

MISSOURI HOUSE OF REPRESENTATIVES

CATHERINE HANAWAY, SPEAKER

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

MISSOURI GENERAL ASSEMBLY

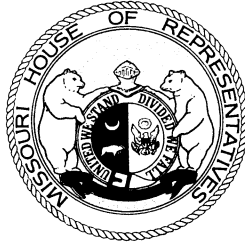
92ND GENERAL ASSEMBLY

FIRST REGULAR SESSION

2003

Prepared by House Research Staff

**CATHERINE L. HANAWAY**  
**SPEAKER**



STATE REPRESENTATIVE  
DISTRICT 87

MISSOURI HOUSE OF REPRESENTATIVES  
OFFICE OF THE SPEAKER

May 17, 2003

To: Members of the House of Representatives

From: Speaker Catherine Hanaway

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

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

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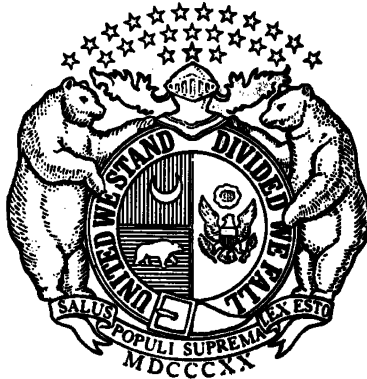
**TRULY AGREED  
TO  
AND FINALLY  
PASSED**

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**HOUSE BILLS**

**FIRST SESSION  
92nd GENERAL ASSEMBLY**

**2003**



**Prepared by  
House Research Staff**

	<b>FY 2003 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2004 Truly Agreed</b>
<b>HB 1-Public Debt</b>			
General Revenue	\$ 91,989,799	\$ 103,658,379	\$ 103,553,110
Federal Funds	-	-	-
Other Funds	19,040,165	987,647	987,647
<b>TOTAL</b>	<b>\$ 111,029,964</b>	<b>\$ 104,646,026</b>	<b>\$ 104,540,757</b>
F.T.E.	1.40	1.40	-
<b>CCS HB 2-Dept. of Elementary &amp; Secondary Education</b>			
General Revenue	\$ 2,616,153,489	\$ 2,423,334,948	\$ 2,392,045,800
Federal Funds	880,523,083	927,318,630	927,318,630
Other Funds	1,151,748,846	1,340,798,458	1,158,941,912
<b>TOTAL</b>	<b>\$ 4,648,425,418</b>	<b>\$ 4,691,452,036</b>	<b>\$ 4,478,306,342</b>
F.T.E.	2,079.43	2,055.78	2,042.28
<b>CCS HB 3 - Dept. of Higher Education</b>			
General Revenue	\$ 875,992,675	\$ 880,744,114	\$ 825,091,591
Federal Funds	6,740,637	6,690,637	6,690,637
Other Funds	213,793,894	180,276,578	181,476,578
<b>TOTAL</b>	<b>\$ 1,096,527,206</b>	<b>\$ 1,067,711,329</b>	<b>\$ 1,013,258,806</b>
F.T.E.	96.23	95.33	94.73
<b>CCS HB 4 - Department of Revenue</b>			
General Revenue	\$ 1,187,587,534	\$ 1,276,706,058	\$ 1,281,188,409
Federal Funds	3,479,453	8,048,685	8,048,685
Other Funds	410,145,793	390,992,956	385,447,817
<b>TOTAL</b>	<b>\$ 1,601,212,780</b>	<b>\$ 1,675,747,699</b>	<b>\$ 1,674,684,911</b>
F.T.E.	2,206.77	2,194.70	2,156.20
<b>CCS HB 4 - Dept. of Transportation</b>			
General Revenue	\$ 10,812,775	\$ 14,606,939	\$ 10,665,296
Federal Funds	39,687,886	55,392,941	55,597,241
Other Funds	1,828,718,801	1,686,762,979	1,684,351,078
<b>TOTAL</b>	<b>\$ 1,879,219,462</b>	<b>\$ 1,756,762,859</b>	<b>\$ 1,750,613,615</b>
F.T.E.	6,543.25	6,674.25	6,682.25
<b>CCS HB 5 - Office of Administration</b>			
General Revenue	\$ 559,708,048	\$ 592,974,803	\$ 563,036,198
Federal Funds	127,990,978	140,573,877	140,573,857
Other Funds	119,281,159	124,918,999	124,918,999
<b>TOTAL</b>	<b>\$ 806,980,185</b>	<b>\$ 858,467,679</b>	<b>\$ 828,529,054</b>
F.T.E.	1,085.24	1,009.18	966.67



	<b>FY 2003 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2004 Truly Agreed</b>
CCS HB 6 - Dept. of Agriculture			
General Revenue	\$ 15,848,145	\$ 15,257,390	\$ 13,320,811
Federal Funds	3,263,590	3,850,460	5,875,382
Other Funds	14,259,878	15,251,358	15,882,936
TOTAL	<u>\$ 33,371,613</u>	<u>\$ 34,359,208</u>	<u>\$ 35,079,129</u>
F.T.E.	468.34	468.09	457.75

CCS HB 6 - Dept. of Natural Resources

General Revenue	\$ 15,018,158	\$ 10,511,883	\$ 8,936,771
Federal Funds	40,635,129	46,997,879	46,928,817
Other Funds	281,948,274	275,730,991	276,069,445
TOTAL	<u>\$ 337,601,561</u>	<u>\$ 333,240,753</u>	<u>\$ 331,935,033</u>
F.T.E.	2,057.74	2,041.13	2,013.65

CCS HB 6 - Dept. of Conservation

General Revenue	\$ -	\$ -	\$ -
Federal Funds	-	-	-
Other Funds	125,071,345	126,951,038	126,951,038
TOTAL	<u>\$ 125,071,345</u>	<u>\$ 126,951,038</u>	<u>\$ 126,951,038</u>
F.T.E.	1,871.61	1,871.61	1,871.61

CCS HB 7 - Dept. of Economic Development

General Revenue	\$ 44,000,629	\$ 45,356,668	\$ 40,898,933
Federal Funds	143,580,975	163,686,889	163,686,889
Other Funds	72,658,980	70,571,274	69,021,021
TOTAL	<u>\$ 260,240,584</u>	<u>\$ 279,614,831</u>	<u>\$ 273,606,843</u>
F.T.E.	1,614.73	1,537.48	1,513.58

CCS HB 7 - Dept. of Insurance

General Revenue	\$ -	\$ -	\$ -
Federal Funds	450,000	450,000	450,000
Other Funds	14,395,291	14,301,991	14,293,711
TOTAL	<u>\$ 14,845,291</u>	<u>\$ 14,751,991</u>	<u>\$ 14,743,711</u>
F.T.E.	226.50	226.50	226.50

CCS HB 7 - Dept. of Labor & Industrial  
Relations

General Revenue	\$ 4,150,741	\$ 3,668,612	\$ 3,118,319
Federal Funds	67,397,547	67,989,931	68,097,711
Other Funds	57,979,627	83,327,368	81,357,154
TOTAL	<u>\$ 129,527,915</u>	<u>\$ 154,985,911</u>	<u>\$ 152,573,184</u>
F.T.E.	1,309.27	1,287.77	1,278.77

	<b>FY 2003 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2004 Truly Agreed</b>
CCS HB 8 - Dept. of Public Safety			
General Revenue	\$ 46,970,334	\$ 45,573,905	\$ 39,440,758
Federal Funds	106,557,433	87,061,465	87,061,465
Other Funds	209,137,512	220,088,020	222,914,781
TOTAL	\$ 362,665,279	\$ 352,723,390	\$ 349,417,004
F.T.E.	4,616.39	4,789.97	4,746.22

CCS HB 9 - Dept. of Corrections

General Revenue	\$ 512,349,786	\$ 538,727,427	\$ 522,561,102
Federal Funds	10,597,219	8,972,901	8,972,901
Other Funds	42,827,457	42,947,609	42,947,609
TOTAL	\$ 565,774,462	\$ 590,647,937	\$ 574,481,612
F.T.E.	10,696.43	12,136.43	11,989.89

CCS HB 10 - Dept. of Mental Health

General Revenue	\$ 525,452,899	\$ 528,822,416	\$ 509,636,118
Federal Funds	140,809,081	135,873,596	383,833,022
Other Funds	36,861,381	34,586,321	35,613,321
TOTAL	\$ 703,123,361	\$ 699,282,333	\$ 929,082,461
F.T.E.	10,091.61	9,982.66	9,858.69

CCS HB 10 - Dept. of Health

General Revenue	\$ 92,531,192	\$ 88,271,014	\$ 81,599,161
Federal Funds	314,997,289	318,438,264	318,438,264
Other Funds	102,706,160	87,788,403	51,887,850
TOTAL	\$ 510,234,641	\$ 494,497,681	\$ 451,925,275
F.T.E.	2,233.94	2,193.32	2,149.42

CCS HB 11 - Dept. of Social Services

General Revenue	\$ 1,071,317,737	\$ 1,248,309,526	\$ 1,184,762,337
Federal Funds	3,824,473,945	4,090,478,700	3,974,953,219
Other Funds	464,698,108	348,089,551	356,484,802
TOTAL	\$ 5,360,489,790	\$ 5,686,877,777	\$ 5,516,200,358
F.T.E.	9,273.27	9,037.29	8,943.22

CCS HB 12- Elected Officials

General Revenue	\$ 44,111,162	\$ 43,989,121	\$ 41,902,145
Federal Funds	6,802,928	11,773,979	12,829,508
Other Funds	30,386,911	30,131,247	29,970,099
TOTAL	\$ 81,301,001	\$ 85,894,347	\$ 84,701,752
F.T.E.	971.12	969.72	961.12

	<b>FY 2003 Appropriation</b>	<b>Governor's Recommendation</b>	<b>FY 2004 Truly Agreed</b>
CCS HB 12 - Judiciary			
General Revenue	\$ 142,198,592	\$ 143,144,169	\$ 137,546,486
Federal Funds	15,488,232	16,439,957	16,869,957
Other Funds	5,935,723	6,347,831	6,347,831
TOTAL	\$ 163,622,547	\$ 165,931,957	\$ 160,764,274
F.T.E.	3,428.60	3,441.10	3,399.86

CCS HB 12 - Public Defender			
General Revenue	\$ 29,911,634	\$ 30,611,874	\$ 28,111,874
Federal Funds	125,000	125,000	125,000
Other Funds	1,214,534	1,215,734	1,215,734
TOTAL	\$ 31,251,168	\$ 31,952,608	\$ 29,452,608
F.T.E.	560.13	560.13	560.13

CCS HB 12 - General Assembly			
General Revenue	\$ 34,189,085	\$ 34,426,685	\$ 31,255,249
Federal Funds	-	-	-
Other Funds	620,800	620,800	191,491
TOTAL	\$ 34,809,885	\$ 35,047,485	\$ 31,446,740
F.T.E.	740.75	740.75	729.50

**TOTAL OPERATING BUDGET  
House Bills 1 through 12**

General Revenue	\$ 7,920,294,414	\$ 8,068,695,931	\$ 7,818,670,468
Federal Funds	\$ 5,733,600,405	\$ 6,090,163,791	\$ 6,226,351,185
Other funds	\$ 5,203,430,639	\$ 5,082,687,153	\$ 4,867,272,854
TOTAL	\$ 18,857,325,458	\$ 19,241,546,875	\$ 18,912,294,507
F.T.E.	62,172.75	63,314.59	62,642.04

**CCS HB 13 - Statewide Leasing  
Year 1**

General Revenue	\$ 26,961,601	\$ 26,448,932
Federal Funds	17,198,830	17,166,435
Other Funds	5,934,864	5,973,022
TOTAL	\$ 50,095,295	\$ 49,588,389

**CCS HB 13 - Statewide Leasing  
Year 2**

General Revenue		\$ 27,429,258
Federal Funds		17,068,557
Other Funds		5,915,522
TOTAL	\$ -	\$ 50,413,337

	<b>Governor's Recommendation</b>	<b>FY 2004 Truly Agreed</b>
<b>CCS HB 14 - Board of Public Buildings</b>		
Bond Proceeds		
General Revenue	\$ 1	\$1 E
Federal Funds		
Other Funds	\$ 1	150,000,000
TOTAL	\$ 2 E	\$ 150,000,001
<b>CCS HB 15 - Supplemental</b>		
General Revenue	\$ 82,591,956	\$ 68,698,526
Federal Funds	188,818,408	188,175,494
Other Funds	15,282,199	18,561,605
TOTAL	\$ 286,692,563	\$ 275,435,625
<b>CCS HB 16 - Reappropriations - Capital Improvements</b>		
Two Year - Not Qualifying Expenditures for Revenue Bonds		
General Revenue	\$ 2,617,648	\$ 2,617,648
Federal Funds	16,105,748	16,105,748
Other Funds	37,666,230	40,300,860
TOTAL	\$ 56,389,626	\$ 59,024,256
<b>CCS HB 17 - Reappropriations-Operating</b>		
Two Year		
General Revenue	\$ 20,237,891	\$ 16,870,331
Federal Funds	22,776,763	22,262,307
Other Funds	573,134,565	568,141,657
TOTAL	\$ 616,149,219	\$ 607,274,295
<b>CCS HB 18 - Capital Improvements - FY 04</b>		
Two Year - Maintenance and Repair		
General Revenue	\$ 38,642,963	\$ 37,147,542
Federal Funds	4,714,462	4,714,462
Other Funds	15,550,142	27,252,018
TOTAL	\$ 58,907,567	\$ 69,114,022
<b>CCS HB 18 - Capital Improvements - FY 05</b>		
Two Year - Maintenance and Repair		
General Revenue	\$ 50,917,505	\$ 46,652,542
Federal Funds	3,673,388	3,673,388
Other Funds	14,097,070	14,097,070
TOTAL	\$ 68,687,963	\$ 64,423,000
<b>CCS HB 19 - Capital Improvements - FY 04</b>		
Two Year - New Construction		
General Revenue	\$ 4,416,535	\$ 1,000
Federal Funds	75,854,169	75,854,169
Other Funds	60,173,604	64,840,139
TOTAL	\$ 140,444,308	\$ 140,695,308

	<b>Governor's Recommendation</b>	<b>FY 2004 Truly Agreed</b>
CCS HB 19 - Capital Improvements- FY 05		
Two Year - New Construction		
General Revenue	\$ 1,260,753	\$ -
Federal Funds	38,925,484	38,925,484
Other Funds	30,976,463	32,237,216
TOTAL	<u>\$ 71,162,700</u>	<u>\$ 71,162,700</u>
CCS HB 20 - Capital Improvements - Reappropriations		
Two Year - Qualifying Expenditures for Revenue Bonds		
General Revenue	\$ 78,209,190	\$ 78,209,190
Federal Funds	15,755,896	15,755,896
Other Funds	57,151,707	54,263,416
TOTAL	<u>\$ 151,116,793</u>	<u>\$ 148,228,502</u>

Prepared by House Appropriations Committee Staff  
15-May-03

## SCS HB 57 -- PROPERTY TAX

This bill removes language from the oath required to be signed by a personal property taxpayer attesting to all personal property owned by the taxpayer in the state. The current oath refers to real property, which is not required to be listed on the statement.

The bill also limits the applicability of certain property tax assessment procedures to jurisdictions that have at least 75% of their land mass contained within St. Louis County.

## SCS HCS HB 59 & 269 -- SUICIDE PREVENTION; PAIN MANAGEMENT; AND MENTAL HEALTH SERVICE PLANS

This bill requires the development of a state suicide prevention plan and certain preventive mental health plans. It also creates an advisory committee on pain and symptom management.

### SUICIDE PREVENTION

The bill requires the Director of the Department of Mental Health, in partnership with the Department of Health and Senior Services, to design and develop a state suicide prevention plan in collaboration with the departments of Social Services, Elementary and Secondary Education, Higher Education, and Corrections. The plan must:

- (1) Promote the use of employee assistance and workplace programs to support employees experiencing depression or other psychiatric illnesses;
- (2) Promote the use of student assistance and educational programs to support students with depression, other psychiatric illnesses, and substance abuse disorders;
- (3) Provide training and technical assistance to local public health and other community-based professionals on the best practices to prevent suicides;
- (4) Coordinate federal, state, and local agencies in order to collect and analyze data on suicides and suicidal behaviors in Missouri and annually issue a public report;
- (5) Establish a toll-free suicide prevention hotline; and

(CONTINUED)

(6) Recommend statutory changes and implementation and funding requirements to the General Assembly by December 31, 2004.

#### ADVISORY COUNCIL ON PAIN AND SYMPTOM MANAGEMENT

The bill establishes the Missouri State Advisory Council on Pain and Symptom Management. The council will consist of 19 members, who will be appointed by February 1, 2004. The council is required to:

(1) Hold public hearings to gather information relating to pain management;

(2) Make recommendations on acute and chronic pain management practices;

(3) Analyze statutes, rules, and regulations relating to pain management;

(4) Study the use of alternative therapies and any sanctions imposed;

(5) Examine the needs of adults, children, the terminally ill, and minorities that have acute and chronic pain;

(6) Review the pain management education materials provided by professional licensing boards;

(7) Make recommendations to health care professionals for integrating pain management into their practices and regarding continuing education requirements for pain management;

(8) Review guidelines issued by the United States Department of Health and Human Services; and

(9) Prepare an annual report to deliver to the Speaker of the House of Representatives, President Pro Tem of the Senate, and Governor by February 1 of each year.

