filed with the Director of the Department of Insurance, Financial Institutions and Professional Registration and from altering or modifying a filed certificate of insurance form. A certificate of insurance is not a policy of insurance and cannot confer to a holder new or additional policy rights beyond what the referenced insurance policy expressly provides and cannot contain references or opinions on the effect of any other contract. Only a

certificate holder has the legal right to cancel, non-renew, or change a policy of insurance with proper notice. A certificate of insurance cannot create or alter the terms and conditions of the notice, including the required timing of the notice. An insurance producer can charge a reasonable fee for issuing a certificate of insurance to a policyholder or certificate holder. Any person violating these provisions will be subject to an administrative order and the imposition of any authorized penalty or remedy from the department director. No person, wherever located, can demand or request the issuance or knowingly prepare or issue a certificate that contains any false or misleading information; and no person can prepare, issue, or request an opinion letter or other document that is inconsistent with these provisions, but an insurer or insurance producer may prepare or issue an addendum to a certificate that lists the forms and endorsements by an insurance policy. These provisions apply to all certificate holders, policyholders, insurers, insurance producers, and certificate of insurance forms issued as a statement of coverage on property operations or risks located in this state regardless of where the holder or producer is located.

Any lender requesting use of an evidence of commercial property insurance which has not been approved for use by the insurer issuing the insurance policy, and the insurance producer has advised the lender in writing that the insurance provider has not been authorized to use the requested evidence of commercial insurance will have no cause of action against an insurance producer except for acts of intentional misrepresentation or fraud.

SCS HCS HB 412 -- PHARMACIES

This bill changes the laws regarding pharmacies.

MISSOURI RX PROGRAM

The bill removes a provision which specifies that the statutes regarding the Missouri Senior Rx Program must terminate following notice to the Missouri Revisor of Statutes by the Missouri Rx Plan Advisory Commission that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 has been fully implemented and extends the expiration date on the provisions regarding the Missouri Rx Plan from August 28, 2011, to August 28, 2014.

VETERINARY LEGEND DRUGS

A licensed veterinarian is allowed to administer or prescribe only for use in animals any medicine, drug, or pharmaceutical product including legend drugs under 21 U.S.C. Section 353 by expanding Class L veterinary permits issued by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to include the administering or prescribing of legend drugs.

The membership of an advisory committee appointed by the board to review and make recommendations to it regarding drug distributors is increased from five to six by adding a licensed veterinarian recommended by the Board of Veterinary Medicine within the department. The committee will also review and make recommendations to the Board of Pharmacy regarding rules and regulations on veterinary legend drugs.

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

BOARD OF PHARMACY

The Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration is allowed to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any office owner, manager, or controlling shareholder of the applicant has committed an act which would be grounds for discipline.

WHOLESALE DRUG DISTRIBUTORS

The bill defines "legend drug" as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to certain federal laws and required to be labeled in certain ways, dispensed by prescription only, or used or dispensed by practitioners only excluding any drug being used for conducting a clinical trial or investigation under specified situations.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors.

HB 423 -- HEALTH CARE COMPACT

This bill authorizes Missouri to adopt the provisions of the Health Care Compact to improve health care policy within the

states by securing consent from the United States Congress to return the authority to regulate health care to the states that have adopted the compact by specifying that the state legislatures have the primary responsibility to regulate health care in their respective states. Missouri and other states that join the compact may suspend federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to the compact.

Each member state will have the right to a specified amount of federal funds each fiscal year to support the exercise of the member state's authority under the compact. The federal funding cannot be conditional on any action of or regulation, policy, law, or rule being adopted by the member state. At the beginning of each fiscal year, Congress must establish an initial funding level for each member state that must be calculated based on information provided by each member state and audited by the United States Government Accountability Office.

The Interstate Advisory Health Care Commission is established to study the issues of health care regulation of particular concern to the member states and may make nonbinding recommendations to them. The commission must collect information and data to assist the member states in their regulation of health care, including assessing the performance of various state health care programs and compiling information on health care prices, and must make this information and data available to the legislatures of the member states. The commission must not take any action within a member state that contravenes any state law of that member state.

The compact will become effective upon adoption by at least two member states and the consent of Congress unless Congress, in consenting to the compact, alters its fundamental purposes.

The compact can be amended by the unanimous agreement of the member states; and any amendment will be effective unless Congress, within one year of its adoption, disapproves the amendment.

Any member state may withdraw from the compact by adopting a law to that effect but no withdrawal can take effect until six months after the governor of the withdrawing member state gives notice of the withdrawal to the other member states. The compact must be dissolved upon the withdrawal of all but one of the member states.

This bill changes the laws regarding transportation.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT (Section 21.795, RSMo)

The bill specifies that the seven Senate members of the Joint Committee on Transportation Oversight must be composed, as nearly as possible, of majority and minority party members in the same proportion as the number of majority and minority party members in the Senate. Currently, no more than four members from the same party can be members of the committee. The bill requires the Department of Transportation to submit an annual report no later than December 31 of each year, instead of by November 10, and requires the annual meeting to be held prior to February 15 instead of December 1.

REIMBURSEMENT TO BI-STATE DEVELOPMENT AGENCY (Section 70.441)

A person who is convicted, pleads guilty, or pleads nolo contendere for failing to pay the proper fare, fee, or other charge for the use of facilities and conveyances of the Bi-State Development Agency is required to reimburse, in addition to the unpaid fare or charges and any fines, penalties, or sentences imposed by law, the reasonable costs attributable to the enforcement, investigation, and prosecution of the offense by the agency. The court must direct the reimbursement proceeds to the appropriate agency official.

BILLBOARDS (Sections 226.540 and 226.541)

The bill:

(1) Allows local authorities to adopt regulations regarding billboard size, lighting, and spacing provisions that are more restrictive than state law if they are reasonable, allow for customary industry usage, and comply with the intent of the provisions of Section 226.540. Local regulations cannot have the intent or effect of prohibiting billboards on certain commercial or industrial property. If a court rules that a local regulation is prohibitive, unreasonable, or fails to allow for customary industry usage, the statutory state requirements will apply until a valid ordinance is adopted by the local zoning authority;

(2) Prohibits the Highways and Transportation Commission within the Department of Transportation from issuing new state sign permits after the date the commission approves funding for any phase or portion of construction or reconstruction of a street or highway until the completion of the project and requires all existing signs to conform to the requirements for outdoor advertising in effect on August 27, 1999;

(3) Allows an owner of an existing sign who meets all state requirements for outdoor advertising in effect on August 27, 1999, meets the federal/state agreement, and executes voluntarily a partial waiver and reset agreement with the commission to reset the sign on the same or adjoining property as long as the owner obtains the necessary local approval. Owners entering into a reset agreement with the commission will receive compensation for the actual cost of resetting the sign. A sign must be reconstructed with the same type of materials and cannot exceed the square footage of the original sign;

(4) Allows a sign owner 120 days from receiving a written notice that a sign will be displaced by construction to execute a partial waiver and reset agreement. If an owner fails to execute an agreement, the commission has the right to initiate normal condemnation procedures for the compensated removal of the sign;

(5) Allows a local zoning authority to prohibit an owner from resetting a qualifying sign that does not comply with local regulations but requires the local authority to reimburse the commission for the cost to condemn the sign less the cost to reset the sign; and

(6) Requires all signs to be subject to the biennial inspection fees under Section 226.550.

DESIGN-BUILD CONTRACTS FOR HIGHWAY PROJECTS (Section 227.107)

The authority of the Highways and Transportation Commission within the Department of Transportation to enter into design-build projects is extended from July 1, 2012, to July 1, 2018. The commission is authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 located in the counties of St. Charles and St. Louis.

RECREATIONAL OFF-HIGHWAY VEHICLES (Section 301.010)

The definition of "recreational off-highway vehicle" is revised as any motorized vehicle manufactured and used exclusively for off-highway use which is 64 inches or less in width. Currently, it is a vehicle that is 60 inches or less in width.

COMMERCIAL MOTOR VEHICLE REGISTRATION (Section 301.147)

Currently, an owner of a motor vehicle, other than a commercial motor vehicle licensed in excess of 12,000 pounds, may register biennially. The bill allows an owner of a motor vehicle, other

than a commercial motor vehicle, licensed in excess of 54,000 pounds to register biennially.

MOTOR VEHICLE DEALERS (Sections 301.225, 301.425, 301.559, 301.560, and 301.562)

The bill:

(1) Allows a representative from the Department of Revenue to inspect the premises of a salvage yard;

(2) Requires a person to surrender a certificate of ownership, a license plate or tab, or a Missouri nondriver identification card or driver's license if a peace officer or a representative from the department has probable cause to believe that it was obtained fraudulently. Anyone failing to surrender the item will be guilty of a class A misdemeanor;

(3) Authorizes the department director to issue a dealer's license valid for a period of up to two years and to stagger the license periods for administrative efficiency;

(4) Exempts certain wholesale and franchise dealers and new motor vehicle franchise dealers from maintaining records at their licensed place of business as long as the records are maintained and available for inspection at another office site and certain wholesale dealers from maintaining or posting minimum hours of operation;

(5) Requires the department director to order an agent or employee of the department or a law enforcement officer to secure possession of a person's license or distinctive number plates of any licensee who neglects or fails to surrender an item which has been suspended or revoked. Anyone not surrendering the item will be guilty of a class A misdemeanor;

(6) Specifies that certain events or acts by the holder of any license deemed to present clear and present danger to the public will be cause for the suspension or revocation of a license; and

(7) Specifies the administrative procedure and notice requirements for the suspension or revocation of a license.

SPECIAL LICENSE PLATES (Sections 301.3084 and 301.4036 and Section 1)

The bill:

(1) Changes the laws regarding the "Breast Cancer Awareness" special license plate by specifying that, upon making a \$25 annual contribution to the newly created Breast Cancer Awareness Fund, a person is allowed to obtain a "Breast Cancer Awareness" special license plate. The person must pay a \$15 fee in addition to the regular registration fees and present the required documentation. Currently, to obtain a "Breast Cancer Awareness" special license plate, a person must pay a \$25 emblem-use authorization fee to the Friends of the Missouri Women's Council and submit to the Director of the Department of Revenue an application along with the emblem-use authorization statement issued by the council. The bill replaces the words "MISSOURI WOMEN'S COUNCIL" with "BREAST CANCER AWARENESS" on the special license plate;

(2) Allows for a special license plate for a member of the National Wild Turkey Federation. To obtain the plate, a person must submit an application to the department director accompanied by an emblem-use authorization statement along with an additional \$15 fee. Any person who was previously issued a federation plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the federation's emblem. Prior to the issuance of the specialty plate, a list of at least 200 potential applicants for the plate, the proposed design of the plate, and an application fee not to exceed \$5,000 must be submitted to the department; and

(3) Allows for a special license plate for a member of the National Rifle Association. To obtain the plate, a person must submit an application to the department director accompanied by an emblem-use authorization statement along with an additional \$15 fee. Any person who was previously issued an association plate and who does not provide an emblem-use authorization statement at a subsequent time of registration will be issued a new plate which does not bear the association's emblem.

ENDANGERMENT OF EMERGENCY PERSONNEL (Sections 302.302, 304.890, 304.892, and 304.894)

The bill specifies that a person will be guilty of the crime of endangerment of emergency personnel or emergency responder if, while in an active emergency zone as defined in the bill, the person:

- (1) Exceeds the posted speed limit by 15 miles per hour or more;
- (2) Commits a passing violation;

- (3) Fails to stop for an active emergency zone flagman or emergency personnel or fails to obey erected traffic control devices or personnel in the active emergency zone;
- (4) Drives through or around an active emergency zone by using any lane not clearly designated for that purpose;
- (5) Physically assaults, attempts to assault, or threatens to assault an emergency responder in an active emergency zone with a vehicle or other item;
- (6) Intentionally strikes, moves, or alters barrels, barriers, signs, or other devices erected to control the flow of traffic for any reason other than to avoid an obstacle, an emergency, or to protect the health and safety of any person; or
- (7) Commits certain specified traffic offenses for which points may be assessed against a person's driver's license.

Any person who commits the crime of endangerment of an emergency personnel or emergency responder will be subject to a fine of up to \$1,000 and have four points assessed against his or her driver's license in addition to any other penalty authorized by law. If the offense results in the injury or death of an emergency responder or emergency personnel, the person will be guilty of aggravated endangerment of an emergency responder and will be subject to a fine of up to \$5,000 for an injury and \$10,000 for a death with 12 points assessed against the person's driver's license.

The bill requires a court to assess a fine of \$35 in addition to any other authorized fine to a person who is convicted of or who pled guilty to a first offense for a moving violation if the offense occurred within an active emergency zone. For a subsequent conviction or plea of guilty, the court must assess a \$75 fine in addition to any other authorized fine. Upon the first conviction or plea of guilty by any person for a speeding or a passing violation, a court must assess a fine of \$250 in addition to any other authorized fine if the offense occurred within an active emergency zone and at the time the speeding or passing violation occurred there were emergency personnel or emergency responders in the zone. For a subsequent conviction or plea, the court must assess a fine of \$300 in addition to any other fine authorized by law. No person can be assessed an additional fine if the area is not visibly marked by emergency personnel.

LIMITED DRIVING PRIVILEGES (Section 302.309)

The bill removes the provisions allowing the issuance of limited driving privileges for the purpose of seeking medical treatment or for any other circumstance that the court or department director finds would create an undue hardship if not allowed but specifies that it can be used for driving to and from the operator's place of employment.

COMMERCIAL DRIVER'S LICENSES (Sections 302.341, 302.700, and 302.768)

The bill:

(1) Requires the Director of the Department of Revenue to return the license and remove the suspension from an individual's driving record if he or she provides proof of the disposition of charges, payment of the fine and any court costs, and payment of the reinstatement fee if he or she was not operating a commercial motor vehicle or was not a commercial driver's license holder at the time of the offense;

(2) Specifies that any person will be disqualified for any withdrawal of a person's privilege to drive a commercial vehicle by Canada or Mexico as the result of certain specified motor vehicle violations;

(3) Requires an applicant for a commercial driver's license or commercial driver's instruction permit to certify that he or she is:

(a) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate;

(b) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate;

(c) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or

(d) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements; and

(4) Specifies that an applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by medical variance or waiver. The bill specifies the qualification process. Any person who falsifies any information in an application for or

an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

MUNICIPAL STREETS (Sections 304.120 and 537.293)

A municipality is required to allow at least one street, with lawful traffic movement and access from both directions, to be available for use by a commercial vehicle to access any road in the state highway system. The bill specifies that the legal use of a vehicle on a public street or highway cannot constitute a public or private nuisance and cannot be the basis of a civil action for a public or private nuisance.

VEHICLES HAULING LIVESTOCK OR AGRICULTURAL PRODUCTS (Section 304.180)

Currently, the total gross weight of a vehicle or combination of vehicles hauling livestock on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36 cannot exceed 85,500 pounds. The bill changes the extended weight limitation to U. S. Highway 36 from St. Joseph to U. S. Highway 63 on U. S. Highway 65 from the Iowa state line to U. S. Highway 36 and on U. S. Highway 63 from U. S. Highway 36 to the Iowa state line.

RELOCATION OF MANUFACTURED HOMES (Section 304.200)

The transportation of a manufactured home is prohibited unless the owner of the home has paid property taxes on the home for the taxable year in which the home is being moved and for all prior taxable years. The owner must obtain a receipt from the county collector showing that all property taxes on the home have been paid prior to the transport.

HOUSEHOLD GOODS MOTOR CARRIER REGULATIONS (Sections 387.040, 387.050, 387.080, 387.110, 387.137, 387.139, 387.207, 387.355, 390.051, 390.054, 390.061, 390.116, and 390.280)

The bill:

(1) Exempts a motor carrier transporting household goods from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission within the Department of Transportation. Currently, only a household goods mover operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing its schedule with the commission, a household goods mover engaged in intrastate commerce

must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request;

(2) Prohibits a household goods mover from participating in a joint tariff except for a joint tariff relating to joint rates for the transportation of household goods over any through routes or by interline service involving two or more separate motor carriers. A carrier of household goods participating in through routes or interline service must file and publish a joint tariff or individual tariff for each participating carrier;

(3) Removes the provision which prohibits a household goods carrier from using any schedule of rates or charges that divide the state into territorial rate areas;

(4) Specifies that all rates, tolls, charges, schedules, and regulations fixed by the commission with reference to the transportation of passengers and household goods by a motor carrier will be in force and prima facie lawful in a suit brought under Chapter 387;

(5) Requires the commission to establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and to establish a system for filing, logging, and responding to consumer complaints;

(6) Voids, on August 28, 2011, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate order requires or prescribes any minimum or maximum rates for the transportation of the goods;

(7) Specifies that, beginning August 28, 2011, no permit to transport household goods will be issued unless the applicant demonstrates compliance with workers' compensation laws;

(8) Removes the provision requiring a contract carrier transporting household goods to demonstrate that the proposed service will serve a useful purpose when applying for a certificate of authority or permit. An applicant for a household goods moving authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit will have to show that he or she is fit, willing and able to perform the service, and conforms to other specified requirements;

(9) Removes the provision allowing the issuance of a temporary permit to a household goods common carrier;

(10) Removes the provision requiring a common carrier of household goods to seek authorization from the commission to discontinue service; and

(11) Voids any geographic restriction or provision limiting a household goods carrier's scope of authority to particular routes within this state contained in a certificate, permit, or both which was issued prior to August 28, 2011, and any similar provision contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a motor carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff schedules are reissued or amended to reflect the motor carrier's statewide operating authority.

LAND RECLAMATION (Section 444.771)

The Department of Natural Resources and the Land Reclamation Commission in the department are prohibited from issuing a surface mining, water, or air permits to any person whose mine plan boundary is within 1,000 feet of any property where an accredited school has been located for at least five years prior to the permit application. This provision does not apply to anyone applying to any request for an expansion of an existing mine or to any underground mining operation.

INTOXICATION-RELATED TRAFFIC OFFENSE (Section 577.023)

Currently, prior and persistent offenders are allowed to participate in and successfully complete a program established by a DWI court or other court-ordered treatment program in lieu of imprisonment or community service. In order to comply with federal law, the substitute requires a prior or persistent offender to perform a specified amount of community service along with completing a DWI court-ordered or other court-ordered treatment program.

The provisions regarding commercial motor vehicle registration become effective date July 1, 2012; and the provisions regarding commercial driver's licenses become effective on the date the Director of the Department of Revenue begins accepting medical certifications or May 1, 2013, whichever occurs first.

SS SCS HCS HB 431 -- FOSTER CARE AND ADOPTION

This bill creates the Foster Care and Adoptive Parents Recruitment and Retention Fund; establishes a task force on foster care recruitment, licensing, and retention; changes the laws regarding foster care placement and sibling placement; and establishes the Missouri State Foster Care and Adoption Board.

FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND

Beginning January 1, 2011, the bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual income tax return or at least \$2 on a combined return of his or her tax refund amount to the newly created Foster Care and Adoptive Parents Recruitment and Retention Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes. The fund is to be administered by the newly created Foster Care and Adoptive Parents Recruitment and Retention Fund Board. Upon appropriation, moneys in the fund must be used to grant awards to licensed community-based foster care and adoption recruitment programs.

TASK FORCE ON FOSTER CARE RECRUITMENT, LICENSING, AND RETENTION

The Children's Division within the Department of Social Services must convene a task force to review the recruitment, licensing, and retention of foster and adoptive parents statewide. The task force will include representatives of the division, the department, and the private sector and faith-based community which provide recruitment and licensure services. The task force must study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide and must report its findings with recommendations by December 1, 2011, to the General Assembly and the Governor.

FOSTER CARE PLACEMENT

The bill establishes the following order or preference for the placement of a child in foster care: grandparents and relatives, a trusted adult who has a pre-existing relationship with the child, and any foster parent who is currently licensed and capable of accepting placement of the child. Any person receiving a preference may be licensed in an expedited manner if a child is placed under the person's care.

SIBLING PLACEMENT

The division is required to make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the division must make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings unless this interaction would be contrary to a sibling's safety or well-being.

MISSOURI STATE FOSTER CARE AND ADOPTION BOARD

The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the department. The board must draft and provide an independent review of the division's policies and procedures related to the provision of foster care and adoption in Missouri. The board must also determine the nature and content of in-service training which must be provided to foster and adoptive parents in order to improve these services to children statewide. Additional duties of the board are specified.

The board must be comprised of two foster or adoptive parents from each of the division's seven areas. Area members must be appointed by the Governor, with the advice and consent of the Senate, from recommendations by regional foster care and adoption boards or other similar entities. The board must annually provide a written report of its activities to the Director of the Department of Social Services; Governor; Office of Child Advocate; and upon request, members of the General Assembly.

The provisions regarding the Foster Care and Adoptive Parents Recruitment and Retention Fund will expire six years from the effective date.

CCS SS HB 458 -- AGRICULTURE

This bill changes the laws regarding sales tax exemptions for farm equipment, noxious weeds, listing of livestock brands, and grain dealers and establishes the Missouri Farmland Trust Act and the Private Landowner Protection Act.

SALES TAX EXEMPTION FOR FARM EQUIPMENT (Section 144.030, RSMo)

The bill exempts the sale of any accessories for and upgrades to farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and freight charges on any exempt item.

MISSOURI FARMLAND TRUST ACT (Section 262.815)

The Missouri Farmland Trust Act is established to allow individuals and entities to donate or otherwise convey farmland to the Department of Agriculture to preserve it as farmland and to assist beginning farmers by allowing long-term low and variable cost leases on the land making it affordable for the next generation of farmers to produce food, fiber, and fuel.

The Missouri Farmland Trust is implemented to accomplish the following objectives:

- (1) Protecting and preserving Missouri's farmland;
- (2) Linking new generations of prospective farmers with present farmers; and
- (3) Promoting best practices in environmental, livestock, and land stewardship.

The Missouri Farmland Trust Advisory Board is established within the department to make recommendations to the department director regarding the appropriate uses of farmland in the trust and the criteria for the selection of program participants and to review and make recommendations regarding applications to lease farmland in the trust.

The bill specifies the membership of the board and the terms of its members. The department is authorized to accept or acquire by purchase, lease, donation, or agreement any agricultural lands, easements, or real and personal property including, but not limited to, buildings, structures, improvements, equipment, or facilities subject to preservation and improvement which will be the property of the trust.