Members of the council will serve without compensation but may be reimbursed for any expenses incurred, subject to appropriation. The Department of Health and Senior Services will provide existing personnel to staff the council and may receive any moneys that become available on behalf of the council.

#### MENTAL HEALTH SERVICE PLAN

The bill requires the Department of Mental Health to develop a

(CONTINUED)

plan to address the needs of persons who are on a waiting list for services. The plan is required to emphasize the partnership between developmentally disabled individuals and their families, community providers, and state officials.

The plan is required to include:

- (1) A method for reducing the waiting period to 90 days;
- (2) A description of available services and an evaluation of the capacity to serve more individuals;
- (3) A method of adjusting support and service levels based on individual needs and a method for determining when out-of-home, 24-hour care is necessary;
- (4) A description of how the plan will be implemented;
- (5) Any recommendations for necessary changes to state law; and
- (6) An analysis of the monetary effects in providing services to all eligible individuals and their families.

The bill requires the plan to be completed no later than November 1, 2003. The director of the department is required to submit a copy of the plan to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor.

#### SCS HB 60 -- PROPERTY TAX

This bill extends from one to three years the time period for a refund or credit of an overpayment of property taxes that have been erroneously or mistakenly levied upon a taxpayer.

#### HB 75 -- SILVER STAR LICENSE PLATE

This bill allows any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates. Currently, only one set of plates is allowed.



HCS HB 93 -- CONVEYANCE IN CALLAWAY COUNTY

This bill authorizes the conveyance of certain state property located in Callaway County to the City of Fulton.

The bill contains an emergency clause.

HCS HB 97 -- LAW ENFORCEMENT SALES TAX

This bill authorizes Jefferson County, upon voter approval, to impose by ordinance a retail sales tax of up to 0.05% for law enforcement services. The bill requires 25% of the sales tax revenue collected to be deposited into a special trust fund for the sole use of the county prosecuting attorney's office.

The bill contains an emergency clause.

HB 99 -- CAMPAIGN FINANCE DISCLOSURE

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

The bill also revises the limit on individual contributions certain candidates may receive without being required to file a disclosure report from \$250 to the amount of the limitation on contributions to elect an individual to the office of state representative as calculated in subsection 2 of Section 130.032, RSMo.

SS SCS HS HCS HB 121 -- CHIROPRACTIC CARE; MANAGED CARE; LIENS OF HOSPITALS AND HEALTH CARE PROFESSIONALS

This bill contains provisions pertaining to insurance coverage for chiropractic care, managed care entities, and liens filed by hospitals and health care professionals.

INSURANCE COVERAGE FOR CHIROPRACTIC CARE

The bill requires health insurers to provide coverage for chiropractic care delivered by a licensed chiropractor acting within the scope of Chapter 331, RSMo.

(CONTINUED)

The coverage will include initial diagnosis and clinically appropriate and medically necessary services and supplies required to treat a diagnosed disorder, subject to conditions of the policy. The coverage may be limited to chiropractors within the health carrier's network. Health carriers are not required to contract with a chiropractor outside the health carrier's network nor are carriers required to reimburse for services provided by a non-network chiropractor, unless prior approval has been obtained from the health carrier by the enrollee.

Enrollees may access chiropractic care within the health carrier's network for a total of 26 chiropractic office visits per policy period and may be required to provide the health carrier with notice prior to any additional visits as a condition of coverage. In addition, health carriers may require prior authorization or notification before any follow-up diagnostic tests are ordered by a chiropractor or for any office visits for treatments in excess of 26 office visits in a policy period.

Certificates of coverage for any health benefit plan are required to state the availability of chiropractic coverage under the policy and any exclusions, limitations, or conditions of coverage. The insurance coverage contained in the bill excludes benefits provided under the Medicaid program and other specified insurance policies.

Health carriers are prohibited from establishing rates, terms, and conditions of coverage for enrollees which cause a greater financial burden than for enrollees who access treatment for other physical conditions. Deductibles or out-of-pocket limits required by health carriers or a health benefit plan will be comprehensive for coverage of all health conditions.

#### MANAGED CARE ENTITIES

The bill revises certain provisions pertaining to health services corporations, health maintenance organizations, and managed health plan networks.

Pertaining to health services corporations, the bill:

(1) Extends the approval or disapproval period from 30 days to 45 days during which the Director of the Department of Insurance is required to review and approve or disapprove submitted policy forms by a health services corporation. A non-determination on the submitted policy forms by the director during this period constitutes approval of the forms;

(CONTINUED)

(2) Prohibits the director from disapproving a filed policy form for a period of one year. During the one-year period, if the director determines that any provision of the policy form violates state law, the director is required to notify the health services corporation of the state law used to determine the illegality of the policy form and request that the health services corporation file an amendment with the department within 30 days; and

(3) Requires that the amendment approved by the director will have the effect of the original filing or policy filed with the department.

Pertaining to health maintenance organizations, the bill:

(1) Extends the approval or disapproval period from 30 days to 45 days during which the Director of the Department of Insurance is required to review and approve or disapprove modifications of various documents, including articles of incorporation, financial statements, policies, and marketing plans submitted by health maintenance organizations. A non-determination on the submitted documents by the director during this period constitutes an approval of the modified documents;

(2) Prohibits the director from disapproving a filing of required information by health maintenance organizations deemed approved for a period of one year. During the one-year period, if the director determines that any provision of the required filing violates state law, the director is required to notify the health maintenance organization of the state law used to determine the illegality of the required filing and request that the health maintenance organization file an amendment with the department within 30 days; and

(3) Requires the health maintenance organization to issue a copy of the amendment approved by the director to individuals and entities which received the previous filing. The amendment will have the effect of the original filing or policy filed with the department.

Pertaining to managed health plan networks, the bill requires the Director of the Department of Insurance to deem a managed health plan network adequate based on certain criteria which are detailed.

#### LIENS OF HOSPITALS AND HEALTH CARE PROFESSIONALS

The bill re-codifies Section 430.225, the definition section pertaining to liens of hospitals and certain health care providers.

HCS HB 122 & 80 -- KANSAS CITY MASS TRANSPORTATION SYSTEM  
SALES TAX

This bill extends the Kansas City transportation tax to December 31, 2005. The current tax expires on December 31, 2003.

The bill also adds "intra-community transit services" to the list of services that are provided by the Interstate Transportation Authority and funded by the tax.

HCS HB 131 -- LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM

This bill gives jurisdiction over any dispute regarding the Local Government Employees' Retirement System (LAGERS) to the circuit court of Cole County.

If a former member of the retirement system becomes reemployed in a position covered by the system and the reemployment occurs within a period of 10 years from the date of last membership, the member's credited service which was forfeited will be restored.

The bill also suspends full-time student benefits under LAGERS during any period of military duty. Upon the student's return to school, the benefits will be reinstated. The student's benefit period will be extended by the number of months of military service.

Under current law, a disability allowance under LAGERS is adjusted by the amount of workers' compensation benefit, federal Social Security insurance, or other monthly personal service received for any gainful employment. The bill repeals this section of law and allows the full disability allowance.

HCS HB 133 -- ELECTION OF JUDGES

This bill requires that election contests involving the offices of circuit or associate circuit judges be filed and determined in an adjoining circuit court selected by the contestant.

SS HCS HB 138 -- DEPARTMENT OF CORRECTIONS

This bill contains provisions relating to the Department of Corrections. The bill:

- (1) Establishes the Corrections Officers Certification Commission within the department;
- (2) Allows the commission to cause a job-task analysis to be made for corrections officers and jailers, both public and private;
- (3) Authorizes the commission to make recommendations to the department, the General Assembly, and the Governor regarding qualifications, training, testing, and certification of corrections officers and jailers;
- (4) Allows for the appointment of commission members, establishes their qualifications, and sets their terms of service;
- (5) Allows the department director to create various classes of corrections officer certification;
- (6) Contains provisions regarding the confidentiality of personnel records of corrections officers;
- (7) Requires that certain information be provided prior to the delivery of prisoners to correctional centers. The county sheriff must provide a certified copy of the sentence which contains specifics on statutes violated, probation, restitution, gang affiliation, and any information about the physical and mental health of the prisoner;
- (8) Allows the department to refuse to accept a prisoner without all the required information;
- (9) Requires all offenders under the age of 17 to be emancipated for the purposes of decision making and participation in all department programs; and
- (10) Provides that hearings for violations of correctional facility rules are not considered contested cases according to administrative procedure and review.

## HB 141 -- ADMINISTRATIVE PROCEDURES

This bill allows a party to a contested case with a state agency to apply to a court for enforcement of a subpoena. Current law allows only the agency to seek court enforcement. The bill also allows the agency or any party to intervene in an enforcement action.

## SCS HCS HB 152 & 180 -- PUBLIC EMPLOYEE RETIREMENT SYSTEMS

This bill makes various changes to public employee retirement systems.

### ST. LOUIS POLICE RETIREMENT SYSTEM

The bill makes technical corrections to the Deferred Retirement Option Plan (DROP) for the St. Louis City Police Retirement System.

### KANSAS CITY POLICE AND CIVILIAN EMPLOYEES' RETIREMENT SYSTEMS

Concerning the Kansas City Police and Civilian Employees' Retirement Systems, the bill:

- (1) Requires benefits and conditions to always be adjusted to qualify for tax-exempt status;
- (2) Requires a member's benefits to be 100% vested and non-forfeitable upon the member's attainment of the normal retirement age;
- (3) Requires the distribution of retirement benefits to begin no later than April 1 of the year following the calendar year during which the member becomes 70 1/2 years of age;
- (4) Prohibits benefits in excess of the limits set by Section 415 of the Internal Revenue Code;
- (5) Limits the total salary taken into account for any purpose for any member to no more than \$200,000 per year, subject to adjustments permitted by the Internal Revenue Code;
- (6) Gives the retirement boards authority to change actuarial assumptions at any time annually, but a change in actuarial assumptions may not result in any decrease in benefits accrued as of the effective date of the change;

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- (7) Allows a member or beneficiary to transfer an eligible rollover distribution to another eligible retirement plan;
- (8) Gives the retirement boards authority to provide fiduciary liability insurance;
- (9) Makes other changes to conform with the Internal Revenue Code;
- (10) Changes the requirements for the five elected members of the Kansas City Police Retirement Board;
- (11) Allows members to receive a partial lump-sum option payment;
- (12) Makes the retirement boards state agencies for the purpose of the administrative procedure and review process;
- (13) Requires the Kansas City Police Department to grant authorized leave with pay to active police officers and civilian employees to attend educational seminars and similar functions for a period not to exceed 10 days in any calendar year;
- (14) Authorizes the City of Kansas City and the Kansas City Police Department to adopt a program of incentives to encourage early retirement of members and civilian employees, contingent upon the city requesting and agreeing to increase financial contributions to the police retirement system; and
- (15) Requires a funeral benefit of \$1,000 to be paid in addition to all other benefits for a civilian employee.

#### TEACHING PERSONNEL, PUBLIC SCHOOL RETIREMENT SYSTEMS, AND THE NON-TEACHER SCHOOL RETIREMENT SYSTEM

The bill requires the State Board of Education to develop rules to facilitate job-sharing positions for classroom teachers. The bill contains a definition for "job-sharing position" and entitles teachers in these positions to certain employment and retirement benefits.

In addition, the bill makes the following changes to retirement systems in school districts with 300,000 residents or less and the Non-Teacher School Retirement System:

- (1) Requires the Board of Trustees of both systems to determine and certify to employers the level rate of contribution and specifies the time period that the rate should be established;

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(2) Requires the level rate of contribution for a fiscal year not to exceed the rate of contribution for the prior fiscal year by more than 0.5%. The level rate of contribution for the Non-Teacher School Retirement System for a fiscal year will not exceed the rate of contribution for the prior fiscal year by more than 0.25%;

(3) Requires the boards to determine and certify the level rate of contribution for a fiscal year based on an actuarial valuation;

(4) Requires the boards to have an actuary conduct an actuarial valuation of the system and additional valuations at least once every 10 years; and

(5) Prohibits legislation from being enacted after July 1, 2003, which provides benefit increases to members and retirees of both systems until the contribution rate is equal to or less than the contribution rate in effect on July 1, 2003.

#### HS HCS HB 156 -- INFORMED CONSENT FOR ABORTION

This bill revises the provision pertaining to informed consent for an abortion.

Except in the case of a medical emergency, the bill prohibits a person from performing or inducing an abortion unless a treating physician has conferred with the patient and discussed the indicators and contra-indicators of the proposed abortion or drug or drugs used for the abortion, considering a woman's medical history and medical condition. The conference between a treating physician and the patient must occur at least 24 hours before performing or inducing an abortion.

Before an abortion is performed or induced by a drug or drugs, one conference between a treating physician and the patient must occur 24 hours prior to the writing or communication of the first prescription for a drug or drugs which are used to induce an abortion.

During the conference, the patient is required to be screened for risk factors, which include any physical, psychological, or situational factors which would predispose the patient to, or increase the risk of, experiencing one or more adverse physical, emotional, or other health reactions to an abortion or drug or drugs used.

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The bill requires that at the end of the conference, a treating physician and the woman choosing to have an abortion are required to sign a written statement certifying that the screening and discussion have occurred and that the woman gave her informed consent freely and without coercion. All executed statements will be maintained in the patient's medical file which are subject to the confidentiality laws of Missouri.

The Department of Health and Senior Services is required to develop a model form that will be used by treating physicians. In the absence of the model form, treating physicians are not exempt from the requirements of the bill.

The bill also requires persons performing abortions to furnish and maintain proof of medical malpractice insurance with coverage amounts of at least \$500,000. Abortion facilities and hospitals may provide medical malpractice insurance for the services of persons employed at their facilities. However, these facilities are prohibited from employing the services of a person to perform abortions if the person has not furnished or maintained proof of medical malpractice insurance.

A person who does not maintain medical malpractice insurance will be subject to additional sanctioning of his or her license, certificate, or permit.

The provisions concerning proof of medical malpractice insurance become effective January 1, 2004.

#### HB 162 -- MEMORIAL HIGHWAY

This bill designates U. S. Highway 63 in Macon County as the "Pearl Harbor Memorial Highway."

#### HCS HB 166 -- INCORPORATION OF CITIES

This bill allows an unincorporated area in Cass County to vote on incorporation as a city regardless of any proposed annexation of the area by a city of the third or fourth class or Kansas City. Any annexation proposal by a third or fourth class city or Kansas City would not become effective if the qualified voters of the unincorporated area voted to become an incorporated city. The bill also allows for the incorporation of a city in Cass County in an area located within two miles of another city.

#### HCS HB 181 -- TOURISM TAX

This bill allows the cities of Sweet Springs and Marshall to impose, upon voter approval, a room tax of not more than 5% per night. This tax will be in addition to any other tax authorized by law and will be used by the city solely for the promotion of tourism.

#### SCS HCS HB 185 -- AMBER ALERT

This bill creates the Amber Alert System to aid in the identification and location of abducted persons. An abducted person is one whose whereabouts are unknown and who is reasonably believed to be a victim of kidnaping. The Department of Public Safety will develop regions within the state and coordinate the program with local law enforcement agencies and broadcasters in each region. Participation in the system is optional for local law enforcement agencies and federally licensed radio and television broadcasters. If a local law enforcement agency decides not to participate and an abduction occurs in the jurisdiction, the local agency will notify the department, which will notify local media in the region.

The bill requires the system to include all state agencies capable of providing information to the public, as well as broadcasters and other entities who volunteer to disseminate urgent public information. The department has the authority to notify other regions upon verification that the criteria established by the Amber Alert System Oversight Committee have been met. Making a false report that results in an alert is a class A misdemeanor.

The Amber Alert System Oversight Committee is established within the department to develop criteria and procedures for the system. The bill specifies the members of the oversight committee.

#### HB 187 -- SPECIAL MOTORCYCLE LICENSE PLATE

This bill allows any military veteran with proper documentation to obtain a motorcycle license plate designated "U. S. VET." Currently, this plate is only available to a foreign war veteran.

#### HB 199 -- POLICE OFFICER COMPENSATION

This bill increases the maximum annual salary for police officers in Kansas City.

#### HCS HB 202 -- MISSOURI CALCIUM INITIATIVE

This bill creates a Missouri Calcium Initiative. The bill requires that a purchasing agent for any state governmental entity or school district that purchases food or beverages which are served in a building or room operated or owned by the entity give preference to high calcium food and beverages that are equal to or lower in price than products of the same type and nutritional quality. If a state institution determines that the food and beverages will interfere with the proper treatment and care of a patient, it need not make the purchases for that patient.

The provisions of the initiative are in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

The bill does not require voiding the terms of any contract entered into before July 1, 2003.

#### SS SCS HB 208 -- UTILITIES

This bill changes numerous laws on utilities.

#### CONSUMER-OWNED ELECTRIC COOPERATIVES

The bill prohibits the Public Service Commission from regulating the rates and financing of consumer-owned electric corporations that are required to operate on a not-for-profit cooperative basis and, as of August 28, 2003, hold a certificate of public convenience and necessity to serve a majority of their consumer-owners in third classification counties.

#### ELECTRICITY FOR ALUMINUM SMELTING FACILITIES

The bill allows certain aluminum smelting facilities to purchase electrical power on the open market without regulation by the Public Service Commission. To be eligible, the facility must be

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in a county of the second classification, have used more than three million megawatt hours of electricity in a calendar year, and have been served by a municipally owned utility and an electric generating cooperative owned by rural electric cooperatives. The initial unregulated contract must not have a negative financial impact on previous power suppliers or their customers, reduce service reliability to other customers, or reduce local or state tax revenue. The smelting facility cannot resell the power to anyone except the original suppliers. Local or past suppliers of electrical power will no longer have any obligation to provide service to the facility. The bill also allows municipalities to purchase electricity and ancillary services from any supplier without regulation beyond the approval of the governing board of the municipality.

This portion of the bill contains an emergency clause.

#### PUBLIC SERVICE COMMISSION

The bill requires the Public Service Commission to retain a six-member technical advisory staff with expertise in accounting, economics, finance, engineering or utility operations, law, and public policy. Each commissioner may also retain a personal advisor. All hiring of technical advisory staff members must be completed by July 1, 2005, and be offset through elimination of other commission staff positions. Advisory staff members cannot be a party to any case before the commission and are subject to the same ex parte and conflict of interest requirements as commissioners. No one regulated by, appearing before, or employed by the commission may offer advisory staff members new appointments or positions, and new advisory staff members cannot have been employed by the commission, the Office of the Public Counsel, or any company regulated by the commission for at least two years before being hired.

Commissioners may confer with others on matters not relating to filed cases. Commissioners may also confer with others on matters relating to pending or filed cases if no evidentiary hearing has been scheduled and if the matter is discussed at an announced public meeting or a forum where affected parties are present or if the discussion is subsequently disclosed to affected parties. If an evidentiary hearing has been scheduled, commissioners may only discuss matters relating to procedures or unanimous agreements that resolve a case fully.

#### COST RECOVERY FOR INFRASTRUCTURE SYSTEM REPLACEMENT PROJECTS

The bill allows water corporations serving more than 10,000

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customers in St. Louis County and all gas corporations to file petitions with the Public Service Commission for rate adjustments that recover from customers prudently incurred costs for infrastructure replacement projects. Eligible projects may include replacement of deteriorating equipment, safety enhancements, and non-reimbursed costs of facility relocations required by highway and other public works construction. Projects may not increase revenue by connecting to new customers and must not have been included in the corporation's last general rate case. Commission staff may examine the petition and submit a report within 60 days. The commission may hold a public hearing and must issue an order that becomes effective within 120 days after the petition is filed. During its consideration of the petition, the commission may not examine the corporation's other revenue requirements or rate-making issues.

Adjustment charges must appear on customers' bills as a separate charge and may only apply to classes of customers that receive benefits from the infrastructure replacement project. Charges must be applied in a manner consistent with the customer class cost-of-service study from the corporation's most recent general rate proceeding. Charges will not be approved if the corporation's last general rate proceeding was more than three years before the petition was filed or if the adjustment produces revenue exceeding 10% of the base revenue level approved in the corporation's last general rate proceeding. Rates may not be adjusted more than twice a year, and charges may not be collected for more than three years unless the corporation has filed or is the subject of a new general rate proceeding. Estimated monthly charges are subject to annual reconciliation.

#### SERVICES BY UTILITIES

Under current law, electric, gas, and heating utilities are prohibited from offering heating, ventilating, and air conditioning (HVAC) services unless the company was providing these services for the five years prior to August 28, 1998. The bill clarifies that the exemption only applies to areas being served on a regular basis before August 28, 1993. The bill also requires utilities to comply with the same state and local requirements as other HVAC contractors and authorizes the Attorney General to enforce pertinent statutes.

#### OTHER PROVISIONS

The bill also:

- (1) Requires the Public Service Commission to treat pipeline

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capacity costs for schools that make aggregate purchases of natural gas in the same manner as costs for large industrial and commercial customers;

(2) Allows telecommunications companies to offer discounted rates, special promotions, and term agreements of up to five years on any of their services; and

(3) Allows steam heating companies with fewer than 100 Missouri customers to file under the small company rate procedure by giving notice to the commission, the Public Counsel, each customer, and each gas and electric corporation providing utility service in the area. Customers and corporations that respond within 30 days may participate in any case hearings or conferences.

#### SCS HCS HB 221 -- BANKING

This bill makes several changes to the laws governing banking. The bill:

(1) Gives priority to Article 9 securities over liens on deeds of trust and other instruments affecting real property in first classification counties which have two recorders' offices for the time period from June 30, 2001, to August 28, 2003;

(2) Adds \$1 to the recording fee that county recorders charge for every document recorded. Additional moneys are to be sent to the county employees' retirement fund or to the general revenue fund of charter counties without a county employees' retirement fund. The bill contains an effective date of September 1, 2003, for this section;

(3) Allows the Missouri Higher Education Loan Authority (MOHELA) to originate PLUS Loans (Parent Loans for Undergraduate Students) and increases the term of the bonds the loan authority may sell from 30 years to 40 years;

(4) Allows the Division of Finance to obtain information filed with federal regulatory agencies, rather than requiring banks to file reports of condition directly with the division;

(5) Allows the division access to the work papers used in a certified public accountant's audit of a bank and requires the certified public accountant to maintain these records for three years after the report to the bank is issued;

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(6) Requires banks to get prior approval from the division when the bank seeks to purchase real property for an amount that exceeds its loan limit or when the bank seeks to purchase property from an officer, shareholder, or other person with a similar relationship to the bank;

(7) Prohibits the division and the State Banking Board from setting conditions or requirements on deposit account fees or service charges assessed by financial institutions that are more restrictive than those allowed by federal law;

(8) Amends the definition of "unimpaired capital" by requiring that goodwill comprise no more than 10% of the lending institution's unimpaired capital;

(9) Establishes a process for establishing a new form of business entity called "trust holding company";

(10) Clarifies that trust holding companies will not be subject to Federal Reserve examination;

(11) Requires any acquisition of a nondepository trust company by a trust holding company to be approved by the division;

(12) Allows the division to pursue joint actions and investigations of trust holding companies with other state and federal regulatory authorities;

(13) Allows electronic filing with the Office of the Secretary of State of certain filings of initial financing statements and abolishes the Uniform Commercial Code Transition Fee Trust Fund. The bill contains an effective date of September 1, 2003, for this section;

(14) Repeals several sections of law setting requirements and restrictions on certain variable-rate loans; and

(15) Repeals the limit on fees that financial institutions may charge for check overdrafts.

CCS SCS HS HCS HB 228 -- UNSOLICITED COMMERCIAL ELECTRONIC MAIL

This bill makes it illegal to:

(1) Send unsolicited commercial electronic mail (e-mail) to any

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subscriber who has asked the sender not to send any additional unsolicited e-mail;

(2) Send unsolicited commercial e-mail without using "ADV:" as the first four characters in the subject line or "ADV:ADLT" if the message contains adult material; or

(3) Use a false identity or false or misleading information in the subject line of any commercial e-mail message.

The Attorney General may initiate proceedings against violators, impose injunctions and civil penalties of up to \$5,000 for each violation up to a maximum of \$25,000 per day, and seek additional relief. Violators are also subject to penalties provided in merchandising practices law. Civil penalties recovered will be credited to the Merchandising Practices Revolving Fund. There is a two-year statute of limitations, and state courts can exercise personal jurisdiction over nonresidents.

Telecommunications utilities, e-mail service providers, and Internet service providers that carry unsolicited e-mail initiated by others are not liable for violations.

The Attorney General must investigate any report that child pornography is contained on a particular web site. If the Attorney General has probable cause to believe the web site does, in fact, contain child pornography, he or she will notify the web site operator, in writing, of the material in question. If the web site operator removes the material within five days of receiving notice from the Attorney General, he or she will be immune for civil liability. If the web site operator does not remove the alleged pornography, the Attorney General may seek an injunction to remove the material from the web site operator's server.

The bill defines "unsolicited commercial electronic mail" as a commercial e-mail message sent without the consent of the recipient. E-mails sent from a parent company or subsidiary of the primary business are not considered unsolicited as long as the secondary business shares the same brand name as the primary business. The definition excludes the following kinds of e-mail:

(1) E-mail sent in response to an inquiry from a subscriber who has requested information and has provided an e-mail address;

(2) E-mail sent to a subscriber with whom the sender has had a business relationship at some point during the last 24 months. This includes a parent or subsidiary company of the primary business if they share the same brand name;

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- (3) E-mail sent by licensed professionals or tradesmen attempting to set an appointment for services related to their trade or profession;
- (4) E-mail sent by banks, farm credit services, or credit unions;
- (5) E-mail sent to a subscriber with whom the sender has a personal relationship; and
- (6) E-mail forwarded to a third party without the knowledge of the original sender.

#### HB 244 -- COUNTY PLANNING AND ZONING

This bill authorizes Cass County to operate under any existing planning and zoning law currently in statute, except planning and zoning for a county of the first classification.

#### HCS HB 245 -- MEMORIAL HIGHWAY

This bill names a 13.5 mile portion of U. S. Highway 60 (James River Freeway) from U. S. Highway 65 west to State Route 360, northwest to Interstate 44 as the "Korean War Veterans' Memorial Freeway." The bill requires that costs related to signs along the freeway be paid for through private sources.

#### HB 247 -- SPECIAL MOBILE EQUIPMENT

This bill allows the movement of special mobile equipment at any time and on any day on state-maintained roads and highways if the equipment:

- (1) Travels at a speed above any minimum speed limit and is capable of traveling at the uniform maximum speed limit; and
- (2) Does not exceed the maximum weight, height, width, or length requirements established by law.

Under current law, special mobile equipment cannot be operated on state maintained highways on Saturdays, Sundays, or legal holidays, except in emergencies.

#### HB 249 -- HIGHWAY DESIGNATION

This bill designates a portion of State Route WW from the corner of Morrow and Odell streets within the City of Marshall going east to the end of the route as "Butterfield Ranch Road." Signs will be paid for, erected, and maintained by Butterfield Youth Services.

#### HCS HB 253 -- PROTECTION ORDERS

This bill eliminates, effective January 1, 2004, any requirement that petitioners for protection orders provide their Social Security numbers on petitions or case documents. The courts may require petitioners to provide their number on confidential case sheets.

#### HB 254 -- UNIFORM ELECTRONIC TRANSACTIONS ACT

This bill repeals the current Missouri Digital Signatures Act (Sections 28.600 - 28.678, RSMo) and enacts the provisions of the Uniform Electronic Transactions Act, making electronic transactions as enforceable as traditional paper transactions if the parties agree to transact electronically. The act does not apply to the creation and execution of wills, codicils, and testamentary trusts or to transactions subject to the Uniform Commercial Code, except for sales (Article 2) and leases (Article 2A).

#### SS SCS HS HCS HB 257 -- AGRICULTURE

This bill adds and modifies provisions relating to agriculture.

##### STATE GRASS

The Missouri native grass (*Andropogon gerardii*), known as "Big Bluestem," is designated as the official state grass.

##### NET OPERATING LOSS

The net operating loss on agricultural activities may be carried forward for more than 20 years and carried backward for more than two years.

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#### GROWERS DISTRICT

Missouri producers raising agricultural crops for food, feed, industrial, and pharmaceutical uses may form a grower's district.

#### VALUE-ADDED AGRICULTURAL PRODUCTS

Value-added agricultural products are defined as resulting from:

- (1) The use of a crop to produce another product;
- (2) A change in the physical state of the original agricultural product;
- (3) A product whose value has been enhanced by special production methods; or
- (4) Physical segregation of an agricultural product that enhances its value as an identity-preserved marketing system.

#### TAX CREDITS

Agricultural Product Utilization Contributor Tax Credits and New Generation Cooperative Incentive Tax Credits may be taken against taxes owed in the year offered.

#### POINT SOURCE

The term "point source," defined for the purposes of the Clean Water Commission, is not to include agricultural storm water discharges and return flows from irrigated agriculture.

#### UNGULATES

Interstate and intrastate movement of ungulates is to be under the jurisdiction of the Department of Agriculture.

#### CONTAMINATED WATER

Contaminated water from an animal confinement facility or an animal waste application system, excluding lagoons, that is totally confined to the owner's property and does not reach the waters of the state is not to receive a notice of violation if the cleanup begins within 24 hours and is remediated as soon as possible.

#### BONDS FOR WATER AND SEWER PROJECTS

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In addition to amounts authorized prior to August 28, 2004, the bill authorizes the Board of Fund Commissioners to issue additional bonds for grants and loans pursuant to several sections in Article III of the Missouri Constitution. The authorizations are for:

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

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

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

#### VETERINARIANS

Veterinarians licensed by the state are authorized to impose restrictions on animals, persons, and vehicles to prevent the spread of contagious diseases, toxic agents, or radioactively contaminated animals and poultry. Any person who obstructs the veterinarian imposing restrictions is guilty of a class A misdemeanor.

A veterinarian may put a lien against livestock for nonpayment of veterinary care if the payment is one calendar year overdue.

#### PHYSICAL THERAPIST

Licensed physical therapists or their assistants may provide rehabilitation services on animals pursuant to a written prescription of a licensed veterinarian.

#### CONCENTRATED ANIMAL FEEDING OPERATIONS

Provisions of Chapter 640, RSMo (Department of Natural Resources), are repealed relating to concentrated animal feeding operations and reenacted in Chapter 644 (Water Pollution) with the following changes:

(1) The Missouri Clean Water Commission is to promulgate rules regulating the establishment, permitting, design, construction, operation, and management of Class I concentrated animal feeding operations; and

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(2) Prior to filing an application to acquire a construction permit, the owner or operator of a Class IA concentrated animal feeding operation is to provide certain information to the Department of Natural Resources, the county government, and all adjoining property owners with property within one and one-half times the buffer distance.

#### HB 261 -- HIGHWAY DESIGNATION

This bill designates the entire section of U. S. Highway 65 in Missouri, except where otherwise designated, as the "American Legion Memorial Highway."

#### SS SCS HS HB 267 -- COUNTY GOVERNMENT

This bill makes several changes related to county government. The bill:

- (1) Changes the months in which county commissioners are required to meet;
- (2) Authorizes the governing body of all counties to provide workers' compensation, health insurance, life insurance, and retirement plans for county employees;
- (3) Allows any county of the first classification to acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice;
- (4) Authorizes any county without a charter form of government to adopt ordinances or resolutions related to its property, affairs, and local government. The bill limits the types of ordinances that may be passed. Ordinances may be submitted to the voters for approval. No county may pass an ordinance which will submit a tax to the voters without authorization by the General Assembly;
- (5) Establishes qualifications for a candidate for the office of county surveyor in counties of the second, third, and fourth classification. In counties of the third and fourth classification, a surveyor may be appointed if no qualified candidate seeks the office;
- (6) Authorizes any county subject to Environmental Protection

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Agency rules concerning storm water discharge to adopt ordinances that are necessary to comply with federal regulations. These counties may, upon voter approval, impose a storm water utility tax in an amount necessary to fund public storm water control projects;

(7) Authorizes St. Louis County to impose, by ordinance, a semiannual fee of up to \$200 on owners of residential property or commercial housing property if that property, has been vacant for six months and is in violation of the housing code. A municipal officer must make the initial determination, and the owner may appeal or improve the property within 30 days. If improved, the owner may ask for reinspection. If the fee is still imposed, the owner may still appeal. Delinquent fees become a lien upon the property. Currently, only municipalities may impose the fee;

(8) Authorizes all counties to impose, upon voter approval, a sales tax of up to 0.025% for community services for children up to the age 19. Current law allows St. Charles, St. Louis, Jefferson, Franklin, Warren, and Lincoln counties to enact this sales tax. The moneys collected from the tax will be deposited into the county's community children's fund and administered by the board of directors;

(9) Increases the fee that a county collector may charge in charter counties and the City of St. Louis for a merchants license from \$5 up to \$25. The fee may be adjusted annually based on the Consumer Price Index, but the fee may not exceed \$100. Current law sets the fee at \$5, except in Jackson County, where the governing body sets the fee, not to exceed \$100. The bill repeals a statute that was enacted twice, clarifying that the fee in all other counties is \$25;

(10) Establishes requirements for candidates for the office of public administrator. Candidates must be 21 years of age, be a resident of the county for at least one year, be a registered voter, and be current in the payment of all personal and business taxes;

(11) Requires county collectors in all counties, except charter counties, to establish an adequate system of bookkeeping, authorize and prescribe the method and manner of collection of taxes, and specify the format of the tax books and the form and manner of preparation of tax bills. All computer changes must interface with equipment and software in use; and

(12) Deletes certain current sections of law related to county government.

#### HCS HB 277 -- COMMUNITY IMPROVEMENT DISTRICTS

This bill allows the City of Springfield, when requested by a property owner, to hold a public hearing for the removal of real property from a community improvement district or to have a parcel of property within the district reclassified.

The bill allows the property to be removed from the district or reclassified if the district's board of directors consents to the action, the district can meet its obligations without the revenue generated by or on the property, and the public hearing is properly conducted.

#### HB 278 -- CONVEYANCES IN ST. CHARLES COUNTY

This bill authorizes the Governor to convey a temporary construction easement in St. Charles County for the purpose of a right-of-way for the Knaust Road Improvement Project.

The Governor is further authorized to convey certain state property along Knaust Road in St. Charles County for a public road right-of-way. Consideration for the conveyance will be the fair market value as determined by the Commissioner of the Office of Administration.