The Missouri Farmland Trust Fund is created consisting of gifts, donations, and appropriations by the General Assembly. Moneys in the fund must be used for the administration of the trust and the maintenance, operation, regulation, and improvement of the trust's assets to promote agriculture and its general welfare. Property acquired by the department must be used exclusively for agricultural purposes and must be farmed and maintained using the best environmental, conservation, and stewardship practices as specified by the department. No beginning farmer can lease farmland in the trust for more than 20 years. Any person or entity donating to or leasing land from the department must release the state from any and all claims, actions, or demands that he or she has now or may have in the future for any injury, death, or property damage related to participation in an activity

as well as any acts connected to the activity and the condition of the property where the activity occurred.

NOXIOUS WEEDS (Sections 263.190 - 263.241 and 263.450)

The bill:

(1) Specifies that "noxious weed" means any weed designated as noxious by rules established by the Director of the Department of Agriculture and requires the department to maintain a list of noxious weeds and make it available to the public;

(2) Expands the requirement of every landowner to control all noxious weeds growing on his or her land sufficiently to prevent the weeds from going to seed to include any person, association of persons, corporation, partnership, Highways and Transportation Commission, state department, state agency, county commission, township board, school board, drainage board, governing body of an incorporated city, railroad company or other transportation company, and any person supervising state-owned lands;

(3) Prohibits the sale of any noxious weed species; and

(4) Repeals provisions designating specific plants as noxious weeds and requiring entities to control the spread of the weeds as well as the provisions regarding a county noxious weed fund.

LISTING OF LIVESTOCK BRANDS (Section 268.121)

Currently, the Director of the Department of Agriculture must publish a list of all livestock brands in a book form and send a copy of the book and any supplement to the county recorder of deeds in each county and to each licensed livestock market and slaughter plant in the state. The bill removes this requirement but requires the department director to create a list and make it available on a publicly accessible web site. The list must be updated from time to time.

GRAIN DEALERS (Sections 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280)

The bill:

(1) Revises the definition of "grain dealer" or "dealer" to exempt a producer or feeder of grain for livestock or poultry buying grain for his or her own farming or feeding purposes who purchases grain exclusively from licensed grain dealers or whose total grain purchases from producers during his or her fiscal year do not exceed 50,000 bushels instead of the current \$100,000;

(2) Requires every licensed grain dealer or applicant for a grain dealer license to maintain a minimum net worth equal to 5% of annual grain purchases. Currently, only certain dealers or applicants are required to maintain a specified minimum net worth;

(3) Requires any licensed grain dealer or applicant to have and maintain current assets at least equal to 100% of current liabilities and specifies certain requirements regarding the determination of the amount of assets and liabilities;

(4) Increases the minimum surety bond requirement for a licensed grain dealer from \$20,000 to \$50,000 and the maximum from \$300,000 to \$600,000;

(5) Changes the formula for determining the amount of surety bond required by specifying that the amount must be equal to 2% of the dealer's previous year's grain purchases, instead of between 1% and 5% of the purchases;

(6) Changes the net worth an owner of a licensed grain warehouse must have and maintain to the greater of \$10,000 or the amount which results from multiplying the storage capacity of the warehouse by 25 cents per bushel instead of the current 15 cents per bushel; and

(7) Repeals the provision that allows a grain dealer who has purchased less than \$400,000 of grain during the previous year to satisfy the bond requirement by filing a bond at the rate of \$1,000 for every \$20,000 worth of grain purchased with a minimum bond of \$10,000.

PRIVATE LANDOWNER PROTECTION ACT (Section 442.014)

The Private Landowner Protection Act is established which allows for the creation and enforcement of conservation easements designed to protect the environment or preserve certain historical or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements; and a court may modify or terminate an easement based on the principles of law and equity.

An existing real property interest is not impaired by an easement unless the owner is a party to the conservation easement or consents to it. A conservation easement will be valid in a number of situations that are specified in the bill which are not recognized by common law. Retroactive application is mandated to the extent allowed by state and federal law but cannot place any

additional burden or obligation on any grantor or grantee, or their successors, of a conservation easement.

SCS HCS HB 464 -- STATE BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS

This bill changes the laws regarding state boards, commissions, committees, and councils and articles of incorporation by business entities.

STATE BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS

The bill eliminates, combines, and revises certain state boards, commissions, committees, and councils. The bill:

(1) Eliminates the following boards, commissions, committees, and councils:

- (a) The Workers Memorial Committee (Section 8.900, RSMo);
- (b) The Joint Committee on Wetlands (Section 21.475);
- (c) A joint legislative committee to review county salaries (Section 21.780);
- (d) The Multistate Tax Compact Advisory Committee (Sections 32.250 and 32.260);
- (e) The Joint Committee on Urban Voluntary School Transfer Programs (Section 162.1060);
- (f) The Missouri Access to Higher Education Trust Board and the act (Sections 166.200 - 166.242);
- (g) The Missouri State Advisory Council on Pain and Symptom Management (Sections 192.350 - 192.355);
- (h) An advisory committee in the Division of Family Services within the Department of Social Services to provide professional and technical consultation regarding medical care aspects for public assistance recipients (Section 208.195);
- (i) The Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals (Sections 208.530 - 208.535);

(j) The Motorcycle Safety Program Advisory Committee (Section 302.136);

(k) The Board of Licensed Private Fire Investigator Examiners and the Board of Private Investigator Examiners are replaced by the newly established Board of Private Investigator and Private Fire Investigator Examiners.

The bill changes the requirements for being licensed as a private fire investigator (Sections 324.600, 342.603, 324.606, 324.608, 324.612, 324.615, 324.618, 324.621, 324.624, 324.627, 324.630, 324.635, 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, and 324.1144);

(l) Suicide Prevention Advisory Committee (Section 630.900 - 630.915); and

(m) The Advisory Committee on Lead Poisoning (Section 701.302);

(2) Transfers the Governor's Council on Disability from the Department of Labor and Industrial Relations to the Office of Administration (Sections 8.650, 37.735 - 37.745, 286.001, 286.005, and 286.200 - 286.210);

(3) Authorizes the board of commissioners of Tower Grove Park to adjust the size of its membership upon the approval of a majority of its members (Section 90.101);

(4) Specifies that the Missouri State Employees Voluntary Life Insurance Fund will be administered by the Commissioner of the Office of Administration instead of the Missouri State Employees Voluntary Life Insurance Commission (Sections 105.1006, 105.1010, and 105.1012);

(5) Renames the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council, reduces the council membership from 25 to 15, and eliminates the legislative members from its membership. The Department of Health and Senior Services is authorized additional rule-making authority to establish policies and standards which will be applied to all programs and services funded by the department. The Missouri Head Injury Fund is renamed the Missouri Brain Injury Fund (Sections 162.1000, 192.735 - 192.745, 199.001 - 199.051, and 304.028);

(6) Eliminates the Missouri Rx Plan Advisory Commission; authorizes the Drug Utilization Review Board to provide advice on guidelines, policies, and procedures of the Missouri Rx Plan; and

transfers the Drug Utilization Review Board from the Division of Medical Services to the MO HealthNet Division within the Department of Social Services (Sections 208.175 and 208.792);

(7) Eliminates the appointment of legislative members to the Coordinating Council on Special Transportation and specifies that the provisions regarding the council will expire December 31, 2014 (Section 208.275);

(8) Eliminates the advisory committee appointed by the Director of the Division of Family Services within the Department of Social Services to provide technical advice regarding medical care for public assistance recipients and makes the MO Healthnet Oversight Committee serve as the medical care advisory committee to the Medicaid director and also eliminates the Comprehensive Entry Point System for Long-term Care Subcommittee of the MO Healthnet Oversight Committee. The membership of the MO Healthnet Oversight Committee is modified (Section 208.955);

(9) Changes the membership and adds to the duties of the Missouri Children's Services Commission (Sections 210.101 and 210.102);

(10) Establishes the Missouri Task Force on Prematurity and Infant Mortality within the Children's Services Commission consisting of 18 members (Section 210.105);

(11) Eliminates the Low-level Radioactive Waste Compact Advisory Committee and authorizes the Hazardous Waste Management Commission within the Department of Natural Resources to assume the duties of the committee (Sections 260.372, 260.705, 260.720, 260.725, and 260.735);

(12) Renames the Missouri Fire Education Commission to the Missouri Fire Safety Education/Advisory Commission and increases, from five to nine, the number of members of the commission (Sections 320.094 and 320.205);

(13) Authorizes the Governor with the advice and consent of the Senate, instead of the Director of the Department of Health and Senior Services, to appoint the members of the Missouri Board of Nursing Home Administrators (Section 344.060);

(14) Removes a provision regarding a nursing home administrator's request to place his or her license on inactive status (Sections 344.105 and 344.108);

(15) Combines the State Banking Board and the State Savings and Loan Board into the State Banking and Savings and Loan Board, eliminates the State Savings and Loan Commission, and changes the

composition of the board (Sections 361.070, 361.092 - 362.105, 369.304, 369.309, and 369.319);

(16) Transfers the Missouri Community Service Commission from the Office of the Governor to the Department of Economic Development and changes the number of voting members to at least 15 but no more than 19 (Sections 26.600 - 26.614 and 620.580 - 620.592); and

(17) Eliminates the Missouri Seed Capital Investment Board and transfers its duties to the Missouri Technology Corporation (Sections 620.638 and 620.641).

ARTICLES OF INCORPORATION BY BUSINESS ENTITIES (Section 369.024)

The bill specifies that upon approval of a petition of incorporation for a savings and loan association, the Director of the Division of Finance within the Department of Insurance, Financial Institutions and Professional Registration must certify the approval in writing and deliver one copy of the articles of incorporation to the Secretary of State, along with the incorporation fee. Currently, two copies are required to be given to the Secretary of State.

HCS HB 465 -- CREDIT UNIONS

This bill changes the laws regarding the Division of Credit Unions within the Department of Insurance, Financial Institutions and Professional Registration. In its main provisions, the bill:

- (1) Requires the division director to be appointed by the Governor;
- (2) Requires the division director and each employee, before entering upon the discharge of his or her duties, to take an oath to not reveal any facts, conditions, or affairs of any credit union that he or she may have knowledge of by virtue of his or her official position unless required to do so by law;
- (3) Prohibits the division director and any employee who participates in the examination of a credit union or who may be called upon to make an official determination, other than as a member of the Credit Union Commission, from being an officer or director of any credit union regulated by the division or from receiving any payment or gratuity from any of these organizations, negotiating loans for others, or being indebted to any state-chartered credit union;

(4) Authorizes the division director to compel the production of documents, the attendance of, and to administer oaths to any person having knowledge of any issue involved with an examination or investigation. The division director may seek judicial enforcement of an administrative subpoena by application to the appropriate court and will be subject to the same defenses or to a protective order as deemed appropriate by the court in accordance with Missouri Supreme Court rules. All information must be held in confidence absent a court's finding of compelling reasons for disclosure;

(5) Prohibits a state-chartered credit union, its director, or any of its officers or employees from being charged with libel, slander, or defamation for any good faith communications with the division director or any division employee;

(6) Allows the division director to serve a written notice to any person of his or her intention to remove the person from office when it appears that any person conducting the affairs of a credit union has committed a violation of any law or regulation or a cease and desist order, has violated any written agreement or condition imposed in writing by the division director, has engaged in unsafe or unsound practice, or has committed or engaged in a dishonest act. If the division director finds it necessary to protect any credit union or its members, he or she can serve written notice on the person and suspend or prohibit the person from participating in any manner in the conduct of the affairs of the credit union or from any other credit union supervised by the division director unless the division director gives written consent allowing for participation in any other credit union;

(7) Requires the notice of intention to remove a person from or to prohibit his or her participation in a credit union to contain a statement of the facts constituting the grounds for removal or prohibition and to set a hearing time and place. Any person within 10 days of suspension or prohibition from participation in the conduct of the affairs of a credit union can apply for a stay of the suspension or prohibition with the circuit court of the county in which the credit union is located or the circuit court of Cole County pending the completion of the administrative proceedings under the notice served upon the person;

(8) Specifies that if at any time there are not enough members to constitute a quorum because of the suspension of one or more members of any board of directors, the remaining members will be vested with the powers or functions of the board until there is a quorum. If all directors have been suspended, the division director will appoint temporary directors;

(9) Removes the provision which prohibits a credit union from issuing a loan to a director or a credit or supervisory committee member of the credit union in excess of \$25,000 for certain specified purposes;

(10) Removes provisions regarding fees and charges being added to the reserve fund of a credit union and requires all credit unions to establish and maintain sufficient reserves to qualify for and maintain federal share insurance and to meet any requirements concerning minimum reserves established by a regulation of the division director; and

(11) Requires a credit union that is merging to mail or deliver a notice of the meeting to vote upon the merger to each member between 14 and 30 days prior to the meeting. All members must be given the opportunity to vote on the merger or consolidation plan at the meeting or by written or electronic ballot. Currently, the notice must be as provided in the credit union's bylaws or by a letter to the shareholders. These same procedures will apply when a state-chartered credit union votes to convert to a federal credit union.

SS SCS HCS HB 470 & 429 -- NONRESIDENT ENTERTAINER AND PROFESSIONAL ATHLETIC TEAM INCOME TAX

This bill exempts a not-for-profit entity that receives no benefit from a nonresident entertainer's appearance other than the entertainer's performance from the withholding requirement of the nonresident entertainer and professional athletic team income tax.

HB 484 -- MISSOURI STATE TRANSIT ASSISTANT PROGRAM

This bill establishes the Missouri State Transit Assistance Program to be administered by the Department of Transportation to provide state financial assistance to defray the operating and capital costs incurred by public mass transportation service providers. The distribution of any appropriated funds must be determined by evaluating certain factors of each service provider including, but not limited to, population; ridership; cost and efficiency of the program; availability of alternative transportation in the area; and local effort or tax support.

HB 499 -- DRIVER'S LICENSE COMPETENCY ASSESSMENT

This bill adds a professional counselor licensed pursuant to Chapter 337, RSMo, to the list of individuals who can report to the Department of Revenue any person diagnosed or assessed as having a disorder or condition that may prevent him or her from safely operating a motor vehicle in order to provide the department director with good cause to believe that the operator is incompetent or unqualified to retain his or her driver's license allowing the department director to require the person to submit to an examination in order to retain his or her license.

SCS HCS HB 506 -- PROPERTY TAX LEVY REVISIONS

Currently, certain school districts that levy separate tax rates on the different subclasses of property are required to revise tax rates when there is a tax rate reduction after certain tax revenue calculations. This bill allows the districts to revise the rates. If voters approved before January 1, 2011, separate stated tax rates to be applied to the different subclasses of property or increase the separate rates that may be levied on the different subclasses of property by different amounts, the single tax rate calculation must be a blended rate that is to be calculated in the manner specified by law.

The bill authorizes any political subdivision that approved a tax increase after August 27, 2008, to levy a rate to collect substantially the same amount of tax revenue as would have been collected by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision on or before the election date, increased by the percentage increase in the federal Consumer Price Index.

The bill increases the number of years before a newly constructed residential property which has never been occupied is assessed for property taxation from the second year following the year the construction on the home was completed to the fourth year. This provision will apply to those counties, including St. Louis City, in which the governing body has previously adopted or hereafter adopts these provisions.

Currently, the owner of record of real property located within a transportation development district without residents is allowed one vote per acre. The bill allows the owner of record of real property located within a district without residents which was formed as a joint establishment to have one vote per acre.

HB 550 -- LIENS AND ENCUMBRANCES ON MOTOR VEHICLES, TRAILERS,
WATERCRAFT, AND MANUFACTURED HOMES

This bill changes the laws regarding liens and encumbrances on motor vehicles, trailers, watercraft, and manufactured homes.

The notice of lien on a motor vehicle or trailer is perfected when it is created if delivered within 30 days to the Director of the Department of Revenue; otherwise, it is perfected at the time of delivery. The notice must contain complete and legible documents containing the name and address of the owner and the secured party; a description of the vehicle or trailer, including the vehicle identification number; and any information as prescribed by the department. The department director must confirm receipt by mail or electronically as soon as possible but no later than 15 business days after the filing of the notice of lien.

When refinancing a loan on a motor vehicle, trailer, outboard motor, watercraft, or manufactured home, a notice of lien that is completed by the refinancing lender in a format prescribed by the department director is perfected upon delivery to the department director.

SCS HCS HB 552 -- BLEEDING DISORDER THERAPIES

This bill requires the State Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to establish rules governing the standard of care for pharmacies dispensing blood clotting therapies. The rules must include safeguards to ensure that a pharmacy:

- (1) Has the ability to obtain and fill a prescription as written for all brands of blood clotting products approved by the federal Food and Drug Administration;
- (2) Ships a prescription within two business days for an established patient and within three business days for a new patient in a nonemergency situation;
- (3) Provides an established patient access to a prescription within 12 hours of a physician's notification of the patient's emergent need;
- (4) Provides the necessary equipment and supplies for an established patient to administer blood clotting products;

(5) Has a pharmacist available, onsite or on call, to fill a prescription 24 hours a day, seven days a week, every day of the year;

(6) Provides a contact telephone number to a patient to report a delivery problem;

(7) Notifies a patient of a prescription recall or withdrawal within 24 hours of receiving the recall or withdrawal notification; and

(8) Provides containers and instructions for the proper disposal of waste from blood clotting products.

Blood clotting product-related services including home delivery of products, equipment, and supplies; ancillary infusion equipment; and assessments conducted in the participant's home are added to the list of services which are to be paid under MO HealthNet benefits.

SS SCS HCS HB 555 -- HEALTH CARE

This bill changes the laws regarding health care.

DISABILITY HISTORY AND AWARENESS MONTH

The bill designates October of each year as "Disability History and Awareness Month" in all public schools and allows a school board to annually provide instruction on the topic during the month that expands students' knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. The instruction must be integrated into the existing school curriculum and may be delivered by qualified school personnel or knowledgeable guest speakers. The goals of the instruction are to include:

(1) Instilling sensitivity and encouraging educational cultures that nurture safe and inclusive environments for students with disabilities in which bullying is discouraged and respect and appreciation for students with disabilities is encouraged;

(2) An understanding that there are individuals with disabilities and they have the same rights and responsibilities as any other person;

(3) A school community that includes students with disabilities in every aspect of society and acknowledges their unique gifts, talents, and contributions; and

(4) A society that has reaffirmed a local, state, and federal commitment to the full inclusion in society of and the equal opportunity for all individuals with disabilities.

The Department of Elementary and Secondary Education must identify and adopt preliminary curriculum guidelines for each school board that incorporate these goals. Higher education institutions are encouraged to conduct and promote activities on their campuses that provide education, understanding, and awareness of individuals with disabilities.

INTELLECTUALLY DISABLED

Certain references of "mentally retarded," "mental retardation," or "handicapped" in current state law are changed to "intellectually disabled" or "developmentally disabled," "intellectual disability" or "developmental disability," or "disabled" respectively including renaming the Missouri Advisory Council on Mental Retardation and Developmental Disabilities as the Missouri Developmental Disabilities Council and the Division of Mental Retardation and Developmental Disabilities in the Department of Mental Health as the Division of Developmental Disabilities.

MO HEALTHNET OVERSIGHT COMMITTEE

The membership of the MO HealthNet Oversight Committee is increased from 18 to 19 by adding an additional non-physician health care professional. One non-physician health care professional must be a licensed nurse, and the other must be a licensed psychologist. The physicians and dentist representatives serving on the committee must be appointed by the Governor with the advice and consent of the Senate in the same manner that members are selected for the State Board of Registration for the Healing Arts. The consumer representative, patient advocates, and the public member cannot have a financial interest in the health care industry or have been a state employee within the last five years.

PARENTAL RIGHTS OF INDIVIDUALS WITH DISABILITIES

The disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; that a child is in need of care or it is necessary to remove a child from a parent's custody; to terminate parental

rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

MENTAL HEALTH EARNINGS FUND

The bill allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriations, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds made from these sales and services.

DEPARTMENT OF MENTAL HEALTH INVESTIGATION REPORTS

A statutory reference is revised to specify that an investigative report of the Department of Mental Health will be automatically admissible in any hearing before the Administrative Hearing Commission.

MISSOURI CHILDREN'S SERVICES COMMISSION

The membership of the Missouri Children's Services Commission is revised and its duties are expanded.

The Missouri Task Force on Prematurity and Infant Mortality is established within the commission consisting of 18 members.

ACCESSIBLE PARKING AND PARKING LOTS

The bill requires any political subdivision or the owner of a private property parking lot, when restriping an existing lot or constructing a new parking lot, to designate one out of every four spaces as accessible, with at least one having an access aisle which is a minimum of 96 inches wide and designated "lift van accessible only" with signs that comply with the federal Americans with Disabilities Act.

All new signs erected beginning August 28, 2011, relating to disabled parking must contain the words "Accessible Parking" and to not contain "Handicap Parking" or "Handicapped Parking."

APPOINTMENTS TO THE MISSOURI DENTAL BOARD AND THE STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

Currently, the Governor is required to make appointments to the Missouri Dental Board and the State Board of Registration for the Healing Arts from a list of names submitted by the Director of the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration. The bill requires that the list to include names provided by the Missouri Dental Association, the Missouri State Medical Association, or the Missouri Association of Osteopathic Physicians and Surgeons.

HCS HB 557 -- MENTAL HEALTH EARNINGS FUND

This bill allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriations, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds made from these sales and services.

SCS HCS HB 578 -- DISPOSAL OF USED TIRES

This bill allows the state or any political subdivision or agency of the state to transfer possession and ownership of used tires, scrap tires, or tire shred to any in-state private entity to be lawfully disposed of or recycled if the tires or shred are not burned as fuel, except in a permitted facility, or disposed of in a landfill. The cost of transferring the tires or shred must be less than the cost the state, political subdivision, or agency would have otherwise incurred had it disposed of the tires or shred. The private entity must pay for the transportation of the used tires it receives.

SCS HB 591 -- LIMITED DENTAL TEACHING LICENSES

This bill authorizes the Missouri Dental Board within the Department of Insurance, Financial Institutions and Professional Registration to issue a limited teaching license to a dentist

employed as an instructor in an accredited dental school located in this state. In its main provisions, the bill:

- (1) Limits the licensee to practice dentistry to the confines of the dental school program;
- (2) Requires a limited teaching license to be renewed every two years;
- (3) Requires a limited teaching licensee to be subject to discipline by the board and a license to be automatically canceled or nullified if the holder ceases to be employed by the dental school; and
- (4) Specifies the requirements to qualify for a license.

SS SCS HCS HB 604 -- PARENTAL RIGHTS

This bill creates the Foster Care and Adoptive Parents Recruitment and Retention Fund; establishes a task force on foster care recruitment, licensing, and retention; changes the laws regarding parental rights of individuals with disabilities, foster care placement, and sibling placement; and establishes the Missouri State Foster Care and Adoption Board.