#### SS SCS HB 286 -- HEALTH CARE PROGRAMS

This bill provides for a proportionate decrease in the federal reimbursement allowance for Medicaid in each fiscal year in which the population covered by the Medicaid expansion waiver decreases. The Division of Medical Services will increase the uninsured payments for that fiscal year. The increased payments will offset the higher uninsured costs to certain health care facilities resulting from the more restrictive Medicaid waiver eligibility criteria, as determined by the Department of Social Services.

Beginning July 1, 2003, the amount appropriated each fiscal year to fund Medicaid graduate and enhanced graduate medical education is not to be less than the amount paid in Fiscal Year 2002. This provision will expire 180 days after the end of the fiscal year if the required appropriation was not paid, unless payments are adjusted prospectively by the department. The provision for graduate and enhanced graduate medical education will expire September 30, 2005.

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The bill modifies the rebate amount for prescription drugs in the Missouri Senior Rx Program. For all transactions prior to July 1, 2003, the rebate amount is 15% of the manufacturer's price. For all transactions on or after July 1, 2003, the rebate amount is 15% for brand name prescription drugs and 11% for generic prescription drugs.

The department may, on a quarterly basis, adjust the tax levied on licensed retail pharmacies providing outpatient prescription. The department may adjust more frequently for individual providers if their pharmacy sales characteristics change substantially. The annual audit by the Department of Insurance of this tax is repealed. The provisions relating to this tax expire June 30, 2005.

#### CCS SS SCS HCS HB 289 -- TAX INCENTIVES FOR ECONOMIC DEVELOPMENT

#### MISSOURI DOWNTOWN ECONOMIC STIMULUS ACT

This bill:

(1) Allows any municipality to create a Downtown Economic Stimulus Authority, as long as certain findings are made; however, municipalities within St. Louis County are required to form a countywide downtown economic stimulus authority;

(2) Defines "central business district" as that area which is locally known as the "downtown" with at least 50% of buildings being 35 years or older and a median household income of under \$62,000;

(3) Defines "other net new revenues" as a percentage of state sales taxes and state income taxes generated within the development area. Other net new revenues are the state's contribution to the downtown development projects. The state income tax portion is based on the salaries and wages paid by businesses in the development area to new employees in new jobs. The contribution of state sales taxes is the additional state sales tax revenue collected by businesses in the development area in a given year as compared to what was collected in the baseline year. For businesses that relocate to the development area, the state sales tax contribution is the additional state sales tax revenue collected in the development area as compared to what was collected in the year prior to relocating to the development area;

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- (4) Requires the municipality to deposit 50% of the Economic Activity Taxes (EATS) generated within the development area in its special allocation fund. EATS are the additional revenue generated by taxes within the development area that are greater than the taxes which were generated in the same development area in the baseline year. EATS do not include personal property taxes, hotel/motel taxes, licenses, fees, or special assessments;
- (5) Prohibits funding from being used for the construction, maintenance, or operation of any sports stadium or arena that is used for spectator events and seats over 10,000;
- (6) Requires that each authority be governed by a board of five to 14 commissioners;
- (7) Prohibits lawsuits protesting the creation of an authority or the approval of a development plan, project, or area or a tax being levied from being brought more than 90 days after the effective date of the ordinance in question;
- (8) Outlines the powers of an authority. Authorities are prohibited from exercising eminent domain;
- (9) Requires Kansas City, St. Louis City, and St. Louis County to approve a disadvantaged business enterprise program for implementation by any authority and explains the requirements of the program;
- (10) Explains how an authority may dispose of property and discusses how fair market value will be determined;
- (11) Explains the requirements of the development plan;
- (12) Allows a municipality or an authority to issue bonds for the development project but prohibits the state from issuing bonds for the development project;
- (13) Explains the manner in which ad valorem taxes and payments in lieu of taxes will be divided among the affected taxing districts;
- (14) Requires Payments in Lieu of Taxes (PILOTS) that are attributable to the increase in the current equalized assessed valuation of real property that is over the initial equalized assessed valuation to be deposited into the municipality's special allocation fund;
- (15) Requires that, if the development plan includes an

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endowment of positions at certain institutions of higher education, the endowment first be funded with a private donation to the institution in an amount equal to at least 50% of the total endowment. The remaining portion of the endowment can be paid from local or state funds associated with the development project;

(16) Allows municipalities to apply for money from the State Supplemental Downtown Development Fund by submitting an application to the Missouri Development Finance Board;

(17) Prohibits the amount of state supplemental downtown development financing approved for a project from being greater than the projected state benefit of the development project;

(18) Prohibits the amount of money available for disbursement from the State Supplemental Downtown Development Fund from exceeding \$150 million annually;

(19) Prohibits development projects from using both state supplemental downtown development financing and tax increment financing simultaneously;

(20) Allows the reasonable costs incurred by the departments of Economic Development and Revenue and the Office of Administration for processing applications for funding to be considered allowable development project costs;

(21) Establishes the State Supplemental Downtown Development Fund, which is administered by the Department of Economic Development. The fund will consist of the first \$150 million of other net new revenues generated annually by the development projects, fees charged for salaries of state employees that are attributable to the development projects, and any gifts or other contributions;

(22) Requires the Department of Revenue to annually submit the first \$150 million of other net new revenues generated by the development projects to the State Treasurer, who will deposit them into the fund;

(23) Requires the Department of Economic Development to annually disburse financing from the fund in amounts determined by the certificates of approval for projects. If the revenues in the fund are not sufficient to equal the amounts indicated on certificates of approval, the department will disburse revenues on a pro rata basis to all approved projects;

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(24) Prohibits municipalities from obligating state funds prior to receiving a certificate of approval from the Department of Economic Development;

(25) Requires a joint committee of the General Assembly to review the act every five years, beginning in 2008. A report must be issued to the Speaker of the House of Representatives and the President Pro Tem of the Senate no later than February 1 following the year in which the review is conducted;

(26) Prohibits new applications for development financing from being approved after January 1, 2013;

(27) Allows applications for development funding to be approved prior to August 28, 2003, if the project is located in a county for which assistance has been requested by the Governor due to a natural disaster of major proportions that occurred between May 1 and May 10, 2003;

(28) Allows the Missouri Development Finance Board to approve up to two development project applications in Kansas City prior to December 31, 2006. These projects will receive up to 50% of the incremental increase in all general revenue sales taxes;

(29) Requires each municipality to submit an annual report concerning the status of the development plan to the Director of the Department of Economic Development. The department and the Missouri Development Finance Board will review all reports; and

(30) Requires the Director of the Department of Economic Development to submit a report to the Governor, the Speaker of the House of Representatives, and the President Pro Tem of the Senate summarizing the information submitted by the municipalities. This report must be submitted by April 30 of each year.

#### COMMUNITY DEVELOPMENT CORPORATION REVOLVING FUND

The bill:

(1) Requires Kansas City, St. Louis City, St. Louis County, Boone County, and all the municipalities within Boone County to establish a community development corporation revolving fund for the purpose of providing funds to community development corporations to stimulate economic development, housing, and other public benefits leading to the development of economically sustainable neighborhoods;

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(2) Requires that the fund be administered by a board with six members appointed by the mayor or chief executive officer of the municipality;

(3) Allows the General Assembly to appropriate up to 5% of the state sales tax increment portion of other net new revenues generated by development projects certified for state supplemental downtown development financing to be deposited into the State Supplemental Downtown Development Fund for the purpose of providing grants to these cities and counties for community development corporation revolving fund programs; and

(4) Prohibits the sum of the grants from exceeding \$1.5 million annually.

#### MISSOURI RURAL ECONOMIC STIMULUS ACT

The bill:

(1) Allows municipalities to create a Rural Economic Stimulus Authority;

(2) Requires that each authority be governed by a board of five to 14 commissioners;

(3) Prohibits funding under the act from being used for the construction, maintenance, or operation of any sports stadium or arena that is used for spectator events and seats over 10,000;

(4) Defines "development project" as a project that creates a renewable fuel production facility;

(5) Prohibits lawsuits protesting the creation of an authority or the approval of a development plan, project, or area or a tax being levied from being brought more than 90 days after the effective date of the ordinance in question;

(6) Outlines the powers of an authority. Authorities are prohibited from exercising eminent domain;

(7) Explains how the authority may dispose of property and discusses how fair market value will be determined;

(8) Explains the requirements of the development plan;

(9) Allows the municipality or the authority to issue bonds for a development project but prohibits the state from issuing bonds for a development project;

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(10) Establishes the manner in which ad valorem taxes and payments in lieu of taxes will be divided among the affected taxing districts;

(11) Requires Payments in Lieu of Taxes (PILOTS) that are attributable to the increase in the current equalized assessed valuation of real property that is over the initial equalized assessed valuation to be deposited into the municipality's special allocation fund;

(12) Requires the municipality to deposit 50% of the Economic Activity Taxes (EATS) generated within the development area in its special allocation fund. EATS are the additional revenue generated by taxes within the development area that are greater than the taxes which were generated in the same development area in the baseline year. EATS do not include personal property taxes, hotel/motel taxes, licenses, fees, or special assessments;

(13) Requires that, if the development plan includes an endowment of positions at certain institutions of higher education, the endowment first be funded with a private donation to the institution in an amount equal to at least 50% of the total endowment. The remaining portion of the endowment can be paid from local or state funds associated with the development project;

(14) Allows municipalities to apply for money from the State Supplemental Rural Development Fund by submitting an application to the Missouri Agricultural and Small Business Development Authority;

(15) Prohibits the amount of state supplemental rural development financing approved for a project from being greater than the projected state benefit of the development project;

(16) Prohibits the amount of other net new revenues approved for disbursement from the State Supplemental Rural Development Fund from exceeding \$12 million annually;

(17) Allows the reasonable costs incurred by the departments of Economic Development and Revenue and the Missouri Agricultural and Small Business Development Authority for processing applications for funding to be considered allowable development project costs;

(18) Prohibits development projects from using state supplemental rural development financing and tax increment financing simultaneously;

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(19) Establishes the State Supplemental Rural Development Fund, which is administered by the Department of Economic Development. The fund will consist of the first \$12 million of other net new revenues generated annually by the development projects, fees charged for salaries of state employees that are attributable to the development projects, and any gifts or other contributions;

(20) Requires the Department of Revenue to annually submit the first \$150 million of other net new revenues generated by the development projects to the State Treasurer, who will deposit them into the fund;

(21) Requires the Department of Economic Development to annually disburse financing from the fund in amounts determined by the certificates of approval for projects. If the revenues in the fund are not sufficient to equal the amounts indicated on certificates of approval, the department will disburse revenues on a pro rata basis to all approved projects;

(22) Prohibits municipalities from obligating state funds prior to receiving a certificate of approval from the Department of Economic Development;

(23) Requires a joint committee of the General Assembly to review the act every five years, beginning in 2008. A report must be issued to the Speaker of the House of Representatives and the President Pro Tem of the Senate no later than February 1 following the year in which the review was conducted;

(24) Requires each municipality to submit an annual report concerning the status of the development plan to the Director of the Department of Economic Development. The department and the Missouri Agricultural and Small Business Development Authority will review all reports; and

(25) Requires the Director of the Department of Economic Development to submit a report to the Governor, the Speaker of the House of Representatives, and the President Pro Tem of the Senate summarizing the information submitted by the municipalities. This report must be submitted by April 30 of each year.

#### AGRICULTURAL AND SMALL BUSINESS DEVELOPMENT AUTHORITY

The bill defines a new term, "value added agricultural products."

#### TAX CREDITS FOR BUSINESS-USE INCENTIVES FOR LARGE-SCALE DEVELOPMENT (BUILD)

(CONTINUED)

The bill:

- (1) Limits the amount of these tax credits to \$11 million annually;
- (2) Removes the \$75 million limit on revenue bonds the Missouri Development Finance Board can sell;
- (3) Defines "essential industry" as a targeted industry located in Hazelwood. The industry must meet certain criteria including having maintained at least 2,000 jobs in the four years prior to applying for tax credits, retain a certain level of employment, and invest a minimum of \$500,000,000 by the end of the third year following the issuance of these tax credit certificates; and
- (4) Allows existing jobs in an essential industry to be considered new jobs.

#### AUTO MANUFACTURING PLANT

The bill:

- (1) Defines a "retained business facility" as one in which the taxpayer agrees to make a capital investment of at least \$500 million during a specified time period, maintains at least 2,000 employees per year for 10 years, agrees to pay an average wage that exceeds the average wage of St. Louis County, and has received commitments for local economic incentives;
- (2) Exempts 50% of the Missouri taxable income attributed to an approved retained business facility in Hazelwood from taxation;
- (3) Allows the following tax credits for the facility for 10 years:
  - (a) A \$400 or \$500 tax credit for each employee retained by the facility;
  - (b) A \$400 tax credit for each year in which a retained employee lives in Hazelwood. This tax credit can be prorated for employees who have not lived in Hazelwood for a full year;
  - (c) An annual \$400 tax credit for each retained employee who fits the criteria for "a person difficult to employ." This tax credit can be prorated for employees who have not worked for the facility for a full year;

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(d) A tax credit equal to 80% of the training expenses that are in excess of \$400 per trainee, if the trainee is a resident of Hazelwood or is defined as "a person difficult to employ." This tax credit cannot exceed \$400 per trainee; and

(e) A tax credit equal to 10% of the first \$10,000 of qualifying investment, a 5% tax credit on the next \$90,000 of qualifying investment, and a 2% tax credit on all remaining qualifying investments;

(4) Allows a tax refund to be issued to the facility in Hazelwood, but only if the certified tax credits exceed the company's total Missouri tax liability by at least \$1 million. In this case, a portion of the tax credits earned will be considered an overpayment of taxes and may be refunded to the company. The maximum amount of the refund cannot exceed \$2 million a year;

(5) Prohibits the facility from taking advantage of the tax exemption for new businesses in enterprise zones, tax credits for a new or expanded business facility in an enterprise zone, tax credits for training employees, tax credits for new or expanded business facilities, or the income tax refund for establishing a new business facility in an enterprise zone if it uses the tax exemption, tax credits, and tax refund authorized by the bill;

(6) Allows the facility to participate in the New Jobs Training Program; and

(7) Requires any contract entered into between the facility and the Department of Economic Development to include a requirement that the company maintain operations at the facility for at least 10 years at a particular employment level. The contract must also include provisions for repayment of incentives upon breach of contract.

#### SUPER-TAX INCREMENT FINANCING

The bill:

(1) Authorizes retail sales tax to be included in the calculation of "new state revenues" for the purpose of state tax increment financing (Super-TIF) under certain circumstances;

(2) Expands what is required on a Super-TIF application; and

(3) Specifies how economic activity taxes and new state tax revenues will be calculated for a national headquarters that has moved from another state to Missouri.

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## INDUSTRIAL DEVELOPMENT CORPORATIONS

For any industrial development plan approved after August 28, 2003, that authorizes the issuance of revenue bonds or the conveyance of a fee interest in property to the municipality, the bill requires that the project plan also include a statement identifying each taxing district affected by the project, except property associated with railroads, street railroads, bridges, and express and public utilities that are assessed by the State Tax Commission. The project plan must also include the most recent equalized assessed valuation of the real and personal property included in the project and an estimate as to the equalized assessed valuation of real and personal property included in the project after development. A cost-benefit analysis is also required, as is the identification of any payments in lieu of taxes or other payments expected to be made by the lessee of the project.

The bill requires that the county in which the municipality is located and any school district be notified of any hearing regarding an industrial development project and invited to testify to the governing body about the project.

The bill requires that the current assessed value of all property within the taxing district be included in the aggregate valuation of assessed property and that this amount be used for the purpose of determining the local government's debt limitation.

Current law requires municipalities to file a report with the Department of Economic Development regarding the revenue bonds issued in the previous year. The bill requires the report to also include a general description of the property purchased by the municipality with bond proceeds.

## TAX CREDITS FOR INVESTMENT IN SMALL BUSINESSES

The bill:

- (1) Redefines the term "community development corporation"; and
- (2) Requires the Department of Economic Development to allocate up to 10% of its total appropriation for community development corporations to the community development corporation association for costs associated with the activities of the association.

## TAX CREDITS FOR INVESTMENTS IN CERTIFIED CAPITAL COMPANIES (CAPCO)

(CONTINUED)

The bill allows a qualified investing entity to make qualified investments on behalf of a certified capital company. A qualified investing entity must be a wholly owned subsidiary of a certified capital company, so it would be making qualified investments on behalf of its parent company. In addition, with regard to CAPCO, the bill:

(1) Modifies the definitions of "capital in a qualified Missouri business" and "qualified Missouri business";

(2) Defines the term "qualified investing entity";

(3) Removes the limitation on gross sales of a qualified Missouri business in a distressed community. Current law states that these businesses cannot have gross sales in excess of \$5 million during the most recently completed fiscal year; and

(4) Requires that all qualifying investments made by a qualifying investment entity receive prior approval from the Department of Economic Development before they can be considered actual qualifying investments.

#### TRANSITIONAL SCHOOL DISTRICT

The bill exempts the operating levy of the transitional school district (which has the same boundaries as the St. Louis City School District) from being subject to a certificate of tax abatement and further exempts the operating levy or its sales tax equivalent amount from tax increment financing in connection with any redevelopment plan adopted by the City of St. Louis on or after January 1, 2004.