FOSTER CARE AND ADOPTIVE PARENTS RECRUITMENT AND RETENTION FUND

Beginning January 1, 2011, the bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual income tax return or at least \$2 on a combined return of his or her tax refund amount to the newly created Foster Care and Adoptive Parents Recruitment and Retention Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes. Upon appropriation, moneys in the fund must be used to grant awards to licensed community-based foster care and adoption recruitment programs.

TASK FORCE ON FOSTER CARE RECRUITMENT, LICENSING, AND RETENTION

The Children's Division within the Department of Social Services must convene a task force to review the recruitment, licensing, and retention of foster and adoptive parents statewide. The task force will include representatives of the division, the department, and the private sector and faith-based community which provide recruitment and licensure services. The task force must study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance

the effectiveness of the system statewide and must report its findings with recommendations by December 1, 2011, to the General Assembly and the Governor.

PARENTAL RIGHTS OF INDIVIDUALS WITH DISABILITIES

The bill specifies that the disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; that a child is in need of care or it is necessary to remove a child from a parent's custody; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

FOSTER CARE PLACEMENT

The bill establishes the following order of preference for the placement of a child in foster care: grandparents and relatives, a trusted adult who has a pre-existing relationship with the child, and any foster parent who is currently licensed and capable of accepting placement of the child. Any person receiving a preference may be licensed in an expedited manner if a child is placed under the person's care.

SIBLING PLACEMENT

The division is required to make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the division must make reasonable efforts to provide frequent visitation or other ongoing interaction between the siblings unless this interaction would be contrary to a sibling's safety or well-being.

MISSOURI STATE FOSTER CARE AND ADOPTION BOARD

The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the department. The board must draft and provide an independent review of the division's policies and procedures related to the provision of foster care and adoption in Missouri. The board must also determine the nature and content of in-service training which must be provided to foster and adoptive parents in order to improve these services to children statewide. Additional duties of the board are specified.

The board must be comprised of two foster and adoptive parents from each of the division's seven areas. Area members must be appointed by the Governor, with the advice and consent of the Senate, from recommendations by regional foster care and adoption boards or other similar entities. The board must annually provide a written report of its activities to the Director of the Department of Social Services; Governor; Office of Child Advocate; and upon request, members of the General Assembly.

The provisions regarding the Foster Care and Adoptive Parents Recruitment and Retention Fund will expire six years from the effective date.

SCS HCS HB 631 -- DESIGNATION OF TAX REFUNDS TO CERTAIN FUNDS

Beginning January 1, 2011, this bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual income tax return or at least \$2 on a combined return of his or her tax refund amount to the newly created American Red Cross Trust Fund and the newly created Developmental Disabilities Waiting List Equity Trust Fund. A taxpayer may also donate to either or both funds by sending a separate check with the payment of his or her taxes.

Moneys in the Developmental Disabilities Waiting List Equity Trust Fund cannot be used to offset any general state revenues.

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

SCS HCS HB 641 -- CONTROLLED SUBSTANCES

This bill changes the laws regarding the designation of controlled substances. In its main provisions, the bill:

(1) Adds the following to the list of controlled substances in Schedule I:

(a) Synthetic cannabinoids which include any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist including, but not limited to, the synthetic cannabinoids specifically listed in Section 195.017, RSMo, and any analogues, homologues, isomers, esters, ethers, and salts. These include the compounds commonly found in K3. However, synthetic cannabinoids

will not include any approved pharmaceutical authorized by the United States Food and Drug Administration;

(b) 3-Fluoromethcathinone;

(c) 4-Fluoromethcathinone;

(d) Mephedrone, or 4-methylmethcathinone;

(e) 4-methoxymethcathinone;

(f) Methylenedioxypropylone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone, commonly known as bath salts;

(g) Methylone, or 3,4-Methylenedioxymethcathinone; and

(h) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP (Sections 195.010 and 195.017);

(2) Specifies that any analogue or homologue of a Schedule I controlled substance must be treated as a controlled substance in Schedule I for the purposes of any state law (Section 195.022);

(3) Specifies that any person who possesses any controlled substance except 35 grams or less of marijuana or any synthetic cannabinoid will be guilty of a class C felony. Any person who possesses not more than 35 grams of marijuana or any synthetic cannabinoid will be guilty of a class A misdemeanor. Currently, these provisions apply to a person possessing marijuana or certain specified substances (Section 195.202); and

(4) Adds cocaine base to the list of controlled substances for which a person commits the offense of distribution of a controlled substance near a park, a class A felony (Section 195.217).

SS#2 HB 648 -- INDIVIDUALS WITH DISABILITIES

This bill changes the laws regarding individuals with disabilities.

INTELLECTUALLY DISABLED

Certain references of "mentally retarded," "mental retardation," or "handicapped" in current state law are changed to "intellectually disabled" or "developmentally disabled," "intellectual disability" or "developmental disability," or "disabled" respectively including renaming the Missouri Advisory

Council on Mental Retardation and Developmental Disabilities as the Missouri Developmental Disabilities Council and the Division of Mental Retardation and Developmental Disabilities in the Department of Mental Health as the Division of Developmental Disabilities.

MO HEALTHNET OVERSIGHT COMMITTEE

The membership of the MO HealthNet Oversight Committee is increased from 18 to 19 by adding an additional non-physician health care professional. One non-physician health care professional must be a licensed nurse, and the other must be a licensed psychologist. The physicians and dentist representatives serving on the committee must be appointed by the Governor with the advice and consent of the Senate in the same manner that members are selected for the State Board of Registration for the Healing Arts. The consumer representative, patient advocates, and the public member cannot have a financial interest in the health care industry or have been a state employee within the last five years.

PARENTAL RIGHTS OF INDIVIDUALS WITH DISABILITIES

The disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; that a child is in need of care or it is necessary to remove a child from a parent's custody; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child.

MENTAL HEALTH EARNINGS FUND

The bill allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriations, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds made from these sales and services.

DEPARTMENT OF MENTAL HEALTH INVESTIGATION REPORTS

A statutory reference is revised to specify that an investigative report of the Department of Mental Health will be automatically

admissible in any hearing before the Administrative Hearing Commission.

SCS HB 661 -- DEBT ADJUSTERS

This bill changes the laws regarding debt adjusters. In its main provisions, the bill:

(1) Defines "debt relief services" as any program or service represented, directly or implied, to renegotiate, alter, or settle the terms of a debt between a debtor and any creditors or debt collectors;

(2) Defines "debt settlement plan" as a written agreement or contract between a debt adjuster and a debtor where the debt adjuster, in return for payment, provides debt relief services that contemplates that creditors will settle the debt for less than the principal amount;

(3) Specifies that any person acting as a debt adjuster other than under a debt management or debt settlement plan will be guilty of a misdemeanor upon conviction;

(4) Allows any individual or organization to administer a debt management or debt settlement plan free of charge;

(5) Removes provisions that requires a debt adjuster to provide a blanket bond in an amount of \$100,000 and a copy of the bond to be filed with the Director of the Division of Finance within the Department of Insurance, Financial Institutions and Professional Registration and requires each initial license application to be accompanied by a surety bond in the principal sum of \$50,000 if the applicant declares that the operation will handle no consumer moneys or \$100,000 otherwise;

(6) Requires a debt adjuster to be bonded for the benefit of any debtor damaged by the debt adjuster's breach of the debt management or debt settlement plan or for his or her failure to properly administer debtor funds;

(7) Requires a debt adjuster to disclose truthfully, in a clear and conspicuous manner, prior to a debtor consenting to pay for goods or services offered, the amount of time required to complete his or her services, the amount of money the debtor needs to accumulate before a debt adjuster will make a settlement offer to a creditor or collector, that the use of the debt relief service will likely adversely affect the debtor's creditworthiness and

cost more money, that any funds required to be placed in an account for payment of debts are the debtor's funds that can be withdrawn from the debt relief service at any time without penalty, and that all funds in a debtor's account must be returned to the debtor within seven business days upon request excluding any funds earned by the debt adjuster;

(8) Prohibits a debt adjuster from receiving any payment for any services until and unless he or she has renegotiated, settled, reduced, or otherwise altered the terms of at least one debt under a debt management or debt settlement plan and the debtor has made at least one payment under the plan; and

(9) Requires the fee for settling each individual debt enrolled in a debt settlement plan to be in proportion to the total fee for settling the entire debt and to be a percentage of the amount saved as a result of the settlement.

SS SCS HCS HB 664 -- FIRE FIGHTER BENEFITS

This bill changes the laws regarding fire fighter benefits for an infectious disease incurred in the line of duty and the Firemen's Retirement System of St. Louis.

FIRE FIGHTER BENEFITS FOR AN INFECTIOUS DISEASE INCURRED IN THE LINE OF DUTY

Any infectious disease, as defined in the bill, after five years of service which causes a condition of impaired health that results in a disability or death of a fire fighter in certain circumstances will be presumed to have been incurred by the fire fighter in the line of duty as it relates to a claim for disability or death or for retirement benefits. The fire fighter must submit to an annual physical examination which includes a blood test.

FIREMEN'S RETIREMENT SYSTEM OF ST. LOUIS

The bill:

(1) Specifies that the retirement plan of the Firemen's Retirement System of St. Louis is intended to be a qualified governmental plan under applicable federal law and requires the benefits and conditions of the plan to be interpreted and the

system to be operated to ensure that the system meets the federal qualification requirements;

(2) Changes the laws regarding a member who retires because of accidental disability as follows:

(a) Any member retiring on or after August 28, 2011, because of accidental disability based on conditions of the heart, lungs, or cancer or based on permanent and total disability which will prevent the member from obtaining employment elsewhere, as determined by the board of trustees of the retirement system, based on medical evidence presented by the retirement system's physicians will receive, regardless of his or her years of credible service, 75% of the earnable compensation then provided for the step in range of salary for the title or rank held by the member at the time of his or her retirement;

(b) Any member retiring because of accidental disability for a condition not stated above will receive a base pension equal to 25% of his or her salary at the time of retirement plus, for members having 25 years or less of creditable service at retirement will receive an additional 2.75% for each year of creditable service equal to or greater than 10 years but not more than 25 years. A member with more than 25 years of creditable service will receive an additional pension equal to 50% of his or her salary;

(c) A member can elect to receive an education allowance in an amount not to exceed the tuition for a state resident at the University of Missouri-St. Louis. The member must enroll in a college, university, community college, or vocational or technical school at the first opportunity after retirement, and the member will be reimbursed upon proof of payment to the institution. The education allowance must cease if the member is no longer a full-time student, fails to provide proof of achievement of a grade point average of two on a four-point scale or the equivalent on another scale for each academic term or if he or she is restored to active service as a firefighter. The education allowance cannot be available for more than five years after the member retires. A member with 25 years or less of creditable service electing to receive the education allowance who is a full-time student will also receive an additional supplemental disability retirement pension in an amount that will pay him or her 100% of the member's active duty salary, excluding the education allowance, for up to five years;

(d) A member with more than 20 years but not more than 25 years of creditable service may waive the right to receive the education allowance, the additional pension allowance, and the supplemental

disability retirement pension and may elect instead to receive in addition to the accidental disability retirement base pension an additional pension equal to 40% of the member's salary at the time of retirement if the election is made prior to receiving his or her first accidental disability pension payment; and

(e) The retirement allowance will be increased annually in October for a member who retired due to accidental disability on or after August 28, 2011, for a reason other than based on a condition of the heart, lungs, or cancer or based on a permanent and total disability which prevents the member from obtaining employment elsewhere, unless a member has more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 1% per year, compounded each year, up to age 60, then 5% per year for five years. For a member having more than 25 years of creditable service, the accidental disability allowance can only increase at a rate of 2.25% per year, compounded each year, up to age 60, then 5% per year for five years.

HB 667 -- PROSTATE CANCER PILOT PROGRAMS

Subject to securing funding from a non-profit entity, this bill establishes two prostate cancer pilot programs within the Department of Health and Senior Services to fund prostate cancer screening and treatment services and to provide education to men residing in the state. One program must be located in St. Louis City and one in Pemiscot, New Madrid, or Dunklin county. The department can contract with the Missouri Foundation for Health to implement the pilot programs. In its main provisions, the bill:

(1) Specifies that the programs must be open to uninsured men or men who have a gross income of up to 150% of the federal poverty level and who are at least 50 years of age or between 35 and 49 years of age who are at high risk for prostate cancer;

(2) Requires the programs to provide prostate cancer screening, referral and treatment services, and outreach and education activities;

(3) Requires, upon appropriation, the department to distribute grants to local health departments and federally qualified health centers for the administration of the programs; and

(4) Requires the department to report to the Governor and General Assembly three years after the initial grants were first administered regarding the number of individuals screened and

treated under the programs, including racial and ethnic data, and any cost savings as a result of the early detection of prostate cancer.

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

HB 675 -- COUNTY CORONER TRAINING

This bill requires every elected or appointed county coroner, deputy coroner, and assistant to the coroner to complete the annually required educational training within six months of his or her election or appointment.

SCS HB 737 -- ASSESSMENT OF LEVY OF PROPERTY TAXES

This bill allows any political subdivision that approved a tax increase after August 27, 2008, to levy a rate to collect substantially the same amount of tax revenue as would have been collected by applying the voter-approved increased tax rate ceiling to the total assessed valuation of the political subdivision on or before the election date, increased by the percentage increase in the federal Consumer Price Index. The rate, however, cannot exceed the greater of the most recent voter-approved rate or the most recent voter-approved adjusted rate.

The bill changes the laws regarding renewable energy in enhanced enterprise zones and the taxation of hydroelectric power generating equipment. The bill:

(1) Allows a renewable energy generation zone to be designated as an enhanced enterprise zone if the zone is found to be blighted and contains land, improvements, or a lock and dam site which is not being used or is being underutilized for the production of electrical energy from a renewable energy resource;

(2) Specifies that improvements made to real property which are locally assessed and in a renewable energy generation zone designated as an enhanced enterprise zone may, upon approval of the governing authority, be exempt from assessment and payment of ad valorem taxes of one or more affected political subdivisions; and

(3) Revises the definition of "real property" as it relates to property taxation to include hydroelectric power generating equipment.

HB 749 -- CHILD ABUSE PREVENTION

This bill designates April as "Child Abuse Prevention Month" to be observed with activities that increase awareness of the issue and the prevention methods available to reduce child abuse incidents.

The bill also designates the "blue ribbon" as the official state symbol for child abuse prevention.

HB 795 -- MISSOURI SCHOOL READ-IN DAY

This bill designates the second Friday in March as "Missouri School Read-In Day." The day is to be appropriately observed with activities that promote an increased awareness of the importance and benefits of reading and that encourage greater emphasis on reading in the school and in the home.

SCS HB 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 -- HIGHWAY AND BRIDGE DESIGNATIONS

This bill renames the Heroes Way Interstate Interchange Designation Program as the Heroes Way Interchange Designation Program and expands the program to include state-numbered highway interchanges.

The bill also designates the following memorial highways and bridges:

(1) The portion of State Highway 8 in St. Francois County from the intersection of State Route M east to the intersection of Main Street in the City of Leadwood as the "Ferlin Huskey Highway";

(2) The portion of Interstate 44 in the City of St. Louis from the intersection of Vandeventer Avenue east to the intersection of Mississippi Avenue as the "Officer David Haynes Memorial Highway";

(3) The portion of U. S. Highway 67 in Butler County from County Road 422 to the U. S. Highway 60 East/67 South Bypass as the

"Missouri State Highway Patrol Sergeant David May Memorial Highway";

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

(5) The bridge carrying Theiss Road over Interstate 270 in St. Louis County as the "Glennon T. Moran Memorial Bridge";

(6) The bridge carrying State Route E over State Highway 60 in Wright County as the "Pvt Ova A. Kelley Medal of Honor Memorial Bridge"; and

(7) The portion of State Highway 25 from U. S. Highway 412 to State Route U/State Route Z in the counties of Dunklin and Stoddard as the "Representative Otto Bean Memorial Highway."

SCS HB 1008 -- HIGHWAY INFRASTRUCTURE IMPROVEMENT AGREEMENTS

This bill allows the Highways and Transportation Commission within the Department of Transportation to enter into a binding highway infrastructure improvement agreement to reimburse or repay any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. An agreement may provide for the assignment of the commission's reimbursement or repayment obligations.

The commission may condition the reimbursement or repayment upon projected highway revenues only if terms of the contract explicitly state such a condition. The contract must further provide for a date or dates certain for repayment of funds, and the commission may delay repayment if highway revenues fall below the projections used to determine the repayment schedule or if repayment would jeopardize the receipt of federal highway funds if these conditions are included in the terms of the contract.

HJR 2 -- RELIGIOUS FREEDOM IN PUBLIC PLACES

Upon voter approval, this proposed constitutional amendment guarantees a citizen's right to pray and worship in all private and public areas including schools as long as the activities are

voluntary and subject to the same rules and regulations that apply to all other types of speech.

A citizen's right to choose any religion or no religion at all is reaffirmed by prohibiting the state or any of its political subdivisions from establishing an official state religion and from coercing any person to participate in any prayer or other religious activity.

The resolution also reaffirms the right of employees and elected officials of the State of Missouri to pray on government premises and public property and ensures the General Assembly and the governing bodies of political subdivisions the right to have ministers, clergy persons, and other individuals offer prayers or invocations at meetings or sessions of the General Assembly or governing bodies.

Students are allowed to express their religious beliefs in assignments free from discrimination and cannot be compelled to participate in assignments or presentations that violate their beliefs. Public schools receiving state funds are required to display the text of the Bill of Rights of the Constitution of the United States in a conspicuous and legible manner.

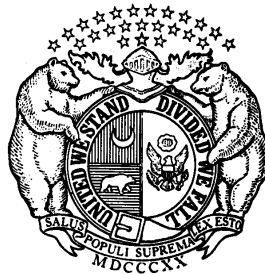
The resolution does not expand the religious rights of prisoners beyond those guaranteed by federal laws.

**TRULY AGREED
TO
AND FINALLY
PASSED**

SENATE BILLS

**FIRST REGULAR SESSION
96th GENERAL ASSEMBLY**

2011



**Prepared by
House Research Staff**

HCS#2 SB 3 -- ELECTIONS

This bill changes the laws regarding elections. In its main provisions, the bill:

(1) Requires each local election authority to establish one advance voting center in each county in the state or at least one center for every 100,000 persons. Centers will be reasonably distributed in large counties which require more than one voting center. Any registered voter may vote by advance ballot in person at any election for a federal or statewide office. Advance voting will begin on the third Saturday prior to the election until the Tuesday immediately preceding the election, excluding Sundays, using absentee ballots and those procedures. Advance voting centers will be open from 8:00 a.m. to 5:00 p.m. on weekdays and for a four-hour period between 8:00 a.m. and 4:00 p.m. on Saturdays. All current procedures for casting and counting absentee ballots and the appointment of election judges and polling places will apply to advance voting. The counting of votes may be done by automatic tabulating or electronic data processing equipment. The Secretary of State and each local election authority must provide adequate public notice of the advance voting centers and voting times including, but not limited to, a posting at each local election authority's respective office and on the web site of each authority that maintains a web site. All costs associated with advance voting centers must be reimbursed by the state. If there is no appropriation and distribution of funds, an election authority must not conduct advance voting;

(2) Specifies that a person seeking to vote in a public election must establish his or her qualifications as a United States citizen lawfully residing in this state by presenting one of the specified forms of personal identification which contains his or her photograph to election officials. All costs incurred by an election authority to implement the photo identification requirement must be reimbursed by the state. If there is no appropriation and distribution of funds, the election authority must not enforce the photo identification requirement;

(3) Allows an individual to vote by casting a provisional ballot after signing an affidavit if he or she does not possess a required form of personal identification because of the inability to pay for a birth certificate or other documentation necessary to obtain the identification required to vote;

(4) Allows an individual to vote using a provisional ballot if he or she lacks photographic identification and then return to the

election authority within three days with a valid form of identification so that the provisional ballot may be counted;

(5) Requires the state and all fee offices to provide at no cost at least one form of personal identification required to vote to a qualified individual who does not already possess the required identification and desires the identification in order to vote; and

(6) Removes the provision requiring a disabled or elderly person to be able to obtain a nondriver's license photo identification through a mobile processing system operated by the Department of Revenue.

The provisions of the bill are nonseverable; and if any provision is found to be invalid for any reason, the remaining provisions will be invalid. The bill will become effective only upon voter approval of a constitutional amendment that authorizes the General Assembly to enact laws requiring the photo identification and advance voting requirements for elections.

SCS SB 19 -- CORPORATE FRANCHISE TAX

Beginning January 1, 2012, this bill reduces over a five-year period, the annual corporate franchise tax rate from one-thirty-seventh of 1% until no tax is imposed beginning January 1, 2016. The annual tax liability of a corporation for corporate franchise tax for 2011 through 2015 is limited to the amount of the corporation's tax liability for tax year 2010. If a corporation did not have a corporate franchise tax liability in 2010 because the corporation was not doing business within the state or did not exist, the corporation's annual franchise tax liability cannot exceed the amount of the corporation's franchise tax liability for its first full taxable year of existence.

SB 36 -- LEAVE OF ABSENCE FOR CERTAIN CIVIL AIR PATROL MEMBERS

This bill requires any employee of an employer with 50 or more workers who is or may become a member of the civil air patrol and has met certain qualifications or certification to be granted a leave of absence to perform civil air patrol emergency service duty or counter narcotics missions. The employee will not lose time, regular leave, or any other rights or benefits as a result of this leave of absence. The leave cannot be for more than 15 working days in any calendar year, except for when responding to a

state or nationally declared emergency in Missouri. The employer cannot be required to pay a salary to the employee during this leave of absence and has the right to request that the employee be exempted from responding to a specific mission which must be honored by the Missouri Wing Commander of the Missouri Civil Air Patrol.

The bill contains an emergency clause.

SB 38 -- PROSTATE CANCER PILOT PROGRAMS

Subject to securing funding from a non-profit entity, this bill establishes two prostate cancer pilot programs within the Department of Health and Senior Services to fund prostate cancer screening and treatment services and to provide education to men residing in the state. One program must be located in St. Louis City and one in Pemiscot, New Madrid, or Dunklin county. The department can contract with the Missouri Foundation for Health to implement the pilot programs. In its main provisions, the bill:

- (1) Specifies that the programs must be open to uninsured men or men who have a gross income of up to 150% of the federal poverty level and who are at least 50 years of age or between 35 and 49 years of age who are at high risk for prostate cancer;
- (2) Requires the programs to provide prostate cancer screening, referral and treatment services, and outreach and education activities;
- (3) Requires, upon appropriation, the department to distribute grants to local health departments and federally qualified health centers for the administration of the programs; and
- (4) Requires the department to report to the Governor and General Assembly three years after the initial grants were first administered regarding the number of individuals screened and treated under the programs, including racial and ethnic data, and any cost savings as a result of the early detection of prostate cancer.