#### SATELLITE ENTERPRISE ZONES

The bill requires the Department of Economic Development to designate satellite enterprise zones in St. Joseph, Independence, and Springfield.

#### OTHER

The bill:

(1) Prohibits investment funds services corporations from being required to pay an annual license fee in excess of \$25,000 after December 31, 2003; and

(2) Prohibits any village with fewer than 1,300 inhabitants from imposing a business license tax in excess of \$10,000 per license.

HB 292 -- DE SOTO ARMORY

This bill designates the De Soto Armory as the William E. "Bud" Lewis Armory.

HB 307 -- MUTUAL-AID AGREEMENTS

Under current law, political subdivisions must have approval from the Governor before entering into a mutual-aid agreement with other public or private agencies for reciprocal emergency aid.

This bill removes the requirement that the Governor approve these agreements.

HB 314 -- PUBLIC WORKS BONDS

This bill prohibits public entities and persons acting on behalf of public entities from requiring bidders and contractors on public works construction projects to obtain surety bonds from specific insurance or surety companies.

HCS HB 318 -- COUNTY ORDINANCE VIOLATIONS

This bill allows the Cass County Commission to elect to have county traffic ordinance violations heard by an associate circuit judge of the county.

HB 326 -- STE. GENEVIEVE COUNTY BOUNDARY

This bill changes the boundary description of Ste. Genevieve County.

CCS SS SCS HB 327 -- TRANSPORTATION

This bill makes numerous changes relating to transportation.

EMINENT DOMAIN

(CONTINUED)

The bill requires that when the Highways and Transportation Commission takes property by eminent domain, the loss of access to a highway must be taken into consideration when determining damages. This provision has an emergency clause.

#### OUTSTANDING PARKING TICKETS

Counties may pass ordinances to include charges for outstanding parking tickets on personal property tax bills. Cities currently have this authority. The collector of revenue or treasurer ex officio collector of a city or county may collect 2% of the personal property tax collections for administrative costs. Cities and counties that levy personal property taxes may establish an intergovernmental revenue collection agreement with other cities and counties to establish a system to facilitate the collection of delinquent vehicle-related fees and fines through personal property tax bills.

#### SALES TAX EXEMPTION ON STATE TRANSPORTATION PROJECTS

The bill exempts contractors from paying sales taxes on materials used in Department of Transportation projects. This portion of the bill has an effective date of July 1, 2005.

#### MISSOURI EMERGENCY RESPONSE COMMISSION

The bill makes the Director of the Department of Transportation a member of the Missouri Emergency Response Commission in place of the Director of the Department of Economic Development.

#### TRUCKS IN LEFT-HAND LANES

The bill prohibits trucks (in excess of 48,000 pounds) from being driven in the far left-hand lane on interstate highways, freeways, or expressways in the urban areas of this state. This prohibition does not apply in certain circumstances.

#### COMMERCIAL MOTOR CARRIER (COMPLIANCE WITH FEDERAL REGULATIONS)

The bill adds the federal definition of "gross combination weight rating" and "gross vehicle weight rating" to Section 302.700, RSMo. The bill also modifies two provisions of Missouri law pertaining to hazardous materials carriers to make them consistent with Federal Motor Carrier Safety Administration regulations.

Under the bill, courts must forward to the Department of Revenue, within seven days, a record of any guilty conviction involving a

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moving traffic violation. The department director will be required to enter any conviction information into the appropriate computer systems and transmit the conviction information as required by federal requirements.

Commercial driver's license holders will not be allowed limited driving privileges for the purpose of operating a commercial motor vehicle if their driving privileges are suspended, revoked, canceled, denied, or disqualified.

The bill modifies the definition of "serious traffic violation" to include driving a commercial motor vehicle:

- (1) Without a commercial driver's license;
- (2) Without a commercial driver's license in possession; and
- (3) Without the proper commercial driver's license class or endorsement.

Applicants for a commercial driver's license must disclose the names of all states which have issued them a commercial driver's license during the previous 10-year period. The department director is required before the initial issuance of a commercial driver's license and for the first renewal to obtain driving record information from any state licensing system in which the person has been issued a license. A commercial driver's license driving record must contain a complete history of the driver, including information and convictions from previous states of licensure.

The Director of the Department of Revenue is required to adopt the federal requirements for record keeping. This provision has an effective date of September 30, 2005.

No federal, state, county, municipal, or local court can defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses or is required to possess a commercial driver's license to enter into a diversion program that will prevent a conviction for any violation of any traffic law from appearing on the driver's record maintained by the director. This provision has an effective date of September 30, 2005.

The director is required to disqualify any driver the United States Secretary of Transportation has determined to constitute an imminent hazard. A person will be disqualified from operating a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

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- (1) Driving any motor vehicle under the influence of alcohol or a controlled substance;
- (2) Driving a commercial motor vehicle which causes a fatality due to negligent operation of the vehicle;
- (3) Leaving the scene of an accident involving any type of vehicle; or
- (4) Using any type of vehicle in the commission of a felony.

Any driver who violates an out-of-service order is subject to a civil penalty not to exceed an amount as determined by the United States Secretary of Transportation.

Any person operating emergency or fire equipment during the execution of official department or agency business is exempt from the commercial driver's licensing provisions.

Individuals who operate a school bus must meet the requirements for and be issued a school bus endorsement as required by the United States Secretary of Transportation. This provision has an effective date of September 30, 2005.

#### LOW-SPEED VEHICLES

Low-speed vehicle operators will be allowed to use public highways under certain conditions. A low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards. A low-speed vehicle will not be operated on a street or highway with a posted speed limit greater than 35 miles per hour. Low-speed vehicles will be exempt from inspection and emission testing, but must comply with federal standards. Every operator of a low-speed vehicle must maintain financial responsibility as required under the law and must have a driver's license. Cities and counties may promulgate ordinances which are more stringent.

#### TOWING PROVISIONS

The bill repeals a doubly-enacted section regarding the towing of motor vehicles from private property. The bill also provides that tow trucks will be considered an emergency vehicle after arriving at the scene of an accident.

#### PERSISTENT AND PRIOR OFFENDERS

(CONTINUED)

The bill makes it clear that drivers charged with alcohol-related offenses will be ineligible for a suspended imposition of sentence whether the drivers are in municipal court or state court.

#### TOTAL TRANSPORTATION DISTRICTS

Under the bill, property separated by easements or rights-of-way will be considered contiguous for transportation development district purposes. Districts formed by property owners need not contain contiguous properties if:

- (1) The petition provides that the sole funding method is a sales tax;
- (2) A court finds that all the property within the proposed district will benefit district projects; and
- (3) Each parcel within the district is within five miles of every other parcel.

As an alternative method for forming a transportation development district, the bill allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a district. The proposed district area must be contiguous and may contain all or any portion of a county or city. The bill outlines the requirements of the petition.

The bill allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The district may impose a funding mechanism other than a sales tax if approved by the voters within the district.

#### POINTS FOR YOUNGER DRIVERS

Persons under of the age of 18 who are convicted of exceeding the posted speed limit by 20 miles per hour or more will be assessed eight points for the first conviction and 12 points for the second or subsequent conviction.

#### SCHOOL BUS PERMITS

Applicants for school bus permits must submit two sets of fingerprints beginning January 1, 2004. One set of fingerprints will be used by the State Highway Patrol in order to search the criminal history repository, and the other set will be forwarded

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to the Federal Bureau of Investigation for searching the federal criminal history files. The applicant will pay the appropriate fees for the searches. The bill removes the Department of Social Services from the school bus permit process.

#### RAILROAD CROSSINGS

Whenever an authority legally closes or vacates a road which has a railroad crossing, the Highways and Transportation Commission will issue an order authorizing removal of the crossing within 30 days.

#### COMMERCIAL MOTOR VEHICLES AT RAILROAD CROSSINGS

The bill requires operators of commercial motor vehicles, other than those required to stop by law, to approach a railroad grade crossing at a rate of speed which will permit the vehicle to stop before reaching the nearest rail or crossing and not drive upon or over a crossing until due caution has been taken to ascertain that the course is clear.

#### ROAD SIGNS

The bill allows regionally accredited post-secondary educational facilities to be eligible for tourist directional and travel information signs.

#### WORK ZONES

The bill requires work zone warning signs not be visible during any time in which no workers are present for four hours or more. The current law provides that no warning sign will be visible if there are no workers present for two hours or more.

#### SUBSTANCE ABUSE TRAFFIC OFFENDER PROGRAM

The bill modifies various provision relating to the Substance Abuse Traffic Offender Program (SATOP). The bill requires that some of the moneys deposited in the Health Initiatives Fund be used for the administration of the program. Enrollees in the program must pay a supplemental fee as determined by the Department of Mental Health in addition to a required fee. Under current law, the supplemental fee is \$60. Any administrator of a program who fails to remit supplemental fees and interest on any unpaid supplemental fee balance to the Division of Alcohol and Drug Abuse will be subject to a penalty or legal action by the Attorney General. This part of the bill contains an emergency clause.

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## ANIMAL-DRIVEN VEHICLES

Persons operating animal-driven vehicles after dark must use lamps or lanterns and reflective material which comply with rules promulgated by the Department of Public Safety.

## TRAFFIC VIOLATIONS

The bill allows cities and counties to pass an ordinance to include outstanding vehicle-related fees and fines on personal property tax bills. A personal property tax bill will not be considered paid unless the vehicle-related fees and fines are also paid in full. The bill also allows any city or county which levies personal property taxes to establish an intergovernmental revenue collection agreement with other cities and counties to facilitate the collection of delinquent vehicle-related fees. No state registration license will be issued or renewed if the owner of the motor vehicle owes vehicle-related fees or fines to a county, city, or township with the state. A county or city may notify the owner of the motor vehicle that fines have not been paid; and if not paid in full within 30 days, the Department of Revenue will be authorized to suspend the motorist's vehicle registration. The bill provides for notification and an appeals process to contest the fines and fees. The bill also provides for the suspension of a driver's license for failure to pay vehicle-related fees. Currently, the department is required to suspend a person's driving privileges if the person fails to pay outstanding traffic violations or fails to appear in court to contest those charges. A person's driving privileges would be suspended if the person has failed to pay vehicle-related fees, parking violation fines, towing and vehicle immobilization fees, and any late payment penalties and court costs associated with the adjudication or collection of those fines. If a person fails to pay these vehicle-related fees, the court or designated administrative agency will notify the department to have the person's driver's license suspended.

## DRIVEAWAY OPERATIONS

The bill modifies the definition of "driveaway operation" to include the transporting of vehicles in transit from one place to another by driveaway or towaway methods. The bill provides that driveaway license plates may only be used for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, abandoned, improperly parked, or burned vehicles. The bill extends the area for certain land improvement contractors' commercial motor vehicles from 25 miles to 50 miles.

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#### MEMORIAL HIGHWAY

The bill designates the portion of U. S. Highway 71 in McDonald County as the "Corporal Bobbie J. Harper Memorial Highway."

#### AIRBAGS

The bill makes it a class D felony to install an airbag that does not comply with federal standards or an airbag which has previously been installed in another motor vehicle without disclosing that fact.

#### ALL-TERRAIN VEHICLES

The bill modifies the definition of "all-terrain vehicle" (ATV) by increasing the unladen dry weight of an ATV from 600 pounds to 1,000 pounds and by providing that an ATV may be a vehicle with a seat designed to carry more than one person.

#### HCS HB 332 -- SOCIAL WORKERS

This bill prohibits any person from holding themselves out as being a social worker or using the title of social worker unless the person holds a current license in baccalaureate or clinical social work issued by the State Committee for Social Workers or holds a degree from an accredited social work program approved by the Council on Social Work Education.

Beginning January 1, 2004, no entity, public or private, may use the title of social worker for volunteer or employment positions within contracts for services, documents, manuals, or reference material unless those persons being referred to have met all educational requirements set by the bill.

The bill contains penalty provisions.

#### SCS HCS HB 346 & 174 -- PUBLIC SCHOOL RETIREMENT SYSTEMS

This bill revises various provisions of the Missouri Public School Retirement System.

#### TEACHING PERSONNEL AND RETIREMENT BENEFITS

The bill requires the State Board of Education to develop rules

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to facilitate job-sharing positions for classroom teachers. The bill contains a definition for "job-sharing position" and entitles teachers in these positions to certain employment benefits and retirement benefits.

#### PUBLIC SCHOOL RETIREMENT SYSTEMS

The bill contains provisions pertaining to certain public school districts and retirement systems.

In school districts with 300,000 residents or less, the bill:

(1) Requires the board to determine and certify to employers the level rate of contribution and specifies the time period the rate should be established;

(2) Requires the level rate of contribution for a fiscal year not to exceed the rate of contribution for the prior fiscal year by more than 0.5%;

(3) Requires the board to determine and certify the level rate of contribution for a fiscal year based on an actuarial valuation. The valuation will be based on an entry age normal actuarial cost method and an asset valuation method, with the unfunded actuarial liability amortized over a period not to exceed 30 years;

(4) Requires the board to have an actuary conduct an actuarial valuation of the system and additional valuations at least once every 10 years;

(5) Prohibits legislation from being enacted after July 1, 2003, which provides benefit increases to members and retirees unless there is a matching contribution rate which equals 10.5% as determined by an actuarial valuation. Legislation can be enacted after July 1, 2003, that provides an extension of time for a member to make an election for a retirement allowance;

(6) Allows a member who is reinstated with the retirement system to effect reinstatement by repaying to the system accumulated contributions which are withdrawn or refunded prior to termination with the retirement system;

(7) Allows members who have accrued at least one year of membership service credit and who have covered employment with the system following the credit being purchased to purchase membership service credit or equivalent service credit under certain terms and conditions. Payment for the membership service

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credit is required prior to termination of membership with the retirement system;

(8) Allows a member who has served in the armed forces and who is no longer in service to purchase membership service credit equivalent to the period of active duty service;

(9) Extends the period of a certain retirement allowance computation provision (Option 1) from July 1, 2003, to July 1, 2008; and

(10) Allows a member eligible for retirement who has not previously received a retirement allowance to elect to receive a partial lump-sum distribution based on an option plan. This election is based on years of creditable service and age and is subject to certain terms and conditions.

Pertaining to the Kansas City School District, the bill:

(1) Allows retired certificated teachers who are receiving benefits to teach full-time for up to two years without losing retirement benefits;

(2) Requires the district to make a good faith effort to fill current positions with non-retired certificated teachers, declare a shortage of certificated teachers, and follow certain recruitment requirements;

(3) Requires the district to pay the employer's contribution rate and the rehired teacher is required to pay the employee's contribution rate; and

(4) Requires the district to be responsible for additional actuarial costs resulting from rehiring retired certificated teachers.

#### GENERAL RETIREMENT PROVISIONS

The bill:

(1) Allows members of specified public school retirement systems who have previous credit in another public school retirement system to purchase equivalent service credit in their present retirement system;

(2) Allows members of specified retirement systems who are within five years of retirement to purchase additional creditable service;

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(3) Revises the health insurance benefits provision by allowing employees one year from the date of last employment to qualify for the coverage; and

(4) Contains a provision which allows school districts covered under Sections 169.010 to 169.141, RSMo, with a shortage of certificated teachers to employ retired certificated teachers for up to two years. The teachers would not lose retirement benefits. The bill also allows persons who are receiving retirement benefits from the non-teacher school retirement system to be employed on a full-time basis for up to two years without losing benefits. A school district covered under this system is required to have a shortage of non-certificated employees.

#### NON-TEACHER SCHOOL RETIREMENT SYSTEM

The bill:

(1) Requires the Board of Trustees to determine and certify to employers the level rate of contribution and specifies the time period the rate should be established;

(2) Requires the level rate of contribution for a fiscal year not to exceed the rate of contribution for the prior fiscal year by more than 0.25%;

(3) Requires the board to determine and certify the level rate of contribution for a fiscal year based on an actuarial valuation. The valuation will be based on an entry age normal actuarial cost method and an asset valuation method, with the unfunded actuarial liability amortized over a period not to exceed 30 years;

(4) Requires the board to have an actuary conduct an actuarial valuation of the system and additional valuations at least once every 10 years;

(5) Prohibits legislation from being enacted after July 1, 2003, which provides benefit increases to members and retirees unless there is a matching contribution rate which equals 5% as determined by an actuarial valuation. Legislation can be enacted after July 1, 2003, that provides an extension of time for a member to make an election for a retirement allowance;

(6) Allows a member who is reinstated with the retirement system to effect reinstatement by repaying to the system accumulated contributions which are withdrawn or refunded prior to termination with the retirement system;

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- (7) Allows members who have accrued at least one year of membership service credit and who have covered employment with the system following the credit being purchased to purchase membership service credit or equivalent service credit under certain terms and conditions;
- (8) Allows a member who has served in the armed forces and who is no longer in service to purchase membership service credit equivalent to the period of active duty service;
- (9) Revises a retirement allowance computation provision; and
- (10) Allows a member eligible for retirement who has not previously received a retirement allowance to elect to receive a partial lump-sum distribution based on an option plan. This election is based on years of creditable service and age and is subject to certain terms and conditions.

The bill contains an emergency clause for certain sections.

#### HCS HB 348 & 347 -- LOCAL GOVERNMENT EMPLOYEES' RETIREMENT

This bill revises the optional retirement allowance and beneficiary election provision of the Local Government Employees' Retirement System (LAGERS).