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

CCS HCS SB 48 -- UTILITIES

This bill changes the laws regarding utilities. In its main provisions, the bill:

(1) Removes the certified mail requirement for the notice regarding the nonpayment of sewer service charges. Currently, any municipality, sewer corporation, or sewer district that contracts with a water company to terminate water service to customer premises for nonpayment of sewer bills is required to send the notice of termination of water service by certified mail (Sections 250.236 and 393.015);

(2) Changes the appellate procedures for an issue initially decided by the Missouri Public Service Commission by:

(a) Requiring the commission in any proceeding resulting in the establishment of new rates for a public utility to cause to be prepared and approve, after allowing the parties a reasonable opportunity to provide written input, a detailed reconciliation containing the dollar value and rate or charge impact of each contested issue decided by the commission;

(b) Allowing a notice of a commission order affecting a person or corporation to be provided by electronic service in addition to the current options of certified mail or prepaid mail to the individuals or, in the case of a corporation, to any officer or agent upon whom a summon may be served in accordance with provisions of the code of civil procedure;

(c) Specifying that an appellant may file a notice of appeal with the commission and the appropriate appellate court within 30 days after a request for a rehearing is denied or a final decision on rehearing is made for a commission order or decision issued on or after the effective date of these provisions. Currently, the appellant may apply to the appropriate circuit court within 30 days after the rehearing is denied or the final decision on the rehearing is made;

(d) Requiring the commission to certify its record in the case to the court of appeals within 30 days of the filing of the notice of appeal;

(e) Specifying that the commission and any party to a commission action or proceeding must have the right to intervene and submit briefs in the review proceedings to the court of appeals in accordance with the briefing schedule established by the court;

(f) Requiring the court of appeals, upon the submission of a case, to render its opinion affirming or setting aside in whole or in part the order or decision of the commission under review;

(g) Allowing an appellate court to stay or suspend the operation of a commission order or decision that does not involve the establishment of new rates and charges for a public utility if it determines that great or irreparable damage would otherwise result to the appellant. Stays will not be issued for orders or rules involving new rates or charges for public utilities that are not classified as price-cap or competitive companies, however, temporary rate adjustments may be allowed. An appellate court may require the commission to provide temporary rate adjustments in a case where the court determines that a commission order or decision was unlawful or unreasonably decided. The requirements for calculating a temporary rate adjustment based on the type of deviation from lawful or reasonable rates are specified in the substitute;

(i) Specifying that no action affecting the public utility's collection of rates and charges can be taken in a case where the appellate court cannot make a determination because the commission failed to include adequate findings of fact to support the commission's decision and requiring the commission to provide adequate findings of fact to support its decision or order within 90 days of receiving a court-issued mandate; and

(j) Allowing the commission and any party that is aggrieved by the opinion of an appellate court to seek a rehearing or transfer to the Missouri Supreme Court under rules established by the court and removing the provision which requires a \$500 bond be filed within 10 days after a judgment has been entered in a circuit court in order to file an appeal with the Missouri Supreme Court or a court of appeals (Sections 386.420, 386.490, and 386.510 - 386.540);

(3) Prohibits any public utility regulated under Chapter 393 from requiring a deposit or guarantee as a condition of continued residential service to any existing customer who has been delinquent in paying his or her utility bill at least five times in 12 consecutive months if certain specified conditions exist. These provisions do not apply to a customer who owes more than \$300 or who has a previously established payment plan with the utility (Section 393.152); and

(4) Allows a designated renewable energy generation zone to be designated as an enhanced enterprise zone for tax purposes. Local authorities may exempt improvements to real property in these zones from property taxes for up to 25 years. Tax credits cannot be issued for facilities that produce renewable energy. Certain hydroelectric power generating equipment is classified as real property for tax purposes (Section 620.2300).

The bill contains an emergency clause for the provisions regarding the appellate procedures for an issue initially decided by the Missouri Public Service Commission.

SCS SB 54 -- PROTECTING CHILDREN FROM SEXUAL OFFENDERS

This bill changes the laws regarding the protection of children from sexual offenders. In its main provisions, the bill:

(1) Authorizes the Office of Child Advocate within the Office of Administration to file any findings or reports regarding the parent or child with the court, issue recommendations regarding the disposition of an investigation which may be provided to the court and the investigating agency, and mediate between an alleged victim of sexual misconduct and a school district (Section 37.710, RSMo);

(2) Specifies that certain provisions regarding the protection of children from sexual offenders will be known as the Amy Hestir Student Protection Act (Section 160.085);

(3) Requires a school employee who is a mandated reporter and the superintendent of the school district to forward any allegation by a student of sexual misconduct by a teacher or other school employee to the Children's Division within the Department of Social Services within 24 hours of receiving the information in order for the division to investigate the report. The school district must not conduct an investigation for the purpose of determining whether the allegation should be substantiated, but it may investigate the allegation for the purpose of making a decision regarding the accused employee's employment. The investigating officer must review the report using a preponderance of evidence standard to substantiate that abuse occurred (Section 160.261);

(4) Authorizes the Office of Child Advocate to coordinate mediation efforts between a school district and a student when requested by both parties for a child abuse allegation arising in a school setting. The mediator cannot be a mandated reporter of child abuse. No student, parent, school employee, or district can be required to participate in mediation. If the district, student, or the student's parent does not wish to enter into mediation, mediation cannot occur. The requirements of the mediation procedure are specified in the bill (Section 160.262);

(5) Establishes Erin's Law which creates the Task Force on the Prevention of Sexual Abuse of Children consisting of 18 members including one member appointed by the President Pro Tem of the Senate, one member by the Minority Leader of the Senate, one member by the Speaker of the House of Representatives, and one member by the Minority Leader of the House of Representatives. The task force must make recommendations for reducing child sexual abuse in Missouri; must submit a final report to the Governor, General Assembly, and the State Board of Education within the Department of Elementary and Secondary Education by January 1, 2013; and may adopt and implement a policy addressing sexual abuse of children (Sections 160.2100 and 160.2110);

(6) Prohibits a registered sexual offender or a person required to be registered as a sexual offender from being a candidate for any school board (Section 162.014);

(7) Requires, by July 1, 2012, every school district to adopt a written policy on information that the district provides about a former employee to another public school. A district employee who is permitted to respond to a request for information regarding a former employee, communicates only the information that the policy directs, and acts in good faith without malice will be immune from any civil action for damages brought by the former employee arising from the communication of the information. If an action is brought against the employee, he or she may request the Attorney General to defend him or her in the suit, except as specified in the bill. If a district had an employee whose job involved contact with children and the district received an allegation of the employee's sexual misconduct or the substantiation of an allegation by the Child Abuse and Neglect Review Board and the district dismisses or allows the employee to resign in lieu of being fired and fails to disclose the allegation when furnishing a reference for the former employee when responding to a potential employer's request for information, the district will be liable for damages to any student of a subsequently employing district who is found by a court of competent jurisdiction to be a victim of the former employee's sexual misconduct and will bear third-party liability for any legal liability and expenses incurred by the employing district caused by the failure to disclose the information. A district must immediately suspend an employee who has been investigated by the division and for whom there has been a substantiated finding of sexual misconduct with a student. The district may return the person to employment if the review board's finding that the allegation is substantiated is reversed by a court on appeal and becomes final. Nothing will preclude a district from otherwise lawfully terminating the employment of an employee about whom there has been an unsubstantiated finding from an investigation.

A district that has employed a person for whom there was a substantiated finding from a division investigation must disclose the results of the division's investigation to any other public school that contacts it for a reference (Section 162.068);

(8) Requires every school district to develop a written policy by January 1, 2012, concerning teacher-student communication and employee-student communication. Each policy must include appropriate oral and nonverbal personal communication and appropriate use of electronic media. A teacher cannot establish or use a work-related web site unless it is available to school administrators and the child's legal custodian, physical custodian, or legal guardian and cannot establish or use a nonwork-related web site that allows exclusive access with a current or former student. By July 1, 2012, each district must include in its teacher and employee training a component on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults with an emphasis on the importance of mandatory reporting of abuse. The training must also include an emphasis on the obligation of mandated reporters to report suspected abuse by other mandatory reporters and how to establish an atmosphere of trust so that students feel their school has concerned adults with whom they feel comfortable discussing matters related to abuse (Section 162.069);

(9) Requires an applicant to complete a background check as provided in Section 168.133 in order to obtain a teaching certificate (Section 168.021);

(10) Adds the crimes of sexual contact with a student while on public school property as well as sexual misconduct in the second or third degree to the offenses for which a teacher's certificate may be revoked (Section 168.071);

(11) Specifies that the criminal background check for a bus driver employed by a pupil transportation company under contract with a school district must be conducted through the State Highway Patrol's criminal record review and must conform to the requirements of the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. The district will be responsible for conducting the background check on a bus driver employed by the district (Section 168.133);

(12) Changes the number of sets of fingerprints an applicant must submit for a criminal history background check from two to one. The Department of Elementary and Secondary Education must facilitate an annual check of employed individuals with current active teaching certificates against criminal history records in

the central repository, sexual offender registry, and child abuse central registry. The department must also facilitate procedures for school districts to submit personnel information annually for persons employed by school districts who do not hold a certificate but are required to undergo the background checks. The patrol must provide ongoing electronic updates to criminal history background checks of those persons previously submitted by the department. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection for a newly hired employee at its expense (Section 168.133);

(13) Grants immunity from any civil and criminal liability under certain circumstances to any person who is not a school district employee and reports an alleged incident of child abuse to any employee of a school district unless he or she makes a false report knowing that it is false or acts in bad faith or with ill intent in making the report (Section 210.135);

(14) Requires the Children's Division to provide information about the Office of Child Advocate and the services it may provide to anyone who is not satisfied with the results of an investigation (Section 210.145);

(15) Allows the division to reopen a case for review at the request of an alleged victim, an alleged perpetrator, or the Office of Child Advocate under certain specified circumstances. An investigation cannot be reopened while a case is pending before a court or when a court has entered a final judgment after a de novo judicial review. Any person who makes a request to reopen an investigation based on facts which the person knows to be false will be guilty of a class A misdemeanor (Section 210.152);

(16) Adds the Department of Elementary and Secondary Education to the list of departments that must collaborate to compare records on child care; elder care; mental health; and personal care workers, including individuals required to undergo a background check under Section 168.133, and to the list of departments that may use registry information to carry out assigned duties (Sections 210.915 and 210.922); and

(17) Changes the statute of limitations for a prosecution for an unlawful sexual offense involving a person 18 years of age or younger so that the prosecution must be commenced within 30 years, rather than 20 years, after the victim reaches the age of 18 with the exception of certain specified crimes (Section 556.037).

The provisions of the bill regarding Erin's Law will expire January 1, 2013.

SS SB 55 -- TAX CLASSIFICATION OF SAWMILLS

This bill classifies a sawmill or planing mill defined in the United States Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421 as agricultural and horticultural property instead of commercial property for property taxation purposes.

HCS SCS SB 57 -- PUBLIC ADMINISTRATORS

This bill allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval.

The bill also specifies that risk coverages procured by certain political subdivision bodies will not be deemed to constitute a contract, purchase, or expenditure of public funds and does not require the solicitation of competitive bids.

CCS HCS SB 59 -- JUDICIAL PROCEDURES

This bill changes the laws regarding judicial procedures.

TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT (Sections 34.376, 34.378, and 34.380, RSMo)

This bill establishes the Transparency in Private Attorney Contracts Act. The bill:

(1) Prohibits the state from contracting with a private attorney for a contingency fee unless the Attorney General makes a written determination prior to the contract that the contingency fee representation is both cost effective and in the public interest;

(2) Requires the Attorney General if the determination to contract with a private attorney is made to request written proposals from private attorneys to represent the state unless the Attorney General determines and puts in writing that requesting proposals is not feasible under the circumstances;

(3) Requires the Attorney General to select the lowest and best bid or to request the Office of Administration to establish an independent panel to evaluate the proposals and choose the lowest and best bid;

(4) Requires the government attorney to retain complete control over the course and conduct of the case and the contracted attorney in any contingency fee contract and requires the Attorney General to include provisions in the contract detailing the expectations of both the contracted attorney and the state;

(5) Requires a copy of any contingency fee contract, the Attorney General's written determination, and payments of contingency fees to be posted on the Attorney General's web site;

(6) Requires a private attorney under contract with the state on a contingency fee basis to maintain detailed records of his or her services, expenses, and fees, including time records in increments of no greater than 1/10 of an hour for at least four years after the expiration or the termination of the contract. Any request under the Open Meetings and Records Law, commonly known as the Sunshine Law for inspection and copying of records must be served upon and responded to by the Attorney General's office; and

(7) Requires the Attorney General to annually submit a report by February 1 to the President Pro Tem of the Senate and the Speaker of the House of Representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year and specifies the information which must be included in the report.

FIDUCIARIES (Sections 404.710, 456.3-301, 456.4-419, 456.5-505, 456.5-508, 456.8-813, 469.411, 469.437, and 469.459)

The bill:

(1) Allows an attorney authorized in a power of attorney to make or prohibit an anatomical gift of all or part of the principal's body or to exercise the right to bury the principal's body;

(2) Specifies that consent to represent and bind another person is binding on the person represented regardless of whether the

person represented objects if the person who may represent and bind is:

(a) The holder of a testamentary power of appointment and the interests of the person represented are subject to the power;

(b) The conservator, conservator ad litem, or guardian and the person represented is disabled; or

(c) A parent and the person represented is a minor or unborn child of the parent;

(3) Changes the laws regarding the Missouri Uniform Trust Code by:

(a) Allowing certain trustees to move trust assets from a first trust to a second trust if the trustee of the first trust determines that moving the trust assets to the second trust is necessary or desirable after considering the terms and purposes of the first and second trusts and the consequences of the move;

(b) Specifying that a second trust can only have beneficiaries who were eligible to receive income or principal under the first trust or may in the future receive income or principal from the first trust;

(c) Prohibiting a trustee from moving trust assets to a second trust if the trustee is a beneficiary of the first trust or if a beneficiary can remove and replace the trustee of the first trust with a person who is related to that beneficiary;

(d) Prohibiting a trustee from moving trust assets to a second trust if it would increase the distributions to the trustee or to a beneficiary who could replace the trustee or if it would remove restrictions that were in the document creating the first trust;

(e) Specifying that moving trust assets cannot reduce any income interest of an income beneficiary of a trust for which a marital deduction has been taken for federal or state tax purposes, a charitable remainder trust, a grantor retained annuity trust, or a Subchapter S trust or an electing small business trust;

(f) Specifying that a spendthrift clause or a provision in the first trust prohibiting amendment or revocation of the first trust cannot prevent the trustee from moving trust assets from the first trust to the second trust;

(g) Requiring the trustee of the first trust to notify the permissible distributees or the qualified beneficiaries of the

second trust at least 60 days prior to making a discretionary distribution;

(h) Specifying that a trustee does not have a duty to move trust assets from a second trust;

(i) Specifying that a creditor of a person who creates a trust may not reach that person's interest in the trust regardless of whether the person retains the ability to dispose of his or her interest through a testamentary power of appointment;

(j) Prohibiting a creditor of certain beneficiaries of a trust from attaching trust property or beneficial interest, obtaining a court order forcing a judicial sale, compelling the exercise of the power, or reaching the trust property or beneficial interests by any other means to satisfy the beneficiary's debts; and

(k) Changing the number of days, from 60 to 120, in which a trustee must notify the qualified beneficiaries of the trust's existence; the identity of the settlor or settlors; the right to request a copy of the trust instrument; the right to a trustee's report; the acceptance of the trusteeship; and the trustee's name, address, and telephone number; and

(4) Changes the calculation of the unitrust amount under the provisions of the Uniform Principal and Income Act by requiring the unitrust amount of a trust determined for each accounting year to be a percentage between 3% and 5% of the average net fair market value of the trust and specifies certain income sources from which the unitrust amount must be paid. If a trust contains an election to qualify for a marital deduction, upon the request of a surviving spouse, the trustee must demand that the person administering the plan distribute the plan income to the trust, allocate a payment from the plan to income, and distribute that amount to the surviving spouse.

GUARDIANSHIP OF AN INCAPACITATED PERSON (Sections 475.060 and 475.061)

The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

TRANSFER REQUESTS OF COURT CASES BY PUBLIC ADMINISTRATORS (Section 475.115)

A public administrator is allowed to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the

requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator's conservatorship must be filed in the original county within 30 days of the court's transfer and forwarded to the receiving county upon audit and approval.

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (Sections 475.501 - 475.555)

The bill authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

- (1) Allows a court to treat a foreign country as if it were a state for the purpose of the act;
- (2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;
- (3) Allows a court to request an out-of-state court to:
 - (a) Hold an evidentiary hearing;
 - (b) Order an individual to produce evidence or give testimony;
 - (c) Order that an evaluation or assessment be made of a respondent;
 - (d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;
 - (e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding any evidence otherwise produced and any evaluation or assessment prepared in compliance with a court order;
 - (f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and
 - (g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;

- (4) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable;
- (5) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;
- (6) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;
- (7) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;
- (8) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;
- (9) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;
- (10) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;
- (11) Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;
- (12) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letters of office and of any bond; and
- (13) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.

SMALL CLAIMS COURT ACTIONS (Sections 482.305 and 482.315)

The bill increases the amount in controversy from less than \$3,000 to less than \$5,000 for a case where the judge of a small claims court will have original jurisdiction.

QUALIFIED SPOUSAL TRUSTS (Section 1)

The bill establishes provisions regarding a qualified spousal trust by:

(1) Specifying that a "qualified spousal trust" is a trust where the settlors of which are husband and wife at the time of the creation of the trust and the terms of the trust provide that during the joint lives of the settlors all property or interests in property are:

(a) Held for the benefit of both settlors and revocable by either or both settlors and having the right to receive income distributions from the entire trust for each individual settlor's life; or

(b) Held in two separate shares of one trust for the benefit of each settlor and revocable by each settlor with respect to each settlor's separate share without consent of the other settlor and each having the right to receive income distributions from the settlor's separate share for the individual settlor's life;

(2) Specifying that property transferred to a qualified spousal trust will have the same immunity from individual creditors as would have existed if the settlors continued to hold the property as husband and wife as tenants by the entirety as long as both settlors are alive and remain married and the property, proceeds, or income continues to be held in trust by the trustee of the qualified spousal trust;

(3) Specifying that the right of a claimant to any property placed in a qualified spousal trust that was not held as tenants by the entirety will not be affected by these provisions;

(4) Specifying that upon the death of each settlor, the current terms of the governing instrument of the trust will control the distribution of trust property or interests;

(5) Specifying that a transfer of spousal property by a husband and wife as settlors to a qualified spousal trust will not affect or change either settlor's marital property rights to the transferred property or interest immediately prior to the transfer in the event of a dissolution of marriage of the spouses

unless both spouses agree in writing; and

(6) Specifying that these provisions will apply to all trusts that fulfill the requirements of these provisions regardless of whether the trust was created before or after August 28, 2011.

HCS SS#2 SCS SB 62 -- HEALTH CARE PROVIDERS

This bill changes the laws regarding health care providers.

FEDERAL REIMBURSEMENT ALLOWANCES (Sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo)

The bill extends the provisions regarding the expiration date of various federal reimbursement allowances from September 30, 2011, to September 30, 2015, including:

- (1) The ground ambulance service reimbursement allowance in Sections 190.800 - 190.839;
- (2) The nursing facility reimbursement allowance in Sections 198.401 - 198.436;
- (3) The Missouri Medicaid Program's managed care organization reimbursement allowance in Sections 208.431 - 208.437;
- (4) The hospital reimbursement allowance in Sections 208.453 - 208.480;
- (5) The pharmacy tax reimbursement allowance in Sections 338.500 - 338.550; and
- (6) The assessment on intermediate care facilities for the mentally retarded in Section 633.401.

MEDICAL RECORDS FEES (Section 191.227)

Currently, a health care provider can charge a fee of not more than \$17.05 for copying medical records plus 40 cents per page for supplies and labor to a patient. The bill increases the fee to \$21.36 plus 50 cents per page for supplies and labor adjusted annually for inflation. A health care provider will also be allowed to include in the fee charged to a patient for a copy of his or her medical records a retrieval or handling fee, not to exceed \$20, charged by an outsourced records storage service with which the provider has contracted for off-site records storage and management. If a health care provider stores records in an

electronic or digital format and provides the records, if requested, in an electronic or digital format, the maximum copying amount cannot exceed \$5 plus 50 cents per page or \$25, whichever is less.

HEALTH CARE TRANSPARENCY

Beginning January 1, 2014, health insurance carriers must allow a policyholder, upon request, to obtain specific cost-sharing information for health services or items within the policyholder's health benefit plan. This provision does not apply to certain supplemental policies.

Beginning August 28, 2011, any health care benefit proposed by the General Assembly will be subject to an actuarial review by the Oversight Division of the Joint Committee on Legislative Research to determine the cost impact on private and public payers. The division must make a recommendation to the General Assembly on the enactment on the health care benefit mandate proposed. These provisions will become effective January 1, 2014.

The bill contains a nonseverability clause.

SS SCS SB 65 -- LATE-TERM ABORTIONS

This bill revises the definition of "abortion" to include using or prescribing any medicine, instrument, or device with the intent to destroy the life of an unborn child and terminating a pregnancy with an intent other than to increase the probability of a live birth or to remove a dead or dying unborn child. No abortion of a viable unborn child can be performed or induced except in the case of a medical emergency where the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, illness, or injury or when the continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Except in the case of a medical emergency, a physician must, prior to performing or inducing an abortion, determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards.

If a physician determines that the gestational age of the unborn child is 20 weeks or more, he or she must, prior to performing or inducing an abortion, determine if the unborn child is viable by performing medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the

unborn child and enter that information in the woman's medical record. If a physician determines the gestational age of the unborn child is 20 weeks or more and the unborn child is not viable and an abortion is performed or induced, the physician must report these findings and determinations and the reasons for the determinations to the health care facility in which the abortion is performed and to the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. The physician must also enter the determinations in the woman's medical records and in the individual abortion report submitted to the Department of Health and Senior Services. If a physician determines that the unborn child is viable, the physician cannot perform or induce an abortion except in the case of a medical emergency as specified in the bill.