The bill allows retirees to elect to receive their allowance with or without a lump-sum distribution. The partial lump-sum distribution will equal 24 times the amount of the retiree's monthly allowance, excluding any temporary allowance which may be payable. The process for applying for the lump-sum distribution is contained in the bill.

If a retiree elects the partial lump-sum distribution, a retiree's monthly allowance will be adjusted according to age at retirement. The bill also requires that the adjustment in the monthly allowance be applied before additional reductions are calculated based on the selection of a beneficiary option contained in the bill.

The bill also requires that if a beneficiary dies before a retiree, the optional plan selected by the retiree at the time of retirement will terminate.

In addition, if a retiree of LAGERS becomes reemployed in a covered position, the retiree is subject to a monthly allowance

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forfeiture for each calendar year employed. A retiree must also continue to make contributions to LAGERS and is considered a reemployed member.

The bill entitles retirees to continue to receive their retirement allowance from LAGERS if they are not currently receiving a retirement benefit from a political subdivision resulting from employment in a position covered by LAGERS.

#### SS HS HCS HB 349, 120, 136 & 328 -- CONCEALED FIREARMS

This bill allows individuals to carry concealed firearms. The bill establishes a procedure for obtaining an endorsement on a person's driver's license that entitles the person to carry a concealed firearm. Sheriffs will issue certificates of qualification to applicants who meet the requirements for obtaining the endorsement, which include training in the use of firearms, a background check, and the payment of a fee. The bill also creates the county sheriff's revolving fund, in which the fees for these endorsements will be deposited. Any money in a county sheriff's revolving fund may be expended at the direction of the sheriff without prior approval of the governing board of the county.

The bill sets forth the qualifications necessary to acquire a certificate of qualification and a procedure by which the certificate must be granted by county sheriffs to anyone meeting the qualifications. The Department of Revenue will issue a new driver's or nondriver's license containing the concealed firearms endorsement to the applicant. Concealed carry endorsements will be valid for three years.

#### QUALIFICATIONS FOR OBTAINING A CONCEALED CARRY ENDORSEMENT

To qualify for the certificate needed to acquire a concealed carry endorsement, individuals must:

- (1) Be at least 23 years of age;
- (2) Be a citizen of the United States;
- (3) Have resided in Missouri for at least six months or be a military member, or the spouse of a military member, stationed in Missouri;
- (4) Not have been found guilty of a felony;

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- (5) Not have been found guilty, in the five years preceding the application, of a misdemeanor involving a crime of violence or two misdemeanors involving either alcohol-related driving offenses or possession of a controlled substance;
- (6) Not be a fugitive from justice;
- (7) Not be currently charged with a felony;
- (8) Not be dishonorably discharged from the armed forces;
- (9) Not have engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself, herself, or others;
- (10) Not have been adjudged mentally incompetent or released from a mental health facility for five years prior to the application;
- (11) Not be the respondent in a valid full order of protection currently in effect;
- (12) Be fingerprinted;
- (13) Clear a criminal background check by the state and the Federal Bureau of Investigation; and
- (14) Comply with training requirements established by the bill.

#### TRAINING REQUIREMENTS

Applicants for a concealed carry endorsement must complete a firearms safety course provided by an instructor certified by a state or federal law enforcement agency or the National Rifle Association. The bill specifies the required curriculum, which includes classroom work and live firing exercises. The bill specifies the training required for the certification of a firearms safety instructor. Instructors must keep their course records available for at least four years. Instructors who provide false information about the performance of an applicant in the training program are guilty of a class C misdemeanor.

#### ADMINISTRATIVE PROVISIONS

Sheriffs in first classification counties may authorize police chiefs in the municipalities within their county to process

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applications for certificates of qualification. Sheriffs must reimburse the municipalities for the reasonable expenses incurred as a result.

Sheriffs must request the criminal background check within three working days of the submission of the completed application and must issue a certificate of qualification to the applicant within three days of the receipt of the completed background check. Sheriffs must issue a certificate without a federal criminal background check if the background check has not been received within 45 days. Sheriffs may deny an application if there is reason to believe an applicant lied on the application. Denials must be communicated in writing, state the grounds for denial, and inform the applicant of the right to amend and resubmit the application for a 30-day period. The bill specifies an appeal form and a process by which the sheriff will re-examine an amended application and, if still not approved, the applicant may appeal through the small claims court. Sheriffs must keep records of all applications and report the issuance of all certificates of qualification to the Missouri Uniform Law Enforcement System (MULES). Application fees may not exceed \$100, and renewal fees may not exceed \$50.

The application must contain a conspicuous warning that false statements will constitute perjury, a class D felony. Any person attempting to transfer, alter, or use the certificate of qualification of another person or otherwise obtain a concealed firearm endorsement through false representation is guilty of a class A misdemeanor. Endorsements issued to anyone who later fails to meet any of the requirements will be suspended or revoked. An endorsement holder must notify the Department of Revenue within 30 days of changing his or her name or address. Endorsement holders who have their endorsement revoked may petition the small claims court for reinstatement. Any person aggrieved by a final decision in small claims court may petition the associate circuit court for a trial de novo. The court, upon a finding that a plaintiff brought an action against an endorsement holder without a reasonable basis and with an intent to harass the endorsement holder, may assess all costs and fees to the plaintiff, including attorney fees, which are presumed to be \$150 per hour.

#### LIMITATIONS ON WHERE CONCEALED FIREARMS MAY BE CARRIED

Endorsements to carry a concealed firearm are not valid in many places, including: police stations (without the consent of the chief law enforcement officer); polling places on election day; correctional facilities; courthouses; airports; bars; schools

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(without the consent of school officials); child care facilities (without the consent of the facility manager); hospitals; stadiums; amusement parks; gambling facilities (without the consent of the manager); churches (without the consent of the minister); any place where the carrying of a firearm is prohibited by federal law; the meeting place of any elected officials (except for the elected officials themselves who have endorsements); or any privately owned property where the owner has posted that the premises is off-limits to concealed firearms. The bill also allows governmental units to limit concealed firearms in their public buildings. Violating prohibitions on carrying concealed firearms in certain locations is grounds for being denied access to or being removed from the premises. Frequent violators are subject to monetary penalties and endorsement suspensions.

#### UNLAWFUL USE OF A WEAPON

The bill also changes the crime of unlawful use of a weapon. The bill:

- (1) Removes the prohibition on the carrying of a firearm into any public gathering;
- (2) Allows a person who is at least 21 years of age and who lawfully possesses a concealable firearm to transport the firearm in the passenger compartment of a motor vehicle; and
- (3) Increases the penalty for possessing a firearm while intoxicated. Under current law, it is class B misdemeanor. The bill makes it a class A misdemeanor if the gun is not loaded and a class D felony if it is loaded.

#### HB 351 -- INDUSTRIAL DEVELOPMENT CORPORATIONS

Current law requires that any member of the board of directors of an industrial development corporation be a registered voter and, for at least five years, a taxpayer in the county or city. This bill makes these requirements optional for industrial development corporations located wholly within third or fourth classification counties. It also lowers the number of years directors must be resident taxpayers from five years to one year.

#### HCS HB 356 -- PRODUCT SALES BY YOUTH SERVICES

This bill allows the Division of Youth Services to sell products produced by youths in the custody of the division. The sale price of these products may exceed the actual cost of materials used in the production by no more than 10%. All proceeds will be placed in the Missouri Youth Services Production Fund, which is created in the bill, to purchase additional materials and tools.

#### HB 358 -- BARBER LICENSES

This bill allows barbers whose licenses have lapsed for over two years but less than five years to have their licenses reinstated by making application to the State Board of Barber Examiners, successfully passing the practicum portion of the state licensing exam, and paying the appropriate fees.

#### SCS HCS HB 371 -- COMMERCIAL MOTOR VEHICLES

This bill adds the federal definition of "gross combination weight rating" and "gross vehicle weight rating" into statute. The bill also modifies provisions of Missouri law pertaining to hazardous material carriers to make them consistent with Federal Motor Carrier Safety Administration regulations.

#### HB 375 -- COUNTY CORONERS

This bill makes several changes to the laws regarding coroners. The bill:

(1) Clarifies that when a person dies while being transferred for medical treatment or is being treated in an emergency room of a receiving facility, the county or state from which the person is first removed is considered to be the place of death and the coroner of that county or state is responsible for the certificate of death. Notification of a county coroner is also necessary when certain institutionalized persons die after being transferred to an institution in another county. If the coroner in the county where the person died believes further investigation is warranted, the coroner may investigate with authorization from the transferring county coroner;

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(2) Requires emergency room staff or a county coroner to notify the transferring county coroner when a death occurs during transfer and to make information and records available for any investigation; and

(3) Makes the county of origin of a deceased person responsible for any investigation in the case of homicide, suicide, child fatality, or any unusual or suspicious death.

#### HB 376 -- COUNTY CORONERS

This bill changes the organization that certifies deputy coroners from the County Officials Training Commission to the Missouri Coroners and Medical Examiners Association.

#### SCS HCS HB 380 -- SECURITIES REGULATION

This bill substantially revises and modernizes the securities regulation laws, incorporating many provisions of the Uniform Securities Act. In its main provisions, the bill:

(1) Authorizes the Secretary of State to seek court orders requiring violators to disgorge illicit profits, pay restitution, and pay into the Investor Education and Protection Fund, which the bill establishes;

(2) Increases criminal fines to \$1 million;

(3) Requires banks with on-premise brokerage firms to comply with federal rules;

(4) Modernizes, simplifies, and broadens exemptions from securities registration with the state;

(5) Promotes consistency with other states and the Securities and Exchange Commission in the definition of "security";

(6) Authorizes civil prosecution of individuals who materially aid in violations; and

(7) Adds civil penalties of \$10,000 for one violation and up to \$1 million for more than one violation.

## HB 388 -- GEOGRAPHICAL INFORMATION SYSTEMS

This bill extends authority to develop geographic information systems to St. Joseph, Columbia, Lee's Summit, and all first classification counties without a charter form of government. Under current law, only the City of Springfield and Greene County have the ability to develop geographical information systems and to charge for the use of the systems.

## SS SCS HCS HB 390 -- ANESTHESIOLOGIST ASSISTANTS

This bill establishes registration for anesthesiologist assistants under the State Board of Registration for the Healing Arts. The bill:

(1) Allows certified registered nurse anesthetists to practice without collaborative practice arrangements, as long as they are practicing under the direct supervision of a physician, podiatrist, or dentist;

(2) Allows anesthesiologist assistants to assist a supervising anesthesiologist in formulating and executing an anesthesia care plan for patients. Anesthesiologist assistants are given authority to obtain patient history, perform relevant physical exams, pretest and calibrate anesthesia delivery systems, interpret information while in consultation with an anesthesiologist, establish airway intervention, administer vasoactive and other anesthetic drugs, adjust vasoactive infusions, and provide tasks not prohibited by law while under the supervision of an anesthesiologist;

(3) Requires an anesthesiologist to be responsible for the oversight of the health care services rendered by an anesthesiologist assistant. An anesthesiologist is limited to supervising no more than four anesthesiologist assistants;

(4) Prohibits anesthesiologist assistants from prescribing medications and controlled substances, conducting activities which are beyond the scope of practice of the supervising anesthesiologist, practicing without the supervision of an anesthesiologist, and holding themselves out as being a physician;

(5) Requires anesthesiologist faculty members of anesthesiologist assistant programs operating in this state to be board certified. Anesthesiologist faculty members are allowed to supervise no more than two students at one time;

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- (6) Requires applicants for licensure to make application with the board and pay the required fees;
- (7) Allows the board to issue temporary and inactive licenses;
- (8) Requires retiring anesthesiologist assistants to file an affidavit with the board stating their intentions and the date of retirement;
- (9) Gives the board the authority to negotiate reciprocal compacts with other states and to license qualified applicants from other states;
- (10) Requires the board to promulgate rules pertaining to application forms, certification, registration, and fees;
- (11) Grants the board the authority to refuse to issue, suspend, or renew licenses and describes the allowable causes for the board to file complaints with the Administrative Hearing Commission;
- (12) Prohibits any person from practicing as an anesthesiologist assistant without a license, unless the person is in a certified program under direct supervision of an anesthesiologist or is in a hospital residency program to become an anesthesiologist;
- (13) Requires that all continuing education be completed prior to license renewal. Licensees must complete the continued demonstration of qualification examination every six years;
- (14) Requires all fees collected by the Division of Professional Registration to be deposited to the credit of the Board of Registration for the Healing Arts Fund;
- (15) Requires all supervising anesthesiologists to adopt protocols that delineate the services provided and the manner of supervision;
- (16) Gives the governing boards of hospitals the authority to limit the functions and activities of anesthesiologist assistants;
- (17) Prohibits persons from holding themselves out as being anesthesiologist assistants without being duly licensed by the board; and
- (18) Establishes the Advisory Commission for Anesthesiologist Assistants.

Violation of any provision of the bill is a class A misdemeanor.

SCS HCS HB 392 -- FRANCHISE DEALERS

This bill requires franchisors, before granting a franchise to establish or relocate a motorcycle or all-terrain vehicle franchise within the market area of an existing franchise representing the same line-make, to notify existing franchises in the relevant market area and allows the existing franchisee to file an action in court to determine whether good cause exists for the establishment or relocation of the franchise. The bill does not apply to the reopening or replacement of a closed dealership that has been closed in the preceding year or a replacement franchisee that is within two miles of the established place of business of the closed dealership.

HCS HB 394 -- DESIGNATION OF NEXT-OF-KIN

This bill defines "next-of-kin" for purposes of Chapter 193, RSMo (Vital Statistics); Chapter 194 (Death-Disposition of Dead Bodies); Chapter 333 (Embalmers and Funeral Directors); and Chapter 436 (Special Purpose Contracts). Deceased persons' next-of-kin may control final disposition of the remains if they assume all costs for disposition. Funeral directors are entitled to rely and act on the lawful instructions of the claimed next-of-kin. A person can designate any person to be his or her next-of-kin by a verified written instrument, including a will or trust.

SS#2 SCS HB 401 -- BOARD OF PUBLIC BUILDINGS

This bill expands the authority of the Board of Public Buildings to issue revenues bonds. The bonding authority is increased by a total of \$400 million.

Of the \$400 million, \$230 million is authorized for the purpose of renovating, improving, and equipping state buildings and structures and to refinance the payment of temporary notes issued by the Tobacco Settlement Financing Authority. No more than \$150 million of the proceeds of these bonds can be applied to general revenue in Fiscal Year 2003.

The remaining \$170 million authorization is for the purpose of financing two specific projects at state educational institutions. The authority to issue these specific-purpose revenue bonds will terminate upon the satisfaction of all

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outstanding bonds, notes, and obligations related to the financing of the projects.

The bill also repeals the authority of the Tobacco Settlement Financing Authority and the Board of Public Buildings to securitize or issues bonds backed by revenue from the tobacco settlement payments.

The bill contains an emergency clause.

#### HB 430 -- JUDICIAL CONFERENCE

This bill amends the process for filling vacancies of any unexpired term on the executive council of the judicial conference.

#### HB 440 -- DENTAL WELL-BEING COMMITTEE

This bill allows the State Dental Board to disclose confidential records and information to the board's Committee on Well-Being for the purpose of assisting in the rehabilitation of impaired licensees. All information disclosed to the committee is still considered confidential and closed to the public.

#### SS#2 SS SCS HB 444 -- EXCURSION BOAT GAMING FEES

This bill changes the distribution of excess moneys in the Gaming Commission Fund each year.

Under current law, excess moneys are distributed in total as follows: \$3 million to the Veterans' Commission Capital Improvement Trust Fund; \$4.5 million to the Missouri College Guarantee Fund; \$3 million to the Missouri National Guard Trust Fund; and \$27 million to the Early Childhood Development, Education and Care Fund. Any funds remaining after all the distributions are transferred to the Early Childhood Development, Education and Care Fund.

Under the provisions of the bill, the total distribution for each fund will be as follows: \$6 million to the Veterans' Commission Capital Improvement Trust Fund; \$5 million to the Missouri College Guarantee Fund; \$4 million to the Missouri National Guard Trust Fund; and \$28 million to the Early Childhood Development, Education and Care Fund. Any funds remaining after all the distributions will be transferred to the Early Childhood Development, Education and Care Fund.



#### SCS HB 445 -- CHRISTIAN SCIENCE PRACTITIONERS

This bill removes Christian Science practitioners from the mandated child abuse and neglect reporter portion of Chapter 210, RSMo, on child protection and places them in the mandated child abuse and neglect reporter portion of Chapter 352 on religious and charitable organizations.

#### SCS HS HCS HB 455 -- HEALTH INSURANCE

Effective January 1, 2004, this bill requires health insurance policies provided through the Medicaid program, the Children's Health Insurance Program, and the Missouri Consolidated Health Care Plan to provide coverage for prostheses and scalp hair prostheses worn as a result of hair loss due to alopecia areata or alopecia totalis (areas of hair loss or total hair loss).

The insurance coverage for the prostheses and scalp hair prostheses is limited to persons 18 years of age or younger. The bill provides a maximum benefit amount up to \$200 per calendar year and a lifetime maximum benefit amount of \$3,200. Covered persons can also request a one-time benefit which will not exceed \$3,200. Health policies are not prohibited from providing coverage that is greater or more favorable to covered persons than is contained in the bill.

Covered persons cannot be subject to any greater deductibles or copayments than similar health care services covered by a policy, contract, or plan.