A physician must certify in writing the medical threat posed to the life of the pregnant woman or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman before the physician can proceed with performing or inducing an abortion on a woman when it has been determined that the unborn child is viable.

Before a physician may perform or induce an abortion on a woman carrying an unborn child that has been determined to be viable, he or she must:

- (1) Obtain the agreement of a second physician who has knowledge of accepted obstetrical and neonatal practices and standards and concurs that the abortion is necessary to preserve the life of the pregnant woman or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. The second physician must also report the reasons and determinations to the health care facility and the department and enter that information in the woman's medical record and the individual report to the Department of Health and Senior Services. The second physician cannot have any legal or financial affiliation or relationship with the physician performing or inducing the abortion; however, this will not apply to a physician whose affiliation or relationship is the result of being employed by or having staff privileges at the same hospital;

- (2) Use the available method or technique of abortion that is most likely to preserve the life or health of the unborn child;

- (3) Certify in writing the available methods considered and the reasons for choosing the method used; and

(4) Have in attendance at the abortion a second physician who is responsible for taking control of and providing immediate medical care for a child born as a result of the abortion.

Any person who knowingly performs or induces an abortion of an unborn child in violation of these provisions will be guilty of a class C felony and subject to imprisonment for not less than one year and a fine of between \$10,000 and \$50,000. Any physician licensed in this state who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of these provisions can have his or her license suspended or revoked by the State Board of Registration for the Healing Arts. Any licensed hospital or ambulatory surgical center that knowingly allows an abortion to be performed or induced in violation of these provisions can be subject to the suspension or revocation of its license.

SCS SB 68 -- POWERS OF THE GENERAL ASSEMBLY

This bill authorizes the issuance of a subpoena for the production of records at the request of any member of the Senate or House of Representatives, the party accused, or any member of a committee. Currently, these individuals can only make a request to subpoena a witness.

CCS SS SCS SB 70 -- MISSOURI FAMILY TRUST

This bill changes the laws regarding the Missouri Family Trust. In its main provision, the bill:

(1) Revises the provisions regarding the purpose and function of the trust;

(2) Separates the various types of accounts under the trust into trust accounts, restricted trust accounts, and the charitable trust to be maintained in trust as separate accounts. The accounts can be pooled for investment and management purposes;

(3) Requires the board of trustees of the Missouri Family Trust to act as the trustee of the trust;

(4) Allows a beneficiary with disabilities; his or her parent, grandparent, or legal guardian; or a court as settlor to contribute assets of the beneficiary in trust to the board as

trustee for the benefit of the beneficiary as part of a pooled trust. The account must be referred to as a "first-party trust account" and held and administered in trust for the benefit of the beneficiary. Upon the death of the beneficiary, the board must notify the state and any other state of which the board has knowledge that has provided federal Medicaid services to the individual that the trust has terminated. The bill specifies the procedure for the distribution of the assets, including to any state with a claim;

(5) Allows any person as settlor, except a beneficiary or a beneficiary's spouse, to contribute assets, not including assets of the beneficiary or the beneficiary's spouse, in trust to the board as trustee for the benefit of the beneficiary. A trust account to which assets are contributed that does not include assets of a beneficiary or the beneficiary's spouse must be referred to as a "third-party trust account" and held and administered in trust for the benefit of the beneficiary. Upon the death of the beneficiary, the board must determine the principal balance of the account after paying any expenses of the beneficiary and the authorized fees and expenses of the board and distribute it to the persons, entities, or organizations designated by the settlor as remainder beneficiaries;

(6) Allows the settlor or co-trustee of a revocable third-party trust account, if authorized by the settlor in the trust documents and upon written notice to the board and with the board's consent, to withdraw part of the trust account if the amount when aggregated with all withdrawals within the preceding 12 months does not reduce the remaining principal below certain established levels;

(7) Allows the settlor or co-trustee of a revocable third-party trust account, if authorized by the settlor in the trust documents and upon written notice to the board and with the board's consent, to revoke and terminate the trust account;

(8) Specifies certain guidelines by which a first-party trust account and third-party trust account must be held and administered;

(9) Requires the board of trustees to establish a charitable trust for the benefit of individuals with disabilities;

(10) Allows the board of trustees to establish and collect fees for administering trust accounts;

(11) Requires the board of trustees to establish policies and procedures for providing periodic reports to the co-trustees of each trust account;

(12) Allows a distribution to be made to the trustees of a trust account if a court finds that the distributee qualifies as a life beneficiary and it would be in the best interest of the distributee; and

(13) Repeals the provisions establishing the Missouri Family Trust Board of Trustees.

HCS SB 77 -- ROADWAY SIGNS

This bill changes the laws regarding outdoor advertising and designates memorial highways.

OUTDOOR ADVERTISING

Currently, no outdoor advertising may be erected or maintained within 660 feet of certain federal highway right-of-ways with the exception of directional and other official signs, on-premise signs, outdoor advertising signs located in certain areas zoned commercial or industrial or in unzoned commercial or industrial areas, and certain outdoor advertising for tourist-oriented businesses or scoreboards and other electronic signs. The bill adds to the types of directional signs which may be erected and maintained to include signs pertaining to a cultural, including agricultural activities or attractions; scientific; educational; or religious site.

MEMORIAL HIGHWAYS

The bill designates the following highways:

(1) The portion of U. S. Highway 160 in Greene County from the intersection of West Mount Vernon Street to one-half mile south of the intersection of West Sunshine Street as the "Rabbi Ernest I. Jacob Memorial Highway" and repeals the provision designating U. S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street as the "Rabbi Abraham Joshua Heschel Memorial Highway";

(2) The portion of Interstate 40/64 in St. Louis County from the Boone's Crossing overpass at mile marker 17.0 west to the Spirit of St. Louis Airport overpass at mile marker 13.8 as the "Missouri

State Highway Patrol Sergeant Joseph G. Schuengel Memorial Highway”;

(3) The portion of Interstate 70 from the eastern city limits of Independence west to the Kansas state line as the “Truman/Eisenhower Presidential Highway.” The designation is contingent upon the designation being made by the State of Kansas of the portion of Interstate 70 in Kansas from the Missouri state line west to Abilene, Kansas, as the “Eisenhower/Truman Presidential Highway”;

(4) The portion of State Highway 25 from U. S. Highway 412 to State Route U/State Route Z in the counties of Dunklin and Stoddard as the “Representative Otto Bean Memorial Highway”; and

(5) The portion of State Highway 30 from State Route NN north three miles to 1/10 of a mile southwest of old State Highway 30 in Jefferson County as the “SFC Wm. Brian Woods, Jr. Memorial Highway.”

CCS SCS SB 81 -- EDUCATION

This bill changes the laws regarding tax-exempt education presentations, fine arts education, and school funding.

TAX-EXEMPT EDUCATION PRESENTATIONS

The nonresident entertainer and professional athletic team income tax will not apply to a person making an educational presentation at a conference or other program that provides professional or technical education.

FINE ARTS EDUCATION

Beginning in Fiscal Year 2013, the Office of Quality Schools within the Department of Elementary and Secondary Education may ensure that each regional professional development center provide professional development educational assistance for fine arts. The emphasis for assistance may include acting as a resource for school districts; working with districts in staff development and curriculum issues related to fine arts education and integration; collaborating with regional office of professional development personnel and other regional personnel; coordinating services available from other entities involved in fine arts education and integration; assisting and supporting districts in providing fine arts education and the integration of the arts; and contributing to the development and implementation of in-service training that

responds to the needs of arts specialists and other educators regarding the needs of Missouri students in fine arts and the integration of the arts.

SCHOOL FUNDING

Currently, a school district may transfer unrestricted funds from the capital projects fund to the incidental fund when the fiscal year end balance in the combined incidental and teachers' funds would be less than 10% without the transfer. The bill specifies that if the sum of the combined balances in a school's incidental fund and teachers' fund at the fiscal year end is less than 20% of the sum of the district's expenses from those funds for the fiscal year just ended, the school district may transfer to its incidental fund an amount up to and including the amount of the unrestricted balance in its capital projects fund on June 30. Any funds originating from a general obligation bond must be considered restricted funds and cannot be transferred to the school's incidental fund.

A provision regarding an increase in state funding if summer school attendance were to decrease by 25% as compared to the daily attendance at summer school in the 2005-2006 school year is repealed.

The bill contains an emergency clause for the provisions regarding school funding.

SB 83 -- SALE OF DEFICIENCY WAIVER ADDENDUMS

This bill authorizes the sale of a deficiency waiver addendum, a guaranteed asset protection, or a similar product as part of certain consumer loans, second mortgage loans, or retail credit sales if the product is purchased with collateral. The borrower must consent to the purchase in writing and acknowledge receipt of the required disclosures. The cost of the product must be reasonable and disclosed in the loan contract. Each deficiency waiver addendum, guaranteed asset protection, or other similar product must provide that in the event of the termination of the product prior to the scheduled maturity date of the indebtedness, any refund must be paid or credited promptly to the debtor, except a refund of less than \$1 does not need to be made. The pro rata method must be used in computing the refund.

A debtor may cancel a product within 15 days of its purchase and receive a complete refund or credit of the premium. This information must be specified in the loan contract or in a

separate written disclosure at the time the debt is incurred in 10-point type in a manner reasonably calculated to inform the debtor of this right.

HCS#2 SB 96 -- CONVEYANCES OF STATE PROPERTY

This bill authorizes the Board of Regents of Southeast Missouri State University to convey certain university property located in the City of Cape Girardeau to the Cape Area Habitat for Humanity.

The bill also authorizes the Governor to convey:

- (1) State property located in the City of Farmington in St. Francois County to St. Francois County;
- (2) State property located in the City of Farmington in St. Francois County to Habitat for Humanity of St. Francois County, Inc.;
- (3) State property located at the Algoa Correctional Center in Jefferson City in Cole County;
- (4) State property located at the Boonville Correctional Center in the City of Boonville in Cooper County;
- (5) State property located at the Western Reception and Diagnostic Correctional Center in the City of St. Joseph in Buchanan County;
- (6) State property located at the Central Missouri Correctional Center in Jefferson City in Cole County;
- (7) State property located at the Farmington Correctional Center in the City of Farmington in St. Francois County;
- (8) State property located in the City of Farmington in St. Francois County;
- (9) State property located at the Fulton Reception and Diagnostic Correctional Center in the City of Fulton in Callaway County;
- (10) State property located at the Maryville Treatment Center in the City of Maryville in Nodaway County;
- (11) State property located at the Eastern Reception Diagnostic Correctional Center in the City of Bonne Terre in St. Francois County;

- (12) State property located at the Missouri Eastern Correctional Center in the City of Pacific in St. Louis County;
- (13) State property located at the South Central Correctional Center in the City of Licking in Texas County;
- (14) State property located at the Potosi Correctional Center in the City of Potosi in Washington County;
- (15) State property located at the Chillicothe Correctional Center in the City of Chillicothe in Livingston County;
- (16) State property located at the Tipton Correctional Center in the City of Tipton in Moniteau County;
- (17) State property located at the Women's Eastern Reception and Diagnostic Correctional Center in the City of Vandalia in Audrain County;
- (18) State property located at the Moberly Correctional Center in the City of Moberly in Randolph County;
- (19) State property located at the St. Francois County Correctional Facility in the City of Farmington in St. Francois County to St. Francois County;
- (20) A permanent sidewalk easement over, on, and under state property located at the Adrians Island in Cole County to the City of Jefferson;
- (21) A permanent levee easement over, on, and under state property located at the Church Farm in Cole County to the Cole Junction Levee District;
- (22) A permanent pipeline easement over, on, and under state property located at the Moberly Correctional Center in Randolph County to the Panhandle Eastern Pipeline Company, LP;
- (23) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County to the Highways and Transportation Commission;
- (24) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County which was previously authorized by House Bill 2285 in 2010 but contained an error in the legal description;
- (25) State property located at the National Guard site in the City of Centertown in Cole County; and

(26) A permanent drainage easement over, on, and under state property at the Department of Mental Health Regional Office and the Department of Elementary and Secondary Education State School for the Severely Disabled in the City of Joplin in Jasper County.

The bill contains an emergency clause.

HCS#2 SB 97 -- CONVEYANCES OF STATE PROPERTY

This bill authorizes the Governor to convey:

- (1) State property located in the City of Farmington in St. Francois County to the City of Farmington;
- (2) State property located in the City of Farmington in St. Francois County to the Highways and Transportation Commission; and
- (3) State property located in Callaway County to the City of Fulton.

The bill also authorizes the Board of Regents of Southeast Missouri State University to convey certain university property located in the City of Cape Girardeau to the Cape Area Habitat for Humanity.

SB 101 -- RESIDENTIAL CONTRACTORS

This bill prohibits a residential contractor from advertising or promising to pay or rebate all or any portion of an insurance deductible as an inducement to the sale of goods or services including any allowance or discount against fees to be charged or the payment of any form of compensation or other item of monetary value to the insured or any person directly or indirectly associated with the property.

An insured individual under contract with a residential contractor for goods or services that are to be paid for under a property and casualty insurance policy can cancel the contract if the insurer has notified the individual in writing that all or part of the contract is not covered under the insurance policy. The individual must notify the contractor in writing to cancel the contract prior to midnight on the fifth business day after notification from the insurer. Before entering into a contract, the contractor must provide a form to any insured individual stating the required contract cancellation information.

Within 10 days of cancelling a contract, a residential contractor must return any payments or deposits made by the insured individual and any note or other evidence of indebtedness. However, the contractor is entitled to the reasonable value of emergency services provided and acknowledged in writing by the insured individual to be necessary to prevent damages to his or her premises.

A residential contractor cannot represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an individual on any insurance claim in connection with the repair or replacement of a roof system or the performance of any other exterior repair, replacement, construction, or reconstruction services.

Any violation of these provisions by a residential contractor must be considered an unlawful practice under the Merchandising Practices Act.

SCS SB 108 -- INSTALLATION OF FIRE SPRINKLERS IN CERTAIN DWELLINGS

This bill specifies that a builder of a one- or two-family dwelling or a townhouse must offer to any purchaser the option, at the purchaser's cost, to install or equip fire sprinklers in the buildings. Currently, a builder of a single-family dwelling or residence or a multi-unit dwelling of four or fewer units must offer to install or equip fire sprinklers in the dwelling.

Any political subdivision that adopts the 2009 International Residential Code for One- and Two-Family Dwellings or a subsequent edition of the code without mandated automatic fire sprinkler systems will retain the language in Section R317 of the 2006 International Residential Code for two-family dwellings and townhouses.

The bill also repeals a conflicting statute created by the passage of House Bill 103 and Senate Bill 513 in 2009 regarding the installation of fire sprinkler systems and extends the December 31, 2011 expiration date for Section 67.281, RSMo, to December 31, 2019.

SS SCS SB 113 & 95 -- DOG BREEDERS

This bill changes the laws regarding the Animal Care Facilities Act and the Puppy Mill Cruelty Prevention Act. In its main provisions, the bill:

- (1) Increases the maximum annual license fee for those licensed under the Animal Care Facilities Act from \$500 to \$2,500 and requires each licensee to pay an additional \$25 fee each year to be used by the Department of Agriculture for administering Operation Bark Alert or any successor program;
- (2) Renames the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act;
- (3) Removes the provision limiting a person from owning more than 50 female dogs for the purpose of breeding and selling any offspring as a pet;
- (4) Revises the term "adequate rest between breeding cycles" to mean, at a minimum, ensuring that a female dog is not bred to produce more litters in any given time period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;
- (5) Changes the term "necessary veterinary care" to mean at least two personal visual inspections annually by a licensed veterinarian; guidance from a licensed veterinarian on preventative care; an exercise plan approved by a licensed veterinarian; normal and prudent attention to skin, coat, and nails; prompt treatment of any illness or injury; and humane euthanasia by a licensed veterinarian when needed. If, during the course of a routine personal visual inspection, the veterinarian detects signs of disease or injury, a physical examination of any afflicted dog must be conducted by a licensed veterinarian;
- (6) Revises the term "pet" from meaning any domesticated animal to only mean dogs;
- (7) Changes the term "regular exercise" to mean the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with department regulations and where the plan gives the dog maximum opportunity for outdoor exercise as weather permits;
- (8) Revises the term "sufficient food and clean water" to require a breeder to provide each animal with a quantity of wholesome food suitable for the species and age to maintain a reasonable level of nutrition at suitable intervals of no more than 12 hours, unless the dietary requirements of the breed require a longer interval.

The breeder must also supply water continuously or at an interval suitable to the breed with no interval to exceed eight hours. The food and water must be served in safe receptacles, dishes, or containers;

(9) Changes the term "sufficient housing, including protection from the elements" to mean the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations. No dog is to remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure must be compatible, in accordance with department regulations;

(10) Changes the term "sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs" to mean appropriate space depending on the species as specified in department regulations;

(11) Removes the crime of puppy mill cruelty;

(12) Requires any person subject to the Canine Cruelty Prevention Act to maintain all veterinary records and sales records for the most recent previous two years. The records must be made available to the State Veterinarian, a state or local animal welfare official, or a law enforcement agent upon request;

(13) Removes the provision which exempts certain retail pet stores, animal shelters, hobby or show breeders, and dog trainers from the provisions of the Canine Cruelty Prevention Act;

(14) Specifies that nothing in the Canine Cruelty Prevention Act can be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs with the intention to use the dogs for hunting or other sporting purposes;

(15) Specifies that when the State Veterinarian or a state animal welfare official finds that past violations of the Animal Care Facilities Act have occurred and have not been corrected or addressed, the department director may request the Attorney General or the county prosecuting attorney or circuit attorney to bring an action for a temporary restraining order, preliminary or permanent injunction, or a remedial order to correct the violation and the court may assess a civil penalty of up to \$1,000 for each violation;

(16) Specifies that a person commits the crime of canine cruelty, a class C misdemeanor, if he or she repeatedly violates the Animal

Care Facilities Act so as to pose a substantial risk to the health and welfare of the animals in his or her custody or if he or she knowingly violates an agreed-to remedial order involving the safety and welfare of animals under these provisions. If the person has previously pled guilty to, nolo contendere to, or been found guilty of a violation of the Animal Care Facilities Act, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney or circuit attorney may bring an action in the circuit court in the county where the crime occurred for criminal punishment; and

(17) Specifies that any breeder licensed under the Animal Care Facilities Act who houses animals in stacked cages without an impervious barrier between the levels of the cages, except when cleaning the cages, will be guilty of a class A misdemeanor.

CCS HCS#2 SCS SB 117 -- TAXES IMPOSED BY POLITICAL SUBDIVISIONS

This bill changes the laws regarding taxes imposed by political subdivisions. In its main provisions, the bill:

(1) Adds the construction and operation of job training and educational facilities to the list of allowed projects that can be funded with the revenue generated by a retail sales tax for economic development purposes under Section 67.1303, RSMo;

(2) Authorizes the City of Excelsior Springs by order or ordinance to impose, upon voter approval, a retail sales tax of up to 1% for the purpose of funding the construction, maintenance, operation, and equipping of a community center and for retiring any bonds issued for those purposes;

(3) Authorizes the City of St. Joseph to impose, upon voter approval, a retail sales tax of up to 0.5% for the operation of public safety departments including compensation, pension programs, health care, and additional equipment and facilities;

(4) Specifies that in all cases where lands have been or may be sold for delinquent taxes and a certificate of purchase has been or may be issued, it is the duty of the purchaser, his or her heirs or assigns, to cause all subsequent taxes to be paid on the property purchased prior to the issuance of a collector's deed. Upon the purchaser's forfeiture of all rights of the property acquired by the certificate of purchase issued and including the nonpayment of all subsequent years taxes, it is the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the county recorder of deeds;

(5) Authorizes the governing body of any hospital district in Iron County to impose, upon voter approval, a local sales tax of up to 1% in lieu of a property tax to fund the hospital district. The Department of Revenue will deposit the sales tax in the newly created Hospital District Sales Tax Fund less 1% of the amount collected which is to be deposited into the General Revenue Fund for the cost of collecting the sales tax; and

(6) Authorizes the City of Columbia, upon voter approval, to impose a retail sales tax of up to 1% for the purpose of capital improvements for public safety, including expenditures for new construction and equipment, repair and maintenance of buildings and equipment, and for financing the capital improvements. The Department of Revenue will deposit the sales tax collected in the newly created City Capital Improvements for Public Safety Sales Tax Trust Fund less 1% of the amount collected which is to be deposited into the General Revenue Fund for the cost of collection.

The bill contains an emergency clause regarding the hospital sales tax.

HCS SS SB 118 -- SPRINKLER SYSTEM REQUIREMENTS FOR LONG-TERM CARE FACILITIES

Currently, certain long-term care facilities are required to install and maintain an approved sprinkler system by December 31, 2012. This bill extends the implementation date to December 31, 2014.

HCS SS SCS SB 132 -- CERTAIN SPECIALTY LINES INSURANCE CONTRACTS

This bill changes the laws regarding specialty lines insurance contracts.

INSURANCE CLAIMS HANDLING OPERATIONS

At the time of any emergency, catastrophe, or other life or property threatening event which jeopardizes the ability of an insurer to address the financial needs of its insureds or the public, no political subdivision can impose restrictions or enforce local licensing or registration ordinances with respect to an insurer's claims handling operations; however, nothing can

prohibit the political subdivision from performing any safety inspection as authorized by local ordinance of the premises of the insurer's base of operations within the disaster area.

INSURANCE COVERAGE FOR PORTABLE ELECTRONIC DEVICES

Beginning January 1, 2012, a portable electronics transaction vendor must obtain a license from the Department of Insurance, Financial Institutions and Professional Registration in order for an employee to be authorized to sell or offer portable electronics insurance at each location at which the vendor engages in a transaction. The cost of the license cannot exceed \$1,000, and the annual renewal fee cannot exceed \$500. The fees are to be deposited into the Insurance Dedicated Fund.

A vendor is required to have available at each of its locations specific brochures and actual policies or certificates of coverage available to prospective customers which disclose information about portable electronics insurance benefits, duplication of coverage, filing of a claim, and policy cancellation. Portable electronics insurance will be deemed the primary coverage over any other collateral coverage.

Eligibility and underwriting standards for a customer electing to enroll in coverage must be established for each portable electronics insurance program. Each insurer must maintain all eligibility and underwriting records for five years and designate a business entity to supervise its program. The supervising entity will be responsible for the development of a training program for the employees and authorized representatives of a vendor. Insurers and applicable supervising business entities offering portable electronics insurance must share all complaint, grievance, and inquiries regarding any conduct that is specific to a vendor and that may not comply with applicable state laws and regulations. A supervising entity must maintain a registry of authorized vendor locations; and upon request of the department director and within 10 days' notice to the supervising entity, the registry must be open to inspection and examination. Within 30 days of a supervising entity terminating a vendor location's appointment to sell or solicit the insurance, the entity must update the registry with the effective date of termination.

A vendor can bill and collect any charge that is not included with the purchase or lease of portable electronics or related services if the fee is listed separately on the customer's bill. A vendor must clearly and conspicuously disclose to the customer if the

cost of the portable electronics insurance is included in the purchase price of the electronic device or related services.

A licensed vendor will be subject to specified provisions of law under the Insurance Producers Act and to the investigation and examination by the department. The department can suspend, revoke, refuse to issue, or refuse to renew a license of an insurer or a vendor for specified reasons and can impose penalties, issue an administrative order, or maintain a civil action against the vendor.

An insurer may terminate or change the terms and conditions of a policy if he or she gives at least 30 days' notice to the policyholder and enrolled customers. An insurer can terminate a policyholder's coverage upon 15 days' notice for the discovery of fraud or non-payment or inactivity of service or if he or she exceeds coverage limits.

INSURANCE COMPANY RETALIATORY TAXES

The bill changes the laws regarding retaliatory taxes on Missouri insurance companies or carriers. An insurance company claiming a state premium tax credit or deduction cannot be required to pay any additional retaliatory tax levied pursuant to Section 375.916, RSMo, as a result of claiming the credit or deduction. Effective January 1, 2012, operating assessments based upon workers' compensation paid losses that are imposed on an insurance company by the laws of its state or foreign country of domicile cannot be considered any premium or income or other taxes or any fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions if, with respect to the tax year in question, the insurance company has its principal place of business within this state and receives more than \$3 million of direct insurance premiums from business done in this state.

REGULATION OF SURPLUS LINES INSURANCE

The bill changes the laws regarding the regulation of surplus lines insurance to comply with the federal Nonadmitted and Reinsurance Reform Act of 2010 (NRRRA) to bring about uniformity in the licensing of surplus lines insurance professionals, the standards under which surplus lines insurance may be sold, and the taxes that can be collected from the sale of surplus lines insurance. The bill:

(1) Specifies that surplus lines insurance may be placed by a surplus lines licensee if the insurer is authorized to write that type of insurance in its domiciliary jurisdiction;

(2) Changes the requirements and qualifications for a nonadmitted insurer to furnish coverage. A surplus lines licensee must not place coverage with a nonadmitted insurer unless the licensee determines that the nonadmitted insurer:

(a) Meets the capital and surplus requirements of Missouri or \$15 million. The Director of the Department of Insurance, Financial Institutions and Professional Registration may waive the financial requirements if the nonadmitted insurer's capital and surplus is at least \$4.5 million and upon an affirmative finding of acceptability by the department director; and

(b) Appears on the most recent list of eligible surplus lines insurers published by the department director or on the most recent quarterly listing of alien insurers maintained by the international insurers department of the National Association of Insurance Commissioners (NAIC);

(3) Specifies that a surplus lines licensee seeking to procure or place nonadmitted insurance in Missouri for an exempt commercial purchaser cannot be required to satisfy any requirement to make a due diligence search to determine whether the full amount or type of insurance sought by the exempt commercial purchaser can be obtained from nonadmitted insurers if:

(a) The surplus lines licensee procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that the insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(b) The exempt commercial purchaser has subsequently requested in writing the surplus lines licensee to procure or place the insurance from a nonadmitted insurer;

(4) Changes the licensing requirements for an insurance producer in the surplus lines insurance market. Beginning on or before July 1, 2012, the department director must participate in the national insurance producer database of the NAIC or any other equivalent uniform national database for the licensure of surplus lines licensees and the renewal of licenses. A person selling, soliciting, or negotiating nonadmitted insurance with respect to an insured must be required to obtain or possess a current surplus

lines insurance license issued by the department director only if this state is the insured's home state;

(5) Requires every insured or self-insurer whose home state is Missouri who procures or causes to be procured or continues or renews any surplus lines insurance, other than through a surplus lines broker, to file a report before March 2 with the department director containing the names and addresses of the insureds, the subject of the insurance, and other specified information. Currently, this is required for every insured in this state;

(6) Specifies that only the home state of the insured will have the authority to tax and regulate the placement of these policies, regardless of where risks or portions of the risk are located;

(7) Imposes a 5% tax on the entire gross premium for nonadmitted or surplus lines insurance policies for which the home state of the insured is Missouri. Currently, it is based on the net premium; and

(8) Specifies that the placement of nonadmitted insurance must be subject to the statutory and regulatory requirements of Missouri law only if this state is the insured's home state. A surplus lines broker is required to be licensed as a surplus lines licensee under the provisions of Chapter 384 only if this state is the insured's home state.

MOTOR VEHICLE EXTENDED SERVICE CONTRACTS

The bill:

(1) Specifies that it is unlawful for a motor vehicle extended service contract provider to fail to deliver a fully executed contract to the consumer within a commercially feasible time period, but no more than 45 days, from the date the consumer's initial payment is processed. It will be unlawful for any provider, administrator, or contract producer selling a contract to fail to deliver, upon request, an unsigned copy of the contract to the consumer prior to the time the consumer's initial payment is processed. A seller may comply with this provision by directing the consumer to a web site containing an unsigned copy of the service contract. Anyone who violates these provisions will be guilty of a level two violation under the provisions regarding insurance regulation;

(2) Revises the provisions regarding who can sell these contracts by specifying that any licensed motor vehicle dealer offering the

contract in connection with the sale of a motor vehicle or vehicle maintenance or repair services; a manufacturer of motor vehicles; a federally insured depository institution; a lender licensed under Section 367.100 - 367.215; a provider along with its subsidiaries and affiliated entities registered with the Director of the Department of Insurance, Financial Institutions and Professional Registration who has demonstrated financial responsibility as required in Section 385.202; an authorized employee of any of the afore specified entities; a business entity producer or individual producer licensed as an insurance producer for the limited line of motor vehicle extended service contracts; an authorized employee or representative of certain administrators under contract to effect coverage, collect provider fees, and settle claims on behalf of a registered provider; or a vehicle owner transferring an existing motor vehicle extended service contract to a subsequent owner of the same vehicle is authorized to sell these contracts. The bill specifies the application and testing requirements for obtaining a limited line of motor vehicle extended service contract license;

(3) Allows a purchaser to return a contract for cancellation to the provider within 20 business days of the mailing date of the contract or the purchase date if the contract is executed and delivered at the time of sale. Currently, a contract must be returned within 20 days of the mailing or within 10 days of the date the contract is delivered. If a contract is returned within this free-look period and no claim has been made, the provider must refund to the contract holder the full purchase price. If a claim has been made, the provider must refund the purchase price less any claims that have been paid. A contract must contain a statement which specifies that a contract holder may cancel a contract after the free-look period at any time, and the provider must refund 100% of the unearned pro rata provider fee, less any claims paid. A reasonable administrative fee can be charged in an amount of up to \$50. If the refund is not paid within 45 days, a 10% penalty of the outstanding amount per month must be added to the refund. Anyone violating these provisions will be guilty of a level two or three violation under Section 374.049;

(4) Requires a business entity applying for a producer license to apply to the department director and pay a fee as determined by the department director which cannot exceed \$100. An application must include the name and address of the business entity and the type of ownership. If the business is a partnership or unincorporated association, the application must contain the name and address of every person or corporation having a financial interest in or owning any part of the business entity. If the

business is a corporation, the application must include the name and address of every officer and director. If the business is a limited liability company, the application must contain the name and address of all members and officers and a list of all persons employed by the business entity to whom it pays any salary or commission for the sale, solicitation, negotiation, or procurement of any motor vehicle extended service contract;

(5) Requires an individual applying for a producer license to apply to the department director and pay a fee as determined by the department director which cannot exceed \$25;

(6) Specifies that it is unlawful for a provider, administrator, motor vehicle extended service contract producer, or any other motor vehicle extended service contract seller or solicitor to use "warranty" in its materials and to represent in any manner a false, deceptive, or misleading statement with respect to:

(a) An affiliation with a motor vehicle manufacturer or dealer;

(b) Possession of information regarding a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;

(c) The expiration date of a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty;

(d) A requirement that a motor vehicle owner register for a new service contract with the provider in order to maintain coverage under the current extended service contract or the manufacturer's original equipment warranty; or

(e) Any term or provision of an extended service contract;

(7) Specifies that it is unlawful for any person, in connection with the offer, sale, solicitation, or negotiation of an extended service contract to:

(a) Employ any deception, device, scheme, or artifice to defraud;

(b) Make or use any misrepresentation, concealment, or suppression of any material fact;

(c) Engage in any pattern or practice of making any false statement of material fact; or

(d) Engage in any act, practice, or course of business which operates as a fraud or deceit upon any person;

(8) Allows the department director to suspend, revoke, or refuse to issue or renew a registration or license to sell service contracts for specified causes. If a license is not renewed or is denied, an appeals process to the Administrative Hearing Commission is specified. The license of an extended service contract producer may be suspended, revoked, refused, or not renewed or an application can be refused if the department director finds a specified violation;

(9) Requires a licensed contract producer to notify the department director within 30 days of any address change or any license revocation or civil action taken against the producer in another jurisdiction or by another state governmental agency. A producer must report to the department director any felony proceeding initiated by any state or the federal government for any law violation within 30 days of the initial pretrial hearing date or arraignment; and

(10) Requires a provider to maintain a register of business entity motor vehicle extended service contract producers who are authorized to sell, offer, negotiate, or solicit the sale of these contracts in this state and make the list available for inspection upon the request of the department director. Within 30 days of a provider authorizing a producer to sell, offer, negotiate, or solicit the sale of service contracts, the provider must enter the name and license number of the producer in the company registry of producers. If a producer's appointment is terminated, the provider must update the registry with the effective termination date within 30 days. A provider must notify the department director in writing if he or she has possession of information relating to any cause for discipline.

The provisions of the bill regarding motor vehicle extended service contracts become effective January 1, 2012.

The bill contains an emergency clause for the provisions regarding the regulation of surplus lines insurance.

CCS HCS SS SB 135 -- ENVIRONMENTAL PROTECTION

This bill changes the laws regarding environmental protections.

STATE PARKS EARNINGS FUND (Section 253.090, RSMo)

Any moneys remaining in the State Parks Earnings Fund at the end of the biennium will not revert to the credit of the General Revenue Fund.

BATTERY AND HAZARDOUS WASTE FEES (Sections 260.262, 260.380, and 260.475)

The provisions regarding the 50-cent fee that is collected on the retail sale of a lead-acid battery as well as the fees for any hazardous waste generated are extended from June 30, 2011, and December 31, 2011, respectively to December 31, 2013.

DISPOSAL OF USED TIRES (Section 260.269)

The state or any political subdivision or agency of the state is allowed to transfer possession and ownership of used tires, scrap tires, or tire shred to any in-state private entity to be lawfully disposed of or recycled if the tires or shred are not burned as a fuel, except in a permitted facility, or disposed of in a landfill. The cost of transferring the tires or shred must be less than the cost the state, political subdivision, or agency would have otherwise incurred had it disposed of the tires or shred. The private entity must pay for the transportation of the used tires it receives.

DRY-CLEANING FACILITIES (Section 260.965)

The expiration date on the provisions regarding dry-cleaning facilities and their operations is extended from August 28, 2012, to August 28, 2017.

COOLERS ON RIVERS AND WATERWAYS (Section 306.109)

Currently, a person is not allowed to possess expanded polypropylene coolers on or within 50 feet of any river in this state except for certain specified rivers and areas. The bill repeals this provision.

UNDERGROUND STORAGE TANK OPERATOR TRAINING PROGRAM (Section 319.130)

On or before April 1, 2012, the board of trustees of the Petroleum Storage Tank Insurance Fund must hold one or more public hearings to determine whether to establish and fund an underground storage tank operator training program. The bill specifies the criteria the board must consider when making its decision. If after

conducting the hearings, a majority of the board votes to establish and fund a program, the program at a minimum must:

- (1) Meet federal requirements;
- (2) Be developed in collaboration with the departments of Natural Resources and Agriculture, the board's advisory committee, and affected members of the private sector;
- (3) Be offered at no cost to the required participants;
- (4) Specify standards, reporting, and documentation requirements; and
- (5) Be established by rule.

The board can contract with one or more third parties to establish a program; and it can, at any time, be modified or eliminated by the board adopting a rule. Any records created or maintained by the board regarding the program must be made public and readily available to the Department of Natural Resources.

MOTOR FUEL TAX (Section 319.132)

The bill adds to the list of activities for which the board of trustees of the Petroleum Storage Tank Insurance Fund can assess a surcharge to include the inspection fees paid on any petroleum product which is shipped outside Missouri for use, sale, or distribution and all provisions governing the administration, collection, and enforcement of the state motor fuel tax.

MOTOR FUEL MEASURING DEVICES (Section 414.072 and Section 1)

The manufacturer's expiration date on motor fuel pump nozzles, hoses, and hose breakaway equipment must not be the sole factor in requiring their repair or replacement or in imposing a fine, penalty, or punishment by the state or any political subdivision. The manufacturer's expiration date on these items cannot impose any new or additional liability on the state, political subdivisions, motor fuel retailers, wholesalers, suppliers, and distributors as well as the retailers and wholesalers of the devices and equipment.

Any automatic volumetric correction device for measuring certain specified motor fuel sold at retail fueling facilities is prohibited by state rule or national standards or rules unless specifically authorized and required by state law.

Only the Department of Natural Resources is authorized to set stage 1 and 2 motor fuel vapor recovery fees which must be uniform across the state and which cannot be changed by a political subdivision or local law enforcement agency.

WATER WELL REGULATIONS (Section 640.116)

Any water system that exclusively serves a charitable or benevolent organization will be exempt from all rules relating to well construction except those applying to a multifamily well unless the well or pump installation for the well is determined to present a threat to groundwater or public health. A water system cannot be exempt if it regularly serves an average of 100 people or more for at least 60 days of the year or if it serves a school or day care facility.

If a system has three or more violations of the total coliform maximum contaminant level in a 12-month period or one acute violation of the maximum contaminant level, the system's owner must provide an alternative source of water, eliminate the source of contamination, or provide treatment that reliably achieves at least 99.99% treatment of the viruses.

No facility can be required to replace, change, upgrade, or alter an existing well constructed prior to August 28, 2011, unless the well is determined to present a threat to groundwater or public health or contains certain contaminant levels.

ENVIRONMENTAL PERMITS (Section 640.905)

All engineering plans, specifications, and designs prepared by a registered professional engineer that are submitted to the Department of Natural Resources as part of a permit application or modification must include a statement that the plans, specifications, and designs were prepared in accordance with all applicable requirements and must be sealed by the registered professional engineer. The department must use the complete, sealed plans, specifications, and designs as submitted in addition to a permit application or other relevant information, documents, and materials in developing comments on the engineering submittals and in determining whether to issue or deny a permit. The review of documents, plans, specifications, and designs sealed by a registered professional engineer must be conducted by a registered professional engineer or an engineering intern on behalf of the department.

The department must designate a supervisory registered professional engineer for permitting purposes in environmental programs. Any applicant receiving written comments on an engineering submittal may request a determination from the department's supervisory engineer as to a final disposition of the department's comments. The supervisory engineer must inform the applicant of a preliminary decision within 15 days of the request and must make a final determination within 30 days.

These requirements do not require plans or other submittals to the department that come under a general permit or an application for a site specific permit to be prepared by a registered professional engineer unless otherwise required by state or federal law.

The bill contains an emergency clause for the provisions regarding the State Parks Earnings Fund, and the battery and hazardous waste fees.

HCS SB 161 -- AGRICULTURE

This bill repeals SS SCS SB 113 and 95 regarding dog breeders previously passed in 2011 and changes the laws regarding the Animal Care Facilities Act, animal cruelty prevention, and agribusiness loan guarantees.

ANIMAL CARE FACILITIES ACT AND THE CANINE CRUELTY PREVENTION ACT
(Sections 273.327, 273.345, and 273.347, RSMO, and Section 1)

The bill:

(1) Increases the maximum annual license fee for those licensed under the Animal Care Facilities Act from \$500 to \$2,500 and requires each licensee to pay an additional \$25 fee each year to be used by the Department of Agriculture for administering Operation Bark Alert or any successor program;

(2) Renames the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act;

(3) Removes the provision prohibiting a person from owning more than 50 female dogs for the purpose of breeding and selling any offspring as a pet;

(4) Revises the term "adequate rest between breeding cycles" to mean, at a minimum, ensuring that a female dog is not bred to

produce more litters in any given time period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;

(5) Changes the term "necessary veterinary care" to mean prompt treatment of any serious illness or injury by a licensed veterinarian and humane euthanasia by a licensed veterinarian when needed;

(6) Revises the term "pet" from meaning any domesticated animal to only mean dogs;

(7) Changes the term "regular exercise" to mean the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with department regulations and where the plan gives the dog maximum opportunity for outdoor exercise as weather permits;

(8) Revises the term "sufficient food and clean water" to mean access to nutritious food at least twice a day instead of once a day and water that is not frozen and is generally free of debris, feces, algae, and other contaminants;

(9) Changes the term "sufficient housing, including protection from the elements" to mean the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations and in compliance with the space requirements in the bill. No dog is to remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure must be compatible in accordance with department regulations;

(10) Revises the term "sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs" to mean sufficient indoor space or shelter from the elements for each dog to turn in a complete circle, to be able to lie down and fully extend his limbs and stretch freely without touching the side of an enclosure or another dog, and appropriate space depending on the species of the animal as required by department regulations and in compliance with the space requirements in the bill;

(11) Removes the crime of puppy mill cruelty;

(12) Requires any person subject to the Canine Cruelty Prevention Act to maintain all veterinary records and sales records for the most recent previous two years. The records must be made available to the State Veterinarian, a state or local animal welfare official, or a law enforcement agent upon request;

(13) Removes the provision which exempts certain retail pet stores, animal shelters, hobby or show breeders, and dog trainers from the provisions of the Canine Cruelty Prevention Act;

(14) Specifies that nothing in the Canine Cruelty Prevention Act can be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs with the intention to use the dogs for hunting or other sporting purposes;

(15) Requires a phase in of additional space requirements from January 1, 2012, through December 31, 2015, for any enclosure existing prior to April 15, 2011. Wire strand flooring will be prohibited for any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, when they must meet the flooring standard established by department rule;

(16) Specifies that when the State Veterinarian or a state animal welfare official finds that past violations of the Animal Care Facilities Act or the Canine Cruelty Prevention Act have occurred and have not been corrected or addressed, the department director may request the Attorney General or the county prosecuting attorney or circuit attorney to bring an action for a temporary restraining order, preliminary or permanent injunction, or a remedial order to correct the violation and the court may assess a civil penalty of up to \$1,000 for each violation;

(17) Specifies that a person commits the crime of canine cruelty, a class C misdemeanor, if he or she repeatedly violates the Animal Care Facilities Act or the Canine Cruelty Prevention Act so as to pose a substantial risk to the health and welfare of the animals in his or her custody or if he or she knowingly violates an agreed-to remedial order involving the safety and welfare of animals under these provisions. If the person has previously pled guilty to, nolo contendere to, or been found guilty of a violation of the Animal Care Facilities Act or the Canine Cruelty Prevention Act, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney or circuit attorney may bring an action in the circuit court in the county where the crime occurred for criminal punishment; and

(18) Specifies that any breeder licensed under the Animal Care Facilities Act or the Canine Cruelty Prevention Act who houses animals in stacked cages without an impervious barrier between the levels of the cages, except when cleaning the cages, will be guilty of a class A misdemeanor.

AGRICULTURAL PRODUCT UTILIZATION AND BUSINESS DEVELOPMENT LOAN PROGRAM (Sections 348.400, 348.407, and 348.412)

The Missouri Agricultural and Small Business Development Authority is allowed to make loan guarantees to certain agribusinesses under the Agricultural Product Utilization and Business Development Loan Program and allows these loans to be used for the expansion, acquisition, construction, improvement, or rehabilitation of a qualifying agribusiness. A "qualifying agribusiness" is defined as any business whose primary customer base is producers of agricultural goods and products or any business whose function is the support of agricultural production or processing by providing goods and services used for producing or processing agricultural products.

The bill contains an emergency clause for the provisions regarding the Animal Care Facilities Act and the Canine Cruelty Prevention Act.

HCS SCS SB 163 -- HIGHER EDUCATION GOVERNING BOARDS

Currently, the Coordinating Board for Higher Education, the University of Missouri Board of Curators, and the Missouri State University Board of Governors have nine voting members, with no more than one person appointed from the same Congressional district. This bill requires at least one voting member, but no more than two, to be appointed from each Congressional district. A member who is in office on the effective date of the bill may complete his or her term.

SB 165 -- BASIC CIVIL LEGAL SERVICES FUND

This bill extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018.