#### HB 463 -- STATE DESIGNATION

This bill makes the City of Adrian the purple martin capital of Missouri.

#### HB 464 -- LOAN GUARANTEES

Currently, the Missouri Agricultural and Small Business Development Authority issues certificates of guaranty covering a first loan guarantee up to 25% of a Single-Purpose Animal Facility Loan. This bill increases the guarantee to up to 50% of a loan.

The bill also decreases from 40% to 20% the immediate redemption amount of the outstanding loans guaranteed by way of the Single-Purpose Animal Facility Loan Guarantee Fund.

## HB 465 -- JOINT COMMITTEE ON THE LIFE SCIENCES

This bill creates the Joint Committee on the Life Sciences to make recommendations to the General Assembly on the implementation of Missouri's strategic plan for life sciences and on actions necessary to nurture and support new and existing life sciences research and commercialization. Recommendations may include changes in statutes, executive branch actions and policies, and state investments and taxes. The committee may also consider improvements in the coordination of existing scientific resources, including those at colleges and universities.

The committee will consist of seven representatives appointed by the Speaker and the Minority Floor Leader of the House of Representatives and seven senators appointed by the President Pro Tem and the Minority Floor Leader of the Senate. No more than four representatives or four senators can be from the same political party. Members will serve for their entire term of office, and the chair will alternate between the House of Representatives and the Senate biennially. The committee will meet at least quarterly and submit an annual report to the General Assembly by January 15.

## CCS SS SCS HS HB 470 -- METHAMPHETAMINE MATERIALS

This bill prohibits the sale of more than two packages, or six grams, of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine. The bill also prohibits the sale of three packages, or nine grams, of any combination drug containing ephedrine, pseudoephedrine, or phenylpropanolamine. Packages having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine must be kept behind the counter, or within 10 feet of an attended checkout counter and within the view of the checker. This provision does not apply to stores that have an electronic anti-theft system using a detection alarm and product tags on these drugs. The bill supercedes any local ordinance passed on or after December 23, 2002, to the extent the ordinance is more restrictive. Violation of this provision is a class A misdemeanor.

The bill creates the crime of unlawful release of anhydrous ammonia, a class B felony. A person commits the crime when he or she is not the lawful possessor of anhydrous ammonia and releases the chemical into the atmosphere.

The bill also authorizes courts to order a defendant convicted of a drug crime to pay for the testing of the drug at a private lab.

#### HCS HB 472 -- COMMUNITY IMPROVEMENT DISTRICTS

Current law requires that each community improvement district be governed by a board with five to 30 directors. Whether elected or appointed to the board, half of the directors serve for two years and the other half serve for four years. If there are an odd number of directors, the director who received the least number of votes serves for two years.

For districts formed after this bill goes into effect, half of the directors will serve a term of two years and half will serve a term of three or four years. The length of the term will be determined before the election or appointment of the directors. If an odd number of directors are elected or appointed, the director who received the least number of votes will serve for two years.

The bill also grants districts the power to repair, restore, or maintain any abandoned cemetery within its boundaries.

#### HB 477 -- DISEASE TESTING FOR INCARCERATED OFFENDERS

This bill requires the Department of Corrections to conduct tests for tuberculosis on all offenders prior to their delivery to and release from all correctional facilities.

The bill further denies any right for offenders to refuse testing for infectious diseases while in the custody of the department.

#### HB 478 -- SPECIAL LICENSE PLATE

This bill allows for a special license plate for members of Optimist International.

To obtain the special plate, individuals must obtain an emblem-use authorization statement from Optimist International (\$25 contribution) and present it to the Department of Revenue along with a payment of a \$15 fee in addition to the registration fee and any other documents required by law. No additional fee will be charged for the personalization of this licence plate. Revenue from contributions will be used solely for the purposes of Optimist International.

#### SCS HB 491 -- BIENNIAL REGISTRATION

Currently, driveaway licenses and windshield placards for physically disabled persons are for one year. This bill allows applicants for both to choose a two-year period. The bill also provides language regarding the color scheme of license plates; reinstates language allowing any applicant registering property-carrying commercial motor vehicles to request an additional plate at a charge not to exceed \$15; requires plate tabs to be displayed in the designated area rather than in the middle of the plate; and provides standardized language which prohibits apportioned motor vehicles and commercial motor vehicles in excess of 18,000 pounds from obtaining special license plates.

#### HCS HB 493 -- SPECIAL LICENSE PLATE

This bill allows for a special license plate for members of the Missouri Society of Professional Engineers.

To obtain the special plate, individuals must obtain an emblem-use authorization statement from the Missouri Society of Professional Engineers Educational Foundation (\$25 contribution) and present it to the Department of Revenue along with a payment of a \$15 fee in addition to the registration fee and any other documents required by law. Revenue from contributions will be used solely for the purpose of the Missouri Society of Professional Engineers Educational Foundation.

#### CCS SS SCS HS HB 511 -- ELECTIONS

This bill revises the election laws to facilitate compliance with the federal Help America Vote Act of 2002 (HAVA). In its main provisions, the bill:

- (1) Authorizes the Governor to appoint additional nonvoting representatives to the boards of election commissioners (Section 115.027, RSMo);
- (2) Requires that the annual general operating expenditures from the general revenue fund of Platte County or any city in Platte County be subject to the budgeting approval of the county (Section 115.073);

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(3) Specifies that federal funds may be used for loan programs to the local election authorities and authorizes the Secretary of State to allow, rather than require, local election authorities to match the federal funds (Sections 115.074, 115.076, 115.098, and 115.801);

(4) Establishes a fund within the state treasury for grants for election administration improvements and establishes a revolving loan fund for improving the administration of elections through loans. The bill also clarifies that the money deposited in the Elections Administration Improvements Fund may be transferred to the loan fund. No moneys obtained through the fund will be made a part of the general operating budget of an election authority, and moneys from the fund will not be used to supplant other federal, state, or local funds expended for elections. There is an emergency clause for this section to expedite the receipt of federal funds (Section 115.078);

(5) Establishes a statewide pool of election judges and requires election authorities, before appointing judges from another jurisdiction, to obtain written consent from the election authority of the jurisdiction where the prospective judges are registered to vote. In addition, employees of the state and of boards and commissions of political subdivisions are allowed to serve as election judges without exceptions (Section 115.085);

(6) Makes the establishment of training courses for election judges mandatory rather than discretionary and requires that the courses include substantially the curriculum developed by the Secretary of State in accordance with HAVA (Section 115.103);

(7) Clarifies that challengers and watchers must be registered voters from the jurisdiction of the election authority for which the challenger or watcher is designated (Sections 115.105 and 115.107);

(8) Allows election authorities to designate up to four additional common sites as central polling places designed for accessibility to voters with physical disabilities, the elderly, and other voters authorized to vote at central polling places. Subject to sufficient funding, the Secretary of State will develop a comprehensive plan for increased polling place accessibility (Section 115.115);

(9) Prohibits a court from ordering an issue or candidate placed on the ballot less than six weeks prior to an election, except as otherwise authorized by law (Section 115.125);

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(10) Changes the opening filing date from the fifteenth Tuesday to the sixteenth Tuesday prior to an election for an office in a political subdivision or special district, except for municipal elections in Kansas City, where the filing deadline remains the fifteenth Tuesday prior to an election (Section 115.127);

(11) Includes technical changes in sections revised by Senate Bill 675 in 2002 (Sections 115.133, 115.135, and 115.277);

(12) Adds information to the registration form as required by Section 303(b)(4) of HAVA (Section 115.155);

(13) Requires election authorities to forward to the Secretary of State registration and other information in a manner that complies with HAVA (Section 115.157);

(14) Establishes the Missouri Voter Registration System to comply with Section 303 of HAVA. The bill also includes voter registration verification provisions required by Section 303 of HAVA, clarifies the meaning of "commercial purposes," and specifies that local election authorities must forward data in accordance with the requirements of HAVA (Section 115.158);

(15) Adds provisions concerning identification requirements and fail-safe voting for mail-in registrants as required by Section 303 of HAVA (Section 115.159);

(16) Defines "overseas voter" (Section 115.275);

(17) Makes changes relating to uniformed and overseas citizens as required by Sections 703, 704, 705, and 707 of HAVA (Section 115.279);

(18) Clarifies that notary publics cannot charge or collect a fee for notarizing absentee ballots or absentee voter registrations, repeating language already in current law, Section 486.350 (Section 115.283);

(19) Allows election authorities to deliver absentee ballots not earlier than 10 weeks before an election. Current law allows the ballots to be delivered not earlier than six weeks before an election (Section 115.284);

(20) Clarifies language regarding confined voters, requires a team to deliver absentee ballots to confined voters, and changes the color of a stamp on the ballot envelope (Section 115.287);

(21) Specifies that a special write-in absentee ballot may be

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requested for special or primary federal elections in addition to general elections (Section 115.292);

(22) Adds language concerning voter education provisions as required by Section 302(b) of HAVA (Section 115.417);

(23) Clarifies that a provisional ballot cast at the wrong polling place will not be counted as authorized by Section 302(a)(4) of HAVA; requires that persons voting provisional ballots because their eligibility in a particular jurisdiction cannot be immediately verified may vote at a central polling place established in Section 115.115; requires the Secretary of State to ensure that a toll-free access system for provisional voters is established; and addresses the handling of ballots for persons who vote after the polls close, which is required by Section 302(c) of HAVA (Section 115.430);

(24) Provides that, upon request, an election authority will designate a polling place more accessible to a disabled voter than the voter's regular polling place (Section 115.436);

(25) Adds to class four election offenses the stealing or willful defacing, mutilating, or destroying of campaign yard signs, with certain exceptions (Section 115.637);

(26) Changes the month for the presidential primary from March to February (Section 115.761);

(27) Adds new language intended to facilitate fair ballot language on statewide measures (Section 116.025);

(28) Modifies procedures for the review and approval of ballot summaries, fiscal notes, and fiscal note summaries for measures placed on the ballot by the General Assembly and for petitions being circulated for signatures to place measures on the ballot. Any court challenge to a ballot summary, fiscal note, or fiscal note summary must state the reason or reasons they are insufficient or unfair. If the court considers a fiscal note or fiscal note summary, it will either certify the note or summary to the Secretary of State or remand the fiscal note or fiscal note summary to the State Auditor for revision. If a fiscal note or fiscal note summary is found to be insufficient by the Attorney General, the note or summary will be returned to the State Auditor for revision (Sections 116.175 and 116.190);

(29) Deletes a prohibition against school district employees or certain relatives running for the school board in the City of St. Louis (Section 162.601);

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(30) Provides that 5% of the registered voters who are patrons of a water supply district or 20 registered voters who are patrons of each subdistrict, whichever is less, may petition to detach and exclude that part of the public water supply district lying within the corporate limits of the city as the limits have been extended (Section 247.170); and

(31) Changes the term of office from three to four years for the fire protection district director receiving the second highest number of votes (Section 321.120).

The bill has an emergency clause for Section 115.078.

#### SCS HB 512 -- SELF-SERVICE STORAGE FACILITIES

Under current law, the operator of a self-service storage facility must notify the occupant in writing whether the operator has liability insurance. This bill changes the requirement to written notification whether the operator has casualty insurance.

Currently, if an occupant of a self-service storage facility is in default for more than 30 days, the operator of the facility may sell the property stored in the leased space. The operator must notify the occupant and each lien holder at least 45 days before selling the property. The bill requires the 30-day default time period and the 45-day notice period to run concurrently.

Current law states that if an occupant is in default, the operator of the facility must give the occupant notice before denying access to the leased space. The bill allows the operator to deny access to the leased space without giving notice of the denial to the applicant.

#### SCS HB 521 -- MISSOURI FIRE EDUCATION TRUST FUND

This bill allows the Missouri Fire Education Trust Fund to receive moneys from gifts, grants, or appropriations by the General Assembly.



#### HB 523 -- GAMING COMMISSION

This bill requires the Missouri Gaming Commission to submit two sets of fingerprints to the State Highway Patrol for every person seeking employment with the commission or anyone seeking a license or the renewal of a license for bingo or excursion boat gaming. The Highway Patrol will run various searches against national data bases and inform the commission of any criminal history.

#### SCS HB 552 -- LAW LIBRARY FUNDING

This bill allows moneys collected as court costs for the purpose of maintaining a law library to be used for courtroom renovation and technology enhancement in Butler, Ripley, Scott, Mississippi, Washington, Madison, Howell, St. Francois, and Franklin counties.

#### HB 553 -- POLITICAL SUBDIVISIONS

This bill allows political subdivisions to provide health insurance benefits to retired officers, their dependents, and the dependents of deceased officers of the political subdivisions. Currently, these benefits are only offered to employees and their dependents.

#### HCS HB 554 -- SCHOOL ATTENDANCE

Current law contains permission to reduce the number of days in the school calendar because of inclement weather during school year 2000-2001 and waiver of the requirement to schedule make-up days in 2001-2002. This bill makes those reductions applicable to the 2002-2003 school year and waives the required two-thirds make-up for 2003-2004.

The bill contains an emergency clause.

#### HB 574 -- CONVEYANCES IN ST. LOUIS COUNTY

This bill authorizes the Governor to convey certain state property located in St. Louis County at Missouri Eastern Correctional Facility to the City of Pacific for the purpose of road and sewer construction.

The bill further authorizes the departments of Corrections and Transportation to consent to a municipal boundary adjustment with the City of Pacific.

#### SCS HCS HB 575 -- CHILD ASSESSMENT CENTERS

This bill adds the Ozark Foothills Child Assessment Center and the North Central Missouri Child Assessment Center to the list of regional child assessment centers that may be funded by the Department of Social Services.

The bill also requires the existing assessment centers to submit to the department a modified funding formula for all centers that would require no additional state funding.

#### HB 594 -- DISSOLUTION OF ROAD DISTRICTS

This bill establishes the procedures for disincorporation of a road district in Jasper County.

To disincorporate, a petition signed by at least 50 registered voters of the county must be filed with the county clerk. The petition must be submitted to the clerk at least eight weeks prior to a countywide election. The county clerk must certify the question to be put before the voters. The county commission will be required to disincorporate a road district if a majority of those voting on the question are in favor of the proposition.

#### HB 597 -- TOWNSHIP ROAD REPORT

This bill removes the requirement that the township clerk file a copy of the township's fiscal and inventory report regarding roads and bridges with the state Department of Transportation.

SS SCS HB 598 -- MOTOR VEHICLES

DISABLED LICENSE PLATES AND PLACARDS

This bill:

- (1) Changes the fraudulent procurement or use of a disabled license plate from a class A misdemeanor to a class C misdemeanor;
- (2) Changes the penalty for certifying an individual for a disabled plate or placard outside the practitioner's scope from a class C misdemeanor to a class A misdemeanor and requires certification to meet certain standards;
- (3) Allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates and placards;
- (4) Excludes age as a factor in determining whether a person is entitled to a disabled license plate;
- (5) Establishes record maintenance requirements for physicians and health care practitioners who issue physician's statements for disabled license plates or placards. These records must be open to inspection and review by the physician's licensing board to verify compliance with the bill;
- (6) Requires physicians' statements to be on a form prescribed by the Director of the Department of Revenue, state the specific diagnosis which renders the person physically disabled, include the physician's license number, and be signed by the physician or health care practitioner;
- (7) Limits to two the number of removable windshield handicap placards that may be issued by the director to any one person;
- (8) Increases the fee for removable windshield handicap placards from \$2 to \$4;
- (9) Limits the use of the placard to when the person is in the motor vehicle at the time of parking or when the person is being delivered;
- (10) Requires beginning July 1, 2004, every applicant for a disabled license plate or placard or a renewal will be required to present a new physician's statement dated no more than 90 days prior to the application. Thereafter, the director must not

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renew pre-existing disabled plates unless the applicant furnishes a new physician's statement every four years; and

(11) Makes any person who cannot produce the certificate which authorizes him or her to park in a disabled parking space guilty of a class A misdemeanor. If a person can later produce a valid certificate in court, the person will not be found guilty. Placards can only be used when the vehicle is parked in a disabled parking space.

#### STREET RODS AND CUSTOM VEHICLE REGISTRATION

The bill establishes new registration procedures for street rods and custom vehicles. The annual fee will be \$15 plus the regular registration fees. Owners of these vehicles must certify at the time of registration that the vehicles will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses and will not be used for daily transportation. These vehicles are exempt from vehicle inspections and emission tests. License plates for these vehicles will bear the words "STREET ROD" or "CUSTOM VEHICLE." A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors. A blue dot tail light is a red lamp installed in the rear of the motor vehicle which contains a blue or purple insert that is not more than one inch in diameter.

#### LOW-SPEED VEHICLES

Low-speed vehicle operators will be allowed to use public highways under certain conditions. A low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 miles per hour but less than 25 miles per hour and is manufactured in compliance with the National Highway Traffic Safety Administration standards. A low-speed vehicle will not be operated on a street or highway with a posted speed limit greater than 35 miles per hour. Low-speed vehicles will be exempt from inspection and emission testing, but must comply with federal standards. Every operator of a low-speed vehicle must maintain financial responsibility as required under the law and must have a driver's license. Cities and counties may promulgate ordinances which are more stringent.

#### EMISSIONS TESTING

Vehicles manufactured 26 years prior to the current model year are exempt from emissions inspections. The bill allows BAR-97 vehicle emissions tests for residents in Franklin County to be

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conducted on a biennial basis. The maximum testing fee is also increased from \$10.50 to \$24.