CCS HCS SB 173 -- TRANSPORTATION AND INFRASTRUCTURE

This bill changes the laws regarding transportation and infrastructure. In its main provisions, the bill:

(1) Requires the Joint Committee on Missouri's Promise to develop long-term strategies and plans for investing in and maintaining a modern infrastructure and transportation system and identifying potential sources of revenue to sustain these efforts;

(2) Establishes the Missouri State Transit Assistance Program to be administered by the Department of Transportation to provide state financial assistance to defray the operating and capital costs incurred by public mass transportation service providers. The distribution of any appropriated funds must be determined by evaluating certain factors of each service provider including, but not limited to, population, ridership, cost and efficiency of the program, availability of alternative transportation in the area, and local effort or tax support;

(3) Extends the expiration date of the provisions regarding the Highways and Transportation's authority to enter into design-build projects from July 1, 2012, to July 1, 2018. The commission is also authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 located in the counties of St. Charles and St. Louis;

(4) Designates the portion of U. S. Highway 160 in Greene County from the intersection of West Mount Vernon Street to one-half mile south of the intersection of West Sunshine Street as the "Rabbi Ernest I. Jacob Memorial Highway" and repeals provision designating U. S. Highway 160 in Greene County from the intersection of Farm Road 142 to the intersection of West Sunshine Street as the "Rabbi Abraham Joshua Heschel Memorial Highway";

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

(6) Designates the portion of State Highway 30 from State Route NN north three miles to 1/10 of a mile southwest of old State Highway 30 in Jefferson County as the "SFC Wm. Brian Woods, Jr. Memorial Highway";

(7) Changes the laws regarding the Missouri Transportation Development District Act to:

(a) Add a public mass transportation system to the list of eligible projects;

(b) Allow the operation of a street car or other rail-based or fixed guideway public mass transportation systems to the list of eligible projects for a transportation development district located in the City of Kansas City;

(c) Specify that a district formed for a public mass transportation system project will not have to submit the proposed project to the Highways and Transportation Commission within the Department of Transportation for its prior approval; and

(d) Specify that the sales tax imposed by a district whose project is a public mass transportation system will not be considered economic activity taxes as it relates to tax increment financing laws and the tax revenues are not subject to allocation under the tax increment financing laws;

(8) Authorizes the Metropolitan St. Louis Sewer District to enter into a design-build contract for a construction project exceeding \$1 million. The bill:

(a) Establishes procedures for a design-build contract;

(b) Requires the district to adopt procedures for requesting proposals from up to five prequalified contractors and evaluating and awarding contracts;

(c) Establishes advertising requirements and procedures for submitting and opening proposals and for readvertising when necessary;

(d) Specifies that payment bonds are required, but the performance bond does not need to cover design services if the contractor or subcontractor providing design services carries professional liability insurance in the amount established by the district in the request for proposal;

(e) Requires an architect, engineer, or land surveyor providing services for the contractor to be licensed or authorized in this state as required by law, unless the subcontractor performing the services is properly licensed;

(f) Requires the district to retain an architect or engineer unless it already retains one; and

(g) Prohibits the architect or engineer retained by the district from acting as the design-build contractor, subcontractor, joint venturer, or partner for the project; and

(9) Extends, from December 31, 2011, to December 31, 2014, the provisions requiring the Highways and Transportation Commission to be a notification center participant regarding excavation involving underground facilities and removes the provision which requires the notification center to ask excavators, as part of the process, to request the locating and marking of underground facilities and to identify whether or not the proposed excavation will be on a public right-of-way or easement dedicated to public use for vehicular traffic.

SB 180 -- BICYCLING AWARENESS OBSERVANCES

This bill designates the month of October as "Walk & Bike to School Month," the first Wednesday of October as "Walk & Bike to School Day," the month of May as "Missouri Bicycle Month," the third Friday of May as "Bike to Work Day," and the week of Bike to Work Day as "Bike to Work Week" to promote the benefits of walking and cycling to school and to encourage users to safely share the road.

HCS SB 187 -- NUISANCE ACTIONS

This bill changes the laws regarding county nuisance abatement ordinances, junkyards, and private nuisance actions. In its main provisions, the bill:

(1) Adds the counties of Andrew, Buchanan, Cass, Dade, Jasper, Livingston, and Newton to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of any lot or land in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and is declared to be a public nuisance;

(2) Prohibits a county from enacting a nuisance abatement ordinance relating to agricultural structures or operations including, but not limited to, the raising of livestock or row

crops and specifies that no county of the first, second, third, or fourth classification will have the power to adopt any ordinance, resolution, or regulation governing any railroad company regulated by the Federal Railroad Administration;

(3) Changes the penalty for a screening violation by a junkyard located within 200 feet of a state or county road by making a first violation a class C misdemeanor and a second or subsequent violation a class A misdemeanor. In addition to the penalties, a violator must be ordered to remove the junk or build a fence to fully screen the junk from public view. These provisions will not apply to a junkyard located in any incorporated town, village, or city;

(4) Specifies that the exclusive compensatory damages that may be awarded to a claimant for a private nuisance originating from property primarily used for crop or animal production purposes will be:

(a) For a permanent nuisance, compensatory damages must be measured by the reduction in the fair market value of the claimant's property caused by the nuisance not to exceed the fair market value of the property;

(b) For a temporary nuisance, compensatory damages must be measured by the reduction in the fair rental value of the claimant's property caused by the nuisance; and

(c) For a nuisance that has been shown by objective and documented evidence to have caused a medical condition to the claimant, compensatory damages arising from the medical condition may be awarded in addition to the aforementioned damages;

(5) Specifies that for a private nuisance where the alleged nuisance originates from property primarily used for crop or animal production purposes, if any subsequent claim for a temporary nuisance related to a similar activity or use of the defendant's property is brought against the same defendant or the defendant's successor by the same claimant or the claimant's successor with ownership interest and the activity or use of property at issue is deemed a nuisance, the activity or use of property must be considered a permanent nuisance and the claimant and the claimant's successor must be limited to and bound by the remedies available for a permanent nuisance;

(6) Specifies that if a defendant in a private nuisance case where the alleged nuisance is from property used for crop or

animal production purposes demonstrates a good faith effort to abate the condition determined to be a nuisance, the nuisance is to be deemed to be not capable of abatement. Substantial compliance with a court order regarding the property will constitute a good faith effort;

(7) Specifies that for a private nuisance where the alleged nuisance originates from property primarily used for crop or animal production purposes, no person will have standing to bring an action for a private nuisance unless the person has an ownership interest in the property alleged to be affected by the nuisance;

(8) Specifies that a person is not prohibited from recovering damages for:

(a) Annoyance, discomfort, sickness, or emotional distress if the damages are awarded on the basis of a cause of action independent of a claim of nuisance; or

(b) Crop destruction, crop damage, contamination of the seed supply, or a reduction of crop value resulting from contamination of the seed or grain supply, herbicide drift, or other reduction of crop value; and

(9) Requires a copy of the final judgment in any action alleging a private nuisance to be filed with the recorder of deeds in the county in which the judgment was issued. The filing will operate as a notice to any purchaser of the claimant's property that the property was related to a previous nuisance claim.

SCS SB 188 -- UNLAWFUL DISCRIMINATORY PRACTICES

(Vetoed by the Governor)

This bill changes the laws regarding unlawful discriminatory employment practices under the Missouri Human Rights Law and establishes the Whistleblower's Protection Act.

UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES UNDER THE MISSOURI HUMAN RIGHTS LAW

The bill:

- (1) Adds the term "because of" or "because" as it relates to a decision or action to be the protected criterion was a motivating factor;
- (2) Revises the term "employer" by specifying that it is a person engaged in an industry affecting commerce who has six or more employees for each working day in each of 20 or more weeks in the current or preceding year and does not include the federal government; a corporation wholly owned by the federal government; an individual employed by an employer; an Indian tribe; certain departments or agencies of the District of Columbia; certain private membership clubs, excluding labor organizations; and corporations and associations owned and operated by religious or sectarian groups;
- (3) Specifies that in an employment action alleging an unlawful employment practice under Section 213.055, RSMo, or an unlawful employment practice under Section 213.070 will only apply when an employer commits the specified acts in these provisions and cannot provide a basis for any individual liability;
- (4) Requires a court as it relates to the presentation of evidence to a jury to rely heavily upon judicial interpretations of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans With Disabilities Act in interpreting and applying the provisions of Chapter 213 in an employment case;
- (5) Specifies that the legislature intends expressly to abrogate *McBryde v. Ritenour School District*, 207 S.W.3d 162 (Mo. App. E.D. 2006) as it relates to the necessity and appropriateness of the issuance of a business judgment instruction;
- (6) Recommends that certain specified frameworks for the analysis of an employment discrimination case should be considered highly persuasive if an employer in a Chapter 213 case files a Rule 74.04 of the Missouri Rules of Civil Procedure motion as a tool in removing factually insubstantial cases from crowded dockets;
- (7) Allows any party in an unlawful discriminatory employment practice action to demand a trial by jury. If the trial occurs in the circuit courts of the State of Missouri, the Missouri common law regarding the presentation of evidence to a jury must apply at trial whether before a judge or jury;
- (8) Specifies that the amount of all damages awarded cannot exceed the amount of the actual back pay, interest on back pay,

other equitable relief, and other damages of up to \$50,000 in the case of an employer with six to 99 employees in each of 20 or more weeks in the current or preceding calendar year; up to \$100,000 for an employer with 101 to 200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$300,000 for an employer with more than 500 employees. The maximum award amounts do not apply to unlawful discrimination actions regarding housing, commercial real estate loans, and selling or renting by real estate agencies. The limits will increase or decrease in the same amounts as any corresponding limits are increased or decreased in Section 42 U.S.C. 1981 a(b) (3);

(9) Requires the plaintiff to prove that the protected criterion was a motivating factor in the alleged unlawful decision or action in any employment-related civil action; and

(10) Prohibits punitive damages from being awarded against the state or any of its political subdivisions.

WHISTLEBLOWER'S PROTECTION ACT

The Whistleblower's Protection Act is established which places in statute existing common law exceptions to the at-will employment doctrine making it an unlawful employment practice for an employer to discharge or retaliate against an individual who is a protected person. The bill:

(1) Adds the term "because of" or "because" as it relates to a decision or action to be the protected criterion was a motivating factor;

(2) Defines "proper authorities" as a governmental or law enforcement agency or an officer or the employee's human resources representative employed by the employer;

(3) Defines "protected person" as a person who has reported to the proper authorities an unlawful act of the employer or its agent; a person who reports to an employer serious misconduct of the employer or its agent that violates a state law or regulation or a rule of a governmental entity; a person who has refused to carry out a directive issued by the employer or its agent that, if completed, would be a violation of the law; or a person who engages in conduct otherwise protected by statute or regulation;

(4) Specifies that the provisions of the act will provide the exclusive remedy for any and all unlawful employment practices and voids any common law causes of action to the contrary;

(5) Requires a protected person aggrieved by a violation to have a private right of action for damages. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order and may award to the plaintiff actual and punitive damages;

(6) Grants any party to an action the right to demand a trial by jury; and

(7) Specifies that the amount of all damages awarded cannot exceed the amount of the actual back pay, interest on back pay, other equitable relief, and other damages of up to \$50,000 in the case of an employer with six to 100 employees in each of 20 or more weeks in the current or preceding calendar year; up to \$100,000 for an employer with 101 to 200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$300,000 for an employer with more than 500 employees. The limits will increase or decrease in the same amounts as any corresponding limits are increased or decreased in Section 42 U.S.C. 1981 a(b) (3).

HCS SCS SB 213 -- INCAPACITATED PERSONS AND THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT

This bill changes the laws regarding a petition for an incapacitated person and authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

INCAPACITATED PERSONS

Any child, parent, or sibling of a deceased person may petition a court to order an autopsy or postmortem examination to be performed if the deceased person was incapable of giving consent prior to his or her death due to injury, illness, or mental capacity.

The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT

The act:

- (1) Allows a court to treat a foreign country as if it were a state for the purpose of the act;
- (2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;
- (3) Allows a court to request an out-of-state court to:
 - (a) Hold an evidentiary hearing;
 - (b) Order an individual to produce evidence or give testimony;
 - (c) Order that an evaluation or assessment be made of a respondent;
 - (d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;
 - (e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding any evidence otherwise produced and any evaluation or assessment prepared in compliance with a court order;
 - (f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and
 - (g) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;
- (4) Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable;
- (5) Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;
- (6) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;
- (7) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;

(8) Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;

(9) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;

(10) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

(11) Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;

(12) Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of an intent to register, the protective order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office and of any bond; and

(13) Specifies that upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except those powers prohibited under the laws of this state.

HCS SB 220 -- ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS, AND WELL DIGGERS

This bill changes the laws regarding architects, professional engineers, land surveyors, landscape architects, and well diggers. In its main provisions, the bill:

(1) Increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, landscape

architect; a corporation registered to practice these activities; or a well digger (Section 429.015, RSMo);

(2) Increases the statute of limitations for an error or omission in a land survey from five years after the error or omission is discovered to 10 years from the completion of the survey (Section 516.098); and

(3) Establishes a peer review process through which design professionals evaluate, maintain, or monitor the quality and utilization of services performed by a licensed architect, landscape architect, professional land surveyor, or professional engineer. The bill specifies how a peer review process may be performed and the participants of a peer review process; authorizes immunity from civil liability for any participant of the process; and specifies the information or materials of the peer review process that are privileged and not subject to discovery, subpoena, or other legal compulsion. These provisions cannot limit the authority of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of confidential information developed outside the peer review process when conducting an investigation regarding licensure (Section 537.033).

CCS HCS SS SB 226 -- EMERGENCY SERVICES

This bill changes the laws regarding emergency services. In its main provisions, the bill:

(1) Authorizes, beginning January 1, 2011, an individual or corporation to designate at least \$2 on a Missouri individual income tax return or at least \$4 on a combined return of his or her tax refund amount to the Organ Donor Program Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes (Section 143.1016, RSMo);

(2) Authorizes any ambulance district established under Chapter 190 on or after August 28, 2011, with the exception of an ambulance district in St. Louis County to impose, upon voter approval, a sales tax of up to 0.5% in lieu of a property tax to fund the district. A petition to establish an ambulance district

must state whether it will be funded by a property or a sales tax (Sections 190.015, 190.035, and 190.040);

(3) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member's election district. No board member can be recalled during the first or last 180 days of the member's current term or if a previous recall election was in the member's favor during the current term (Section 190.056); and

(4) Repeals a provision changing the term of office for fire protection district board members in St. Charles County from six to four years (Section 321.120).

The provisions regarding the Organ Donor Program Fund will expire December 31 six years from the effective date.

SB 237 -- GUARDIAN AD LITEM STANDARDS

This bill requires the Missouri Supreme Court standards from September 17, 1996, regarding representation of children by guardians ad litem to be updated.

SS SB 238 -- FIRE FIGHTER BENEFITS FOR AN INFECTIOUS DISEASE INCURRED IN THE LINE OF DUTY

This substitute specifies that after five years of service, any infectious disease, as defined in the bill, which causes a condition of impaired health that results in a disability or the death of a fire fighter in certain circumstances will be presumed to have been incurred by the fire fighter in the line of duty as it relates to a claim for disability or death or for retirement benefits. The fire fighter must submit to an annual physical examination which includes a blood test.

CCS#2 HCS SB 250 -- SEXUAL OFFENDERS

Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or

child care facilities. This bill specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but subject to state fire, safety, health, and sanitation inspections and holds itself out to be a child care facility.

The bill also requires a person incarcerated for a sexual assault offense to successfully complete all treatment, education, and rehabilitation programs provided by the Department of Corrections prior to being eligible for parole or conditional release.

CCS HCS SB 282 -- ELECTIONS

This bill changes the laws regarding elections. In its main provisions, the bill:

(1) Revises the process for filling vacancies in certain elected offices. Currently, the Office of United States Senator and most statewide offices, except for the Office of Governor, may be filled by a gubernatorial appointment when there is a vacancy. The bill requires special elections to be held in order to fill the positions of United States Senator, Lieutenant Governor, Attorney General, Secretary of State, State Auditor, and State Treasurer. If there is a vacancy for any reason in the Office of Lieutenant Governor, Office of Secretary of State, or Office of State Treasurer, the Governor will take charge of these offices until a successor is elected at the special election. In the case of an impeachment trial for these offices, the Governor supervises these offices until a final determination is made and there is a reinstatement of the official to office or a special election. If a vacancy occurs for any reason in the Office of United States Senator, the Office of Attorney General, or the Office of State Auditor, the Governor will appoint an acting senator, attorney general, or auditor to take charge of the office or hold the office in the case of the United States Senator until the special election is held. In the case of an impeachment in the Office of Attorney General or the Office of State Auditor, the acting attorney general or auditor will supervise the duties of the office until a final determination is made and there is a reinstatement of the official to office or a special election;

(2) Requires a county collector or collector-treasurer to reside in the county from which he or she was elected throughout his or her term of office;

(3) Requires a candidate for county collector or collector-treasurer to be at least 21 years of age, a resident of the county for at least one year prior to the date of filing, a registered voter, and have paid all state income taxes and personal and real property taxes. The candidate must present the election authority with a signed affidavit from a surety company in Missouri indicating that the candidate meets the statutory bond requirements of the office;

(4) Allows an exception for a county having a township form of government with an office of collector-treasurer from the requirement to appoint a deputy treasurer or a qualified person to serve as an interim treasurer in the event of a vacancy. Currently, only a county with a charter form of government is allowed this exemption;

(5) Authorizes the county collector-treasurer in a county having township organization to have the sole authority to appoint a deputy;

(6) Allows certain third class cities to eliminate a primary election for mayor and councilman and conduct the election as specified in the bill;

(7) Specifies that the county clerk or the officer designated as the director of elections in any charter county without a board of election commissions will be the election authority. Currently, the county clerk is the election authority;

(8) Changes the allowable dates for holding a public election by removing the first Tuesday after the first Monday in June as a possible election date;

(9) Specifies that in a nonpartisan election in any political subdivision or special district except for a municipal election in any city, town, or village with more than 35,000 inhabitants when no election is held because the number of candidates is equal to the number of positions in that office, the election authority must publish a notice containing the names of the candidates who will assume the responsibilities of the office. The notice must be published by April 1 of each year in at least one newspaper of general circulation in the political subdivision or district. Currently, in a nonpartisan election in any political subdivision or special district with the exception of municipal elections, candidates are allowed to take office without an election if the number of candidates is equal to the number of positions to be

filled and proper notice has been published in at least one newspaper of general circulation in the district;

(10) Specifies that the opening filing date for any office filled by an election held on the general municipal election day except in a political subdivision or special district in a noncharter county will be the first Tuesday in December of the year prior to the election and the closing date will be the first Tuesday after the first Monday in January of the year in which the election is held. However, the change in filing dates will also apply to Jefferson County which is a charter county;

(11) Repeals the provisions which require an absentee ballot to be rejected if sufficient evidence is shown to the election authority that the absentee voter has died prior to the opening of the polls on election day;

(12) Requires certain candidates for public office to declare that he or she is not aware of any information that would prohibit him or her from fulfilling any bonding requirements of the office. The candidate must file with the Department of Revenue and include a copy with the declaration of candidacy a signed affidavit from a surety company authorized to do business in Missouri that the candidate meets the required bond requirements;

(13) Changes when a candidate has the right to a recount of the votes from a standard requiring the candidate's defeat by less than 1% of the votes cast to a candidate's defeat by less than one-half of 1% of the votes cast;

(14) Specifies that any person who discourages, hampers, pressures, or attempts to prevent another person from filing for office for the purpose of eliminating the requirement to hold a special election because the number of candidates filing is the same as the number of positions to be filled will be guilty of a class four election offense;

(15) Increases the filing fee for a presidential candidate from \$1,000 to \$5,000 for an election held on or before December 1, 2012, and \$10,000 for each election held thereafter;

(16) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member's election district. No board member can be recalled during the first or last 180 days of the member's current term or if a previous recall election was in the member's favor during the current term;

(17) Repeals the provision that requires a political party's emblem to be printed on an election ballot above the party caption; and

(18) Repeals a provision requiring a statewide presidential primary to be held on the first Tuesday after the first Monday in February any year in which a presidential election is held and requires the presidential primary to be held on the first Tuesday after the first Monday in March of each presidential election year.

CCS HCS SB 284 -- PHARMACIES

This bill changes the laws regarding pharmacies.

SALES TAX EXEMPTION FOR CERTAIN DRUGS AND MEDICAL EQUIPMENT (Section 144.030)

The bill authorizes a state and local sales tax exemption for the rental of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories, ambulatory aids, wheelchairs, stairway lifts, Braille writers, scooters, reading machines, electronic print enlargers, communication devices, and items used solely to modify vehicles to accommodate a disability and for over-the-counter or nonprescription drugs which are prescribed by a licensed health care practitioner.

BOARD OF PHARMACY DISCIPLINARY POWER (Section 338.055)

The Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration is allowed to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any office owner, manager, or controlling shareholder of the applicant has committed an act which would be grounds for discipline.

WHOLESALE DRUG DISTRIBUTORS (Sections 338.330)

The bill defines "legend drug" as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to certain federal laws and required to be labeled in certain ways, dispensed by prescription only, or used or dispensed by practitioners only excluding any drug being used for conducting a clinical trial or investigation under specified situations.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors.

SS SB 306 -- CREDIT UNIONS

This bill changes the laws regarding the Division of Credit Unions within the Department of Insurance, Financial Institutions and Professional Registration. In its main provisions, the bill:

- (1) Requires the division director to be appointed by the Governor with the advise and consent of the Senate;
- (2) Requires the division director and each employee, before entering upon the discharge of his or her duties, to take an oath to not reveal any facts, conditions, or affairs of any credit union that he or she may have knowledge of by virtue of his or her official position unless required to do so by law;
- (3) Prohibits the division director and any employee who participates in the examination of a credit union or who may be called upon to make an official determination, other than as a member of the Credit Union Commission, from being an officer or director of any credit union regulated by the division or from receiving any payment or gratuity from any of these organizations, negotiating loans for others, or being indebted to any state-chartered credit union;
- (4) Authorizes the division director to compel the production of documents, the attendance of, and to administer oaths to any person having knowledge of any issue involved with an examination or investigation. The division director may seek judicial enforcement of an administrative subpoena by application to the appropriate court and will be subject to the same defenses or to a protective order as deemed appropriate by the court in accordance with Missouri Supreme Court rules. All information must be held in confidence absent a court's finding of compelling reasons for disclosure;
- (5) Prohibits a state-chartered credit union, its director, or any of its officers or employees from being charged with libel, slander, or defamation for any good faith communications with the division director or any division employee;
- (6) Allows the division director to serve a written notice to any person of his or her intention to remove the person from office

when it appears that any person conducting the affairs of a credit union has committed a violation of any law or regulation or a cease and desist order, has violated any written agreement or condition imposed in writing by the division director, has engaged in unsafe or unsound practice, or has committed or engaged in a dishonest act. If the division director finds it necessary to protect any credit union or its members, he or she can serve written notice on the person and suspend or prohibit the person from participating in any manner in the conduct of the affairs of the credit union or from any other credit union supervised by the division director unless the division director gives written consent allowing for participation in any other credit union;

(7) Requires the notice of intention to remove a person from or to prohibit his or her participation in a credit union to contain a statement of the facts constituting the grounds for removal or prohibition and to set a hearing time and place. Any person within 10 days of suspension or prohibition from participation in the conduct of the affairs of a credit union can apply for a stay of the suspension or prohibition with the circuit court of the county in which the credit union is located or the circuit court of Cole County pending the completion of the administrative proceedings under the notice served upon the person;

(8) Specifies that if at any time there are not enough members to constitute a quorum because of the suspension of one or more members of any board of directors, the remaining members will be vested with the powers or functions of the board until there is a quorum. If all directors have been suspended, the division director will appoint temporary directors;

(9) Removes the provision which prohibits a credit union from issuing a loan to a director or a credit or supervisory committee member of the credit union in excess of \$25,000 for certain specified purposes;

(10) Removes provisions regarding fees and charges being added to the reserve fund of a credit union and requires all credit unions to establish and maintain sufficient reserves to qualify for and maintain federal share insurance and to meet any requirements concerning minimum reserves established by a regulation of the division director; and

(11) Requires a credit union that is merging to mail or deliver a notice of the meeting to vote upon the merger to each member between 14 and 30 days prior to the meeting. All members must be given the opportunity to vote on the merger or consolidation plan

at the meeting or by written or electronic ballot. Currently, the notice must be as provided in the credit union's bylaws or by a letter to the shareholders. These same procedures will apply when a state-chartered credit union votes to convert to a federal credit union.

SS#2 SCS SB 320 -- DOMESTIC VIOLENCE

This bill changes the laws regarding domestic violence and orders of protection. In its main provisions, the bill:

- (1) Specifies that the juvenile court or family court will have exclusive original jurisdiction in a proceeding involving an order of protection when the respondent is younger than 17 years of age;
- (2) Revises the definition of "abuse" to specify that it does not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner;
- (3) Revises the definition of "harassment" to include conduct that alarms or causes distress to a child as well as to an adult;
- (4) Defines "child" as any person younger than 17 years of age unless he or she is emancipated;
- (5) Revises the definition of "domestic violence" as abuse or stalking;
- (6) Revises the definition of "family" or "household member" to include any person related by blood or marriage; persons presently residing together or who have resided together in the past; any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim; and anyone who has a child in common regardless of whether they have been married or have resided together at any time;
- (7) Revises the definition of "petitioner" to be a family or household member who has been a victim of domestic violence, any person who has been a victim of stalking, or a person filing on behalf of a child pursuant to Section 455.503, RSMo;
- (8) Revises the definition of "respondent" to be a family or household member alleged to have committed an act of domestic violence, a person alleged to have committed an act of stalking

against whom a petition has been filed, or a person served on behalf of a child pursuant to Section 455.503;

(9) Revises the definition of "stalking" to include stalking by any person instead of by an adult;

(10) Prohibits a petitioner from being charged a filing fee in any action regarding an adult order or protection, including a contempt motion seeking to enforce an existing order of protection;

(11) Specifies that if a respondent is younger than 17 years of age and is not emancipated, service of process of an ex parte order of protection must be made upon the parent, guardian, or a court-appointed guardian ad litem;

(12) Requires a court to transfer a case to juvenile court for a hearing on a full order of protection if an ex parte order is entered and the respondent is younger than 17 years of age. The court must appoint a guardian ad litem for any respondent not represented by a parent or guardian;

(13) Specifies that the provisions of Section 491.075 regarding the admissibility of statements of a child younger than 14 years of age, instead of the current younger than 12 years of age, are to apply to any hearing regarding allegations of domestic violence;

(14) Requires the local law enforcement agency or any other government agency responsible for serving ex parte orders of protection to enter service information into the State Highway Patrol's Missouri Uniform Law Enforcement System (MULES) or future secure electronic databases that are intended for law enforcement use within 24 hours after an ex parte order is served on a respondent;

(15) Allows the court, upon a finding that it is in the best interest of the parties, to include a provision that a full order of protection with a duration of one year must automatically renew unless the respondent requests a hearing at least 30 days prior to the expiration of the order;

(16) Requires the law enforcement agency maintaining MULES to enter information contained in an order of protection including any orders regarding child custody or visitation and all specifics as to the times and dates of custody or visitation provided in the order. Any change in child custody or visitation within an order

must be issued to the local law enforcement agency and the agency responsible for entering the information into MULES. Any expiration or termination must be entered within 24 hours of receiving the notice;

(17) Requires the court to cause a copy of any objection filed by the respondent and a notice of the date set for the hearing on that objection to an automatic renewal of a full order of protection with a duration of one year to be personally served upon the petitioner by a personal process server, sheriff, or police officer at least three days prior to the hearing. This service of process must be served at the earliest time and take priority over service in other actions except those of a similar emergency nature;

(18) Allows the court to include in any full or ex parte order of protection any terms deemed reasonably necessary to ensure the petitioner's safety;

(19) Specifies that before the court terminates any order of protection, it can examine the circumstances of the motion to dismiss the order and may inquire of the petitioner or others in order to assist the court in determining if the dismissal is voluntary;

(20) Specifies that a respondent in violation of an ex parte or full order of protection for a child will be guilty of a class A misdemeanor for entering a petitioner's place of employment or school or for being within a certain distance of the petitioner or a child of the petitioner unless the respondent has previously pled guilty to or has been found guilty of violating an order of protection within five years of the date of the subsequent violation in which case he or she will be guilty of a class D felony. Evidence of a prior plea of guilty or finding of guilt must be heard by the court out of the presence of the jury. If the court finds the existence of a prior plea of guilty or a finding of guilt beyond a reasonable doubt, the court must decide the extent or duration of the sentence or other disposition and cannot instruct the jury regarding the range of punishment or allow the jury to assess the punishment as part of its verdict;

(21) Requires any ex parte order of protection to be for the purpose of protecting the victim from domestic violence which can include restraining the respondent from communicating with the victim in any manner or through any medium;

(22) Requires any full order of protection to be for the purpose of protecting the victim from domestic violence which can include temporarily enjoining the respondent from communicating with the victim in any manner or through any medium;

(23) Requires the Division of Probation and Parole within the Department of Corrections to establish standards and to adopt a credentialing process for any court-appointed batterer intervention program;

(24) Requires all records of the juvenile court in a proceeding regarding an order of protection to be kept confidential and to only be open for inspection without a court order to the juvenile officer; officials at the child's school, law enforcement officials, prosecuting attorneys, or any person or agency providing care, custody, control, or treatment of the child; and a parent, guardian, or court-appointed guardian ad litem for the child;

(25) Specifies that any person who has pled guilty to or been found guilty of any offense committed in violation of any county or municipal ordinance in any state or any state, federal, or military law which, if committed in Missouri, would be a third degree domestic assault will be guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault;

(26) Repeals the expiration provision of the Safe at Home Confidentiality Program which provides victims of sexual assault, rape, stalking, and domestic violence a substitute mailing address through the Secretary of State's Office;

(27) Prohibits a public or private agency providing services to victims from using more than 10% of any funds received from the Services to Victims Fund for administrative purposes; and

(28) Requires the Department of Public Safety to establish the maximum reimbursement rate for a forensic examination for a victim of a sexual offense which reflects the reasonable cost of providing the examination.

HCS SB 325 -- PROFESSIONAL REGISTRATION

This bill changes the laws regarding professional registration.

PROFESSIONAL LICENSES

The bill requires any board, commission, committee, council, or office in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration to notify any known current employer of a change in a licensee's license and discipline status. An employer may provide any board, commission, committee, council, or office in the division with a current list of licensed employees and request in writing to the board, commission, committee, council, or office to be notified regarding any change in the licensing status of an employee.

LIMITED DENTAL TEACHING LICENSES

The Missouri Dental Board within the department is authorized to issue a limited teaching license to a dentist employed as an instructor in an accredited dental school located in this state. The bill:

- (1) Limits the licensee to practice dentistry to the confines of the dental school program;
- (2) Requires a limited teaching license to be renewed every two years;
- (3) Requires a limited teaching licensee to be subject to discipline by the board and a license to be automatically canceled or nullified if the holder ceases to be employed by the dental school; and
- (4) Specifies the requirements to qualify for a license.

LICENSURE OF FUNERAL DIRECTORS AND EMBALMERS

The bill:

- (1) Allows an individual with a general equivalency diploma to be eligible for a license as a funeral director or an embalmer at the discretion of the State Board of Embalmers and Funeral Directors;
- (2) Removes the requirement that a licensee be a Missouri resident or a resident of a county which borders Missouri;
- (3) Removes the provision requiring an applicant for an embalmer's license to graduate from an accredited institute of mortuary science education and instead requires him or her to

complete a program accredited by the American Board of Funeral Service Education or another accrediting entity approved by the board;

(4) Specifies that an applicant for a funeral director's or embalmer's license must complete at least a 12-consecutive-month apprenticeship program. Currently, a person must complete an apprenticeship for at least 12 months;

(5) Removes the provision requiring a funeral director or an embalmer to have his or her registration district recorded in the office of the local registrar of vital statistics; and

(6) Changes the membership of the board from 10 to six and requires its membership to represent diversity in gender, race, ethnicity, and geographic regions of the state.

LICENSED PRACTICAL NURSES

A licensed practical nurse who is an approved instructor for the level 1 medication aid program will be qualified to teach the insulin administration course under Chapter 198, RSMo; and any licensed practical nurse will be qualified to perform diabetic nail care and monthly onsite reviews of basic personal care recipients in a residential care or assisted living facility as required by the Department of Social Services and to perform dietary oversight for these residents as required by the Department of Health and Senior Services.

NURSING EDUCATION INCENTIVE PROGRAM

The Nursing Education Incentive Program is established within the Department of Higher Education to address nursing shortages. The Board of Nursing within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration is authorized to provide funding for the program; and subject to appropriation, the Department of Higher Education will award grants to eligible accredited higher education institutions based on criteria to be determined by the board and the Department of Higher Education. Grant award amounts cannot exceed \$150,000, and no campus may receive more than one grant per year. An eligible institution must offer a nursing program that meets the category and area of need as determined by the board and the Department of Higher Education based on data from sources specified in the bill.

The bill also repeals the provisions regarding an obsolete incentive grant program which focused on nontraditional nursing students and the provisions regarding the Nurse Training Incentive Fund.

VETERINARY LEGEND DRUGS

A licensed veterinarian is allowed to administer or prescribe only for use in animals any medicine, drug, or pharmaceutical product including legend drugs under 21 U.S.C. Section 353 by expanding Class L veterinary permits issued by the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to include the administering or prescribing of legend drugs.

The membership of an advisory committee appointed by the board to review and make recommendations to it regarding drug distributors is increased from five to six by adding a licensed veterinarian recommended by the Board of Veterinary Medicine within the department. The committee will also review and make recommendations to the Board of Pharmacy regarding rules and regulations on veterinary legend drugs.

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

WHOLESALE DRUG DISTRIBUTORS

The bill defines "legend drug" as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to certain federal laws and required to be labeled in certain ways, dispensed by prescription only, or used or dispensed by practitioners only excluding any drug being used for conducting a clinical trial or investigation under specified situations.

REAL ESTATE LICENSEE LIABILITY

Currently, a real estate licensee is immune from liability for statements made by certain expert professionals unless the expert was selected and engaged by the licensee, the statement was made by a person employed by the licensee or broker, or the licensee knew that the statement was false or acted in reckless disregard as to whether the statement was true or false. The bill specifies

that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS, AND WELL DIGGERS

The bill increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, landscape architect; a corporation registered to practice these activities; or a well digger.

The statute of limitations for an error or omission in a land survey is increased from five years after the error or omission is discovered to 10 years from the completion of the survey.

PRENEED FUNERAL CONTRACTS

The definition of "insurance-funded preneed contract" is revised to include a preneed contract designated to be funded by a deferred annuity contract that is not classified as a variable annuity and has death benefit proceeds that are never less than the sum of premiums paid. A trustee of a preneed trust is allowed to invest trust funds with authorized external investment advisors of a trustee, seller, or provider; and a preneed seller and purchaser can agree in writing to put the funds for the preneed contract in an account in the beneficiary's name and payable on the beneficiary's death to the seller. The bill also changes the procedure for a funeral provider to receive funds after providing funeral services and merchandise and the procedure for a purchaser who wants to cancel a preneed contract funded by a joint account.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors.

HCS SS SCS SB 351 -- ADOPTION RECORDS

This bill changes the laws regarding adoption records. In its main provisions, the bill:

- (1) Allows nonidentifying biological parent or sibling information regarding an adoptee to be furnished by the child-placing agency or the juvenile court upon written request to the adopted adult's lineal descendant if the adopted adult is deceased;

(2) Revises the provisions regarding an adopted adult obtaining identifying information of the undisclosed biological parents by making a request to the circuit court having original jurisdiction by allowing the identifying information to also be disclosed to the adopted adult's lineal descendant if the adopted adult is deceased;

(3) Requires the court to disclose the identifying information as to a biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased if the biological parent is found to be deceased;

(4) Requires only the biological parents to be notified about a request for identifying information. Currently, the adopted adult must make a request and follow a specified procedure for obtaining consent from both the adoptive and biological parents if prior consent has not been given through the child-placing agency or juvenile court personnel; and

(5) Removes the provision that conditions the release of identifying information to an adopted adult upon a finding by the court that the information is necessary for urgent health-related purposes.

CCS#2 HCS SCS SB 356 -- AGRICULTURE

This bill changes the laws regarding the Joint Committee on Urban Agriculture, Puppy Protection Trust Fund, sales tax exemptions, noxious weeds, listing of livestock brands, the Commodity Merchandising Council Program, and grain dealers.

JOINT COMMITTEE ON URBAN AGRICULTURE (Section 21.801, RSMo)

The bill renames the Joint Committee on Urban Farming to the Joint Committee on Urban Agriculture and changes the expiration date of the provisions regarding the committee from January 1, 2011, to January 1, 2013. The committee must prepare a final report with its recommendations to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor by December 31, 2012.

INCOME TAX REFUND DESIGNATION TO THE PUPPY PROTECTION TRUST FUND (Section 143.1014)

Beginning January 1, 2011, the bill authorizes an individual or corporation to designate at least \$1 on a Missouri individual return or at least \$2 on a combined return of his or her tax refund amount to the newly created Puppy Protection Trust Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes. The donations are to be used by the Department of Agriculture for the sole purpose of administering the Canine Cruelty Prevention Act.

SALES TAX EXEMPTIONS (Sections 144.010, 144.020, 144.030, 144.070)

The bill exempts the following items from state and local sales and use taxes:

(1) The sale of captive wildlife, which includes, but is not limited to, exotic partridges, gray partridge, northern bobwhite quail, ring-necked pheasant, captive waterfowl, captive white-tailed deer, captive elk, and captive furbearers held under a permit issued by the Department of Conservation for hunting purposes. This exemption does not apply to the sales tax on a harvested animal; and

(2) The sale of any accessories for and upgrades to farm machinery and equipment, rotary mowers used exclusively for agricultural purposes, and freight charges on any exempt item.

MISSOURI FARMLAND TRUST ACT (Section 262.815)

The bill establishes the Missouri Farmland Trust Act to allow individuals and entities to donate or otherwise convey farmland to the Department of Agriculture to preserve it as farmland and to assist beginning farmers by allowing long-term low and variable cost leases on the land making it affordable for the next generation of farmers to produce food, fiber, and fuel.

The Missouri Farmland Trust is implemented to accomplish the following objectives:

- (1) Protecting and preserving Missouri's farmland;
- (2) Linking new generations of prospective farmers with present farmers; and
- (3) Promoting best practices in environmental, livestock, and land stewardship.

The Missouri Farmland Trust Advisory Board is established within the department to make recommendations to the department director regarding the appropriate uses of farmland in the trust and the criteria for the selection of program participants and to review and make recommendations regarding applications to lease farmland in the trust.

The bill specifies the membership of the board and the terms of its members. The department is authorized to accept or acquire by purchase, lease, donation, or agreement any agricultural lands, easements, or real and personal property including, but not limited to, buildings, structures, improvements, equipment, or facilities subject to preservation and improvement which will be the property of the trust.

The Missouri Farmland Trust Fund is created consisting of gifts, donations, and appropriations by the General Assembly. Moneys in the fund must be used for the administration of the trust and the maintenance, operation, regulation, and improvement of the trust's assets to promote agriculture and its general welfare. Property acquired by the department must be used exclusively for agricultural purposes and must be farmed and maintained using the best environmental, conservation, and stewardship practices as specified by the department. No beginning farmer can lease farmland in the trust for more than 20 years. Any person or entity donating to or leasing land from the department must release the state from any and all claims, actions, or demands that he or she has now or may have in the future for any injury, death, or property damage related to participation in an activity as well as any acts connected to the activity and the condition of the property where the activity occurred.

NOXIOUS WEEDS (Sections 263.190 - 263.241 and 263.450)

The bill:

(1) Specifies that "noxious weed" means any weed designated as noxious by rules established by the Director of the Department of Agriculture and requires the department to maintain a list of noxious weeds and make it available to the public;

(2) Expands the requirement of every landowner to control all noxious weeds growing on his or her land sufficiently to prevent the weeds from going to seed to include any person, association of persons, corporation, partnership, Highways and Transportation Commission, state department, state agency, county commission, township board, school board, drainage board, governing body of an

incorporated city, railroad company or other transportation company, and any person supervising state-owned lands;

(3) Prohibits the sale of any noxious weed species; and

(4) Repeals provisions designating specific plants as noxious weeds and requiring entities to control the spread of the weeds as well as the provisions regarding a county noxious weed fund.

LISTING OF LIVESTOCK BRANDS (Section 268.121)

Currently, the Director of the Department of Agriculture must publish a list of all livestock brands in a book form and send a copy of the book and any supplement to the county recorder of deeds in each county and to each licensed livestock market and slaughter plant in the state. The bill removes this requirement but requires the department director to create a list and make it available on a publicly accessible web site. The list must be updated from time to time.

COMMODITY MERCHANDISING COUNCIL PROGRAM (Section 275.360)

The bill adds a rice grower or producer to those exempt from the provision allowing a producer or grower to individually request a refund of the fees paid to the Commodity Merchandising Council Program instead of through a commodity council.

GRAIN DEALERS (Sections 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280)

The bill:

(1) Revises the definition of "grain dealer" or "dealer" to exempt a producer or feeder of grain for livestock or poultry buying grain for his or her own farming or feeding purposes who purchases grain exclusively from licensed grain dealers or whose total grain purchases from producers during his or her fiscal year do not exceed 50,000 bushels instead of the current \$100,000;

(2) Requires every licensed grain dealer or applicant for a grain dealer license to maintain a minimum net worth equal to 5% of annual grain purchases. Currently, only certain dealers or applicants are required to maintain a specified minimum net worth;

(3) Requires any licensed grain dealer or applicant to have and maintain current assets at least equal to 100% of current

liabilities and specifies certain requirements regarding the determination of the amount of assets and liabilities;

(4) Increases the minimum surety bond requirement for a licensed grain dealer from \$20,000 to \$50,000 and the maximum from \$300,000 to \$600,000;

(5) Changes the formula for determining the amount of surety bond required by specifying that the amount must be equal to 2% of the dealer's previous year's grain purchases, instead of between 1% and 5% of the purchases;

(6) Changes the net worth an owner of a licensed grain warehouse must have and maintain to the greater of \$10,000 or the amount which results from multiplying the storage capacity of the warehouse by 25 cents per bushel instead of the current 15 cents per bushel; and

(7) Repeals the provision that allows a grain dealer who has purchased less than \$400,000 of grain during the previous year to satisfy the bond requirement by filing a bond at the rate of \$1,000 for every \$20,000 worth of grain purchased with a minimum bond of \$10,000.

The provisions regarding the Puppy Protection Trust Fund will expire December 31 six years from the effective date.

The bill contains an emergency clause for the provisions regarding the Joint Committee on Urban Agriculture.

HCS SCS SB 366 -- MISSOURI COOPERATIVE ASSOCIATIONS ACT

This bill changes the laws regarding the conversion of certain businesses to a different type of entity and establishes the Missouri Cooperative Associations Act.

CONVERSION OF BUSINESSES

The bill specifies that a limited liability company; statutory trust; business trust or association; real estate investment trust; common-law trust; any other unincorporated business, including a partnership; or a foreign corporation may convert to a Missouri corporation upon executing a certificate of conversion in the Office of the Secretary of State. A Missouri corporation is also allowed to convert to one of the aforementioned types of

entities in the same manner and upon the adoption of a resolution approving the conversion and the approval of its shareholders. All property, obligations, and liabilities must follow the converting entity to the business organization into which it is converting. The converting entity cannot be required to wind up affairs, pay liabilities, or distribute assets; and the conversion will not constitute a dissolution of the corporation. These provisions cannot be deemed to authorize the conversion of a nonprofit corporation into another entity. The bill specifies the amount that the Secretary of State can charge for filing a certificate of conversion to or from a corporation under these provisions.

MISSOURI COOPERATIVE ASSOCIATIONS ACT

The Missouri Cooperative Associations Act is established which allows a cooperative to be formed and organized to conduct or promote any lawful business or purpose for the mutual welfare of its members. In its main provisions, the bill:

- (1) Specifies that any cooperative formed under this act will not be subject to the provisions in Chapter 357, RSMo, relating to cooperative companies;
- (2) Specifies that a cooperative will be comprised of members and governed by a board of directors. Members may be patron or nonpatron members with patron members being those who conduct business with the cooperative;
- (3) Allows a cooperative to elect to be structured as a corporation or as a partnership under federal income tax laws;
- (4) Specifies that the articles of association may limit a director's liability except for a breach of the duty of loyalty to the cooperative or its members, intentional misconduct, illegal distributions, and improper benefits;
- (5) Allows a cooperative to indemnify persons in certain situations;
- (6) Specifies the requirements for the organization of a cooperative including defining organizational purpose, who may organize, cooperative names, elements to be included in the

articles of organization and bylaws, and the procedures and requirements for amending the articles and bylaws;

(7) Requires a member to have access to the books and records of the cooperative;

(8) Specifies the requirements governing the actions and liabilities of directors and officers including the number and election procedures for directors, quorum requirements, removal procedures for directors and officers, meeting requirements, limitation of liability, and indemnification procedures;

(9) Specifies member requirements including membership interests, meetings, voting rights, sale of assets, and contribution agreements; and

(10) Specifies the procedures for merging, consolidating, and dissolving a cooperative.

HCS#2 SJR 2 -- ELECTIONS

Upon voter approval, this proposed constitutional amendment authorizes the General Assembly to enact provisions which:

(1) Allow a qualified individual to vote in person in advance of election day at all elections. Advance voting may be permitted from the third Saturday before the election until the first Tuesday before the election excluding Sundays. The voting may be conducted at locations as necessary or desirable to balance reasonable access to advance voting; accountability, integrity, and security of the election; efficiency in the administration of the election; and appropriate and responsible uses of public funds and other resources. Certain restrictions on the release of voter identification information until after the regular election are specified. Advance voting cannot take place for any election held on or before January 1, 2014, in order to allow election authorities sufficient time to prepare. These provisions will not apply to absentee voting laws, and any law that conflicts with these provisions will not be valid or enforceable;

(2) Allow a person seeking to vote in person in a public election to be required to identify himself or herself and verify his or her qualifications as a citizen of the United States and a resident of Missouri by providing election officials with a form

of identification which may include requiring a valid government-issued photo identification with certain exceptions; and

(3) Allow different requirements for absentee voting when the voter does not appear before the election authority.

If for any reason a portion, clause, or phrase of the resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, the entire resolution will be invalid and of no further force or effect.