#### ANIMAL-DRIVEN VEHICLES

Persons operating animal-driven vehicles after dark must use lamps or lanterns and reflective material which comply with rules promulgated by the Department of Public Safety.

#### ALL-TERRAIN VEHICLES

The bill modifies the definition of "all-terrain vehicle" (ATV) by increasing the unladen dry weight of an ATV from 600 pounds to 1,000 pounds and by providing that an ATV may be a vehicle with a seat designed to carry more than one person.

#### MEMORIAL HIGHWAY

The bill designates the portion of U. S. Highway 71 in McDonald County as the "Corporal Bobbie J. Harper Memorial Highway."

#### MOTOR VEHICLE DEALER ADVERTISING

The bill modifies provisions which govern the advertising standards used by motor vehicle dealers. Language is removed which currently allows dealers to use terms such as "invoice price" or "\$....over invoice." The bill also removes the prohibition which currently bans dealers from using advertisements which offer to match or better any competitor's prices.

#### MOTOR VEHICLE EXTENDED SERVICE CONTRACTS

The bill regulates the sale of motor vehicle extended service contracts for the repair, replacement, or maintenance of motor vehicles. It does not apply to warranties, maintenance agreements, commercial transactions, and service contracts sold to non-consumers. Those providing services under a motor vehicle extended service contract must demonstrate financial responsibility by insuring the service contracts under reimbursement insurance policies or by other means such as providing a surety bond. Service contract administrators are required to register with the Department of Insurance. The bill specifies the form and content of motor vehicle extended service contracts and requires contract administrators to maintain certain records. Civil penalties for violation of the bill are provided. The department director is granted various powers to enforce the bill's provisions.

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## LICENCE PLATES

The bill authorizes the Department of Revenue to issue the following new license plates: "FIGHT TERRORISM," "TO PROTECT AND SERVE" (peace officer plate), "FIREFIGHTERS MEMORIAL," "FOXTROTTER-STATE HORSE," "DAUGHTERS OF THE AMERICAN REVOLUTION," "FRIENDS OF KIDS WITH CANCER," "BOY SCOUTS OF AMERICA," "GIRL SCOUTS OF AMERICA," "GOLD AWARD," "CAMP QUALITY," "SPECIAL OLYMPICS," "PROFESSIONAL ENGINEERS," "ORGAN DONOR," "ALPHA PHI OMEGA," "FORMER LEGISLATOR," and "NRA" (National Rifle Association).

The bill also provides language regarding the color scheme of license plates; allowing applicants registering property-carrying commercial motor vehicles to request an additional plate at a charge not to exceed \$15; requiring plate tabs to be displayed in the designated area rather than the middle of the plate; allowing the words "AMATEUR RADIO" to be placed instead of the words "SHOW-ME STATE" on amateur radio plates; allowing any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates; and providing standardized language which prohibits apportioned motor vehicles and commercial motor vehicles in excess of 18,000 pounds from obtaining special license plates.

## HB 599 -- MUNICIPAL COURT COSTS

This bill allows Kansas City to charge additional court costs up to \$5 per case for municipal ordinance violations to be used for the procurement, installation, maintenance, consulting services, and upkeep of a court information and records management system.

## CCS SS SS SCS HCS HB 600 -- TAXATION

This bill makes various changes relating to taxation. The bill:

(1) Creates the Joint Legislative Committee on Tax Policy consisting of five members of the House of Representatives and five members of the Senate. The committee will be responsible for continuous study and review of state tax policy and for issuing reports on its findings and recommendations to the General Assembly as deemed necessary;

(2) Requires every vendor or affiliate of a vendor seeking to

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contract to provide goods and services to the State of Missouri to collect and properly pay all sales and use taxes;

(3) Increases the maximum levy allowed from five cents to 10 cents per \$100 of assessed valuation for a property tax levy in Buchanan County to provide senior citizen services;

(4) Authorizes the City of Weston to impose a 0.5% sales tax to fund tourism;

(5) Limits the amount of municipal tax and license fee levied against certain investment fund service corporations to an aggregate amount of \$25,000 after December 31, 2003;

(6) Authorizes a tax amnesty program on taxes and motor vehicle fees between the dates of August 1 and October 31, 2003, on penalties, additions to tax, and interest against taxes and fees on or before December 31, 2002;

(7) Requires any amount of pension, annuity, or retirement allowance deducted for state individual income tax purposes to be included in the taxpayer's federal adjusted gross income and not otherwise deducted in the calculation of Missouri taxable income. Persons who are 100% disabled, as defined by federal law, are exempted from this provision;

(8) Requires all lottery and other gaming winnings to be included in Missouri nonresident adjusted gross income when the winnings are from a Missouri source and requires withholdings by gaming boats on those winnings resulting from electronic game devices and table game jackpots;

(9) Allows the Director of the Department of Revenue to require the remittance of sales and use taxes and withholding taxes through an electronic funds payment system for employers and sellers who are required to file and pay on a quarter-monthly frequency;

(10) Includes court costs in excess of \$25 related to the State Supreme Court, Court of Appeals, or any circuit court of Missouri as amounts that can be offset against a refund of taxes owed to a taxpayer;

(11) Places an option on state income tax returns to donate any part of a tax refund to the state general revenue account;

(12) Adds additional requirements on any article being traded in for the purpose of receiving a sales or use tax credit against a

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new article being purchased. The article being traded in must have originally had sales or use tax paid on it or have been specifically exempted from sales and use taxes by law. Grain and livestock raised or produced by a purchaser may be traded in on a motor vehicle or trailer used for agricultural purposes by the purchaser;

(13) Exempts natural gas used in the primary manufacture of fuel ethanol from sales tax and modifies the farm machinery, equipment, and supplies sales tax exemption;

(14) Prohibits retailers from obtaining refunds of sales and use taxes if the retailer has received a prior refund of the taxes for the same specific issue. Taxpayers are also allowed to offset any deficiency with any amount of refund during an audit resolution;

(15) Authorizes the Department of Mental Health to establish fees for persons enrolled in the Substance Abuse Traffic Offender Program and requires interest to be paid on delinquent fees. Administrators of the program must transfer the supplemental fees each month or pay a penalty;

(16) Reduces the reimbursement percentage for generic prescription drugs under the Senior Rx Program from 15% to 11%;

(17) Modifies the in-lieu tax schedule on watercraft documented by the United States Coast Guard to include any purchase price;

(18) Extends the pharmacy tax expiration date from June 30, 2003, to June 30, 2005. The tax will also expire if dispensing fees paid to pharmacists are less than Fiscal Year 2003 levels;

(19) Requires transfers of certain funds held in escrow accounts by real estate brokers which are in dispute by the parties in a real estate transaction to the State Treasurer within 365 days of the date of the initial projected closing date;

(20) Allows the Secretary of State to dissolve corporations for failure to pay corporate franchise taxes and income taxes;

(21) Authorizes the Director of the Department of Revenue to inform the Supreme Court Clerk of any attorney who is delinquent on income taxes in the past three years;

(22) Allows court costs to be paid in installments with a \$25 surcharge;

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- (23) Allows the courts to hire private collectors to collect past due fines;
- (24) Requires as a condition of state government employment that all state income taxes due be filed and paid by the employee;
- (25) Requires all state income taxes due to be paid by members of the General Assembly, statewide elected officials, and members of the judiciary;
- (26) Requires a tax clearance from the Department of Revenue prior to the issuance or renewal of any professional license granted by the state; and
- (27) Repeals various outdated statutes related to inspection of nonintoxicating beverages by the Department of Health and Senior Services.

The bill contains an emergency clause.

#### CCS SCS HCS HB 613 -- COURT PROCEDURES

This bill changes various provisions relating to court procedures. In its main provisions, the bill:

- (1) Allows the State Highway Patrol to establish procedures for receiving criminal history requests from government agencies and allows those entities to pay for them by electronic means (Section 43.530, RSMo);
- (2) Imposes a time limit on handing down Judicial Finance Commission opinions (Section 50.640);
- (3) Repeals duplicate language moved to another chapter (Section 57.290);
- (4) Requires the Division of Family Services to notify only one parent of an alleged abused child prior to interviewing the child and prohibits the division from meeting with the child at the child's school or child care facility (Section 210.145);
- (5) Requires in a dissolution of marriage proceeding that an entry of appearance filed by the respondent be verified and notarized (Section 452.311);
- (6) Deletes duplicate language requiring that income-withholding

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orders be filed with circuit clerks in child support cases (Section 454.505);

(7) Provides that filing fees will not be assessed to petitioners in actions seeking protective orders (Sections 455.027 and 455.504);

(8) Eliminates, effective January 1, 2004, any requirement that petitioners for protection orders provide their Social Security numbers on petitions or case documents, although courts may require petitioners to provide the number on confidential case sheets (Section 455.030);

(9) Modifies the types of case dispositions that must be reported to the Missouri Uniform Law Enforcement System (Section 455.516);

(10) Requires moneys received in connection with the preparation of court transcripts to be deposited in the court administration revolving fund (Section 476.058);

(11) Amends the process for filling vacancies of any unexpired term on the executive council of the judicial conference (Section 476.340);

(12) Allows the fine collection center to accept littering tickets (Section 476.385);

(13) Modifies the annual report of the Judicial Finance Commission to include separate information on all divisions of the circuit court of each county, including the probate division (Section 477.600);

(14) Removes a duplicate requirement of notifying the Office of State Courts Administrator when a circuit court chooses to modify its law library surcharge (Section 488.426);

(15) Allows moneys collected as court costs for the purpose of maintaining a law library to be used for courtroom renovation and technology enhancement in Butler and Ripley counties (Section 488.429);

(16) Provides that judgments collected in juvenile proceedings are payable to the family services and justice fund (Section 488.2300);

(17) Clarifies incorrect cross-references (Sections 488.4014 and 488.5320);

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- (18) Corrects a provision regarding a surcharge assessed in criminal cases for the Crime Victims' Compensation Fund. Legislation in 2001 raised this surcharge from \$5 to \$7.50. This section, which also refers to the surcharge, was mistakenly omitted from that bill (Section 488.5339);
- (19) Allows witnesses a fee of \$25 per day plus mileage. Under current law, witness fees are determined by guidelines promulgated by the Missouri Supreme Court (Section 491.280);
- (20) Requires, beginning July 1, 2004, that the names on the master jury list be chosen from certain source lists. The names of potential jurors on the list are public record (Section 494.410);
- (21) Amends the statute on time computation in civil cases to exactly match the corresponding Supreme Court rule (Section 506.060);
- (22) Allows for legislative continuances in court during special and veto sessions and during interim committee assignments (Section 510.120);
- (23) Prohibits administrative agencies from amending or modifying judgments or decrees entered by courts of competent jurisdiction (Section 511.350);
- (24) Makes grammatical and technical clarifications (Sections 511.510 and 512.180);
- (25) Changes the value of the homestead exemption from \$8,000 to \$15,000 (Section 513.475);
- (26) Allows a party to a contested case with a state agency to apply to a court for enforcement of a subpoena. Current law allows only the agency to seek court enforcement. The bill also allows the agency or any party to intervene in an enforcement action (Section 536.077); and
- (27) Requires that names of grand jurors be chosen from the master jury list instead of the old grand jury list (Section 540.021).

#### HCS HB 640 -- EMANCIPATION DAY

This bill designates June 19 of each year as "Emancipation Day." This day is also referred to as "Juneteenth," which commemorates June 19, 1865, the day the last slaves were informed of their freedom.

On this day, Missourians, government offices, and all organizations are asked to devote part of the day to remembering the Emancipation Proclamation by celebrating "Juneteenth" and reaffirming their commitment to achieving equal justice and opportunity.

The bill creates the Missouri Juneteenth Heritage and Jazz Festival and Memorial. The bill allows the General Assembly to appropriate funds to establish a statewide festival and monument to commemorate the struggles and hardships endured by those who were enslaved.

#### HB 655 -- SPECIAL EDUCATION SERVICES

This bill deletes the current requirement that students receiving special education services must be accommodated when possible by special aids and services rather than separate classes and restates it to require that separate schooling be used only when education in regular classes with aids and services cannot be achieved satisfactorily. The bill also revises the procedure for review of hearing panel decisions, requiring the court to receive the administrative record, hear additional evidence if requested, and rule on the preponderance of the evidence and provides for a period in which judicial review may be petitioned. The bill permits appeals of the court's decision and makes Chapter 536, RSMo (Administrative Procedure and Review), applicable to special education due process hearings and appeals under certain circumstances.

#### CCS SS SCS HS HB 668 -- TRANSPORTATION ACCOUNTABILITY

This bill establishes various accountability measures for the Department of Transportation.

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

The bill expands the duties of the Joint Committee on

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Transportation Oversight. The committee will be required to meet two times a year, in addition to its annual meeting. In addition to its current duties, the committee may:

- (1) Require the Inspector General to review, examine, or verify the contents of the annual report submitted to the committee; and
- (2) Direct the Inspector General to conduct a management evaluation or program evaluations.

#### INSPECTOR GENERAL

The Office of Transportation Inspector General is created and assigned to the General Assembly. The Inspector General will serve as Executive Director of the Joint Committee on Transportation Oversight and will be appointed to a five-year term by a majority vote of the Speaker and the Minority Floor Leader of the House of Representatives and the President Pro Tem and the Minority Floor Leader of the Senate. The Inspector General must have training and experience in transportation policy, management of transportation organizations, accounting, auditing, financial analysis, law, management analysis, or public administration.

The Inspector General is required to:

- (1) Perform specific investigations, reviews, audits, or other studies of the Department of Transportation as required by the joint committee;
- (2) Receive and process citizen complaints relating to transportation issues;
- (3) Investigate complaints from current and former employees of the department relating to the department; and
- (4) Maintain records and confidentiality with respect to the various investigations and tasks.

#### HIGHWAYS AND TRANSPORTATION COMMISSION

The bill reorganizes the terms of members of the Highways and Transportation Commission and spells out the initial appointments. Appointments will be made by March 1 in odd-numbered years. Present members will serve the remainder of the term for which they were appointed or reappointed as provided in the bill. When a vacancy occurs in any term of a commissioner due to death, resignation, or removal, a successor will be

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appointed for only the remainder of the unexpired term. The chair and vice chair of the commission will be appointed from the two commission members who are beginning to serve the last two years of their term. One member will serve as the chair; and the other will serve as vice chair, reversing positions the following year.

Commissioners appointed or reappointed after March 1, 2004, will be prohibited from: (1) hosting or managing a political fund-raiser or soliciting funds for any candidate who is seeking a statewide or nationally elected office; or (2) serving on the board or as the chair of any political action committee, political party committee, or continuing committee.

#### STATE OF THE STATE ON TRANSPORTATION

The bill requires the Director of the Department of Transportation to present a state of transportation address to a joint session of the General Assembly by February 15 each year.

#### ARBITRATION

The bill requires that any dispute or controversy in excess of \$25,000 but not more than \$327,000 against the Department of Transportation stemming from a contract award be settled, upon request, by arbitration administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules. The dollar amounts will be adjusted on an annual basis on January 1 in accordance with the Implicit Price Deflator for Personal Consumption Expenditure. Any judgment on the award rendered by the arbitrator may be entered in the circuit court of Cole County.

#### TRANSPORTATION DEVELOPMENT DISTRICTS

Under the bill, property separated by easements or rights-of-way will be considered contiguous for transportation development district purposes. Districts formed by property owners need not contain contiguous properties if:

- (1) The petition provides that the sole funding method is a sales tax;
- (2) A court finds that all the property within the proposed district will benefit district projects; and
- (3) Each parcel within the district is within five miles of every other parcel.

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As an alternative method for forming a transportation development district, the bill allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a district. The proposed district area must be contiguous and may contain all or any portion of a county or city. The bill outlines the requirements of the petition.

The bill allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The district may impose a funding mechanism other than a sales tax if approved by the voters within the district.

#### CONDEMNATION PROCEEDINGS

The bill requires that 90 days after an award is paid into court and no agreement has been filed and no party having an interest in the award has filed a distribution motion, the court will determine the percentage of the award to which each party having an interest is entitled.

#### CCS SS HS HCS HB 679 & 396 -- FOSTER CARE

This bill makes numerous revisions to laws relating to foster care and protective services for children. In its major provisions, the bill:

- (1) Establishes the Office of Child Advocate for Children's Protection and Services within the Office of Administration;
- (2) Requires law enforcement agencies and court clerks to submit certain criminal arrest, charge, and disposition information to the central repository within 15 days of disposition for purposes of maintaining complete and accurate criminal history information;
- (3) Specifies that there is no charge for information supplied from the criminal history registry to criminal justice agencies for the administration of criminal justice;
- (4) Limits the amount the State Highway Patrol can charge for a criminal history check to \$5 for a non-fingerprint search and \$14 for a fingerprint search;
- (5) Requires criminal history and identification records

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obtained from the central repository to be used only for the purpose for which they were obtained and allows the individual who has a record to challenge the accuracy of the criminal history record;

(6) Allows a qualified entity to obtain a criminal record review of a provider from the patrol by furnishing the information on forms that are approved by the patrol. If an authorized state agency agrees to process state and national criminal record, it may assess a fee;

(7) Allows specified state agencies to require applicants to submit fingerprints for a criminal history record check and requires the fees for the check to be paid by the applicant or in a manner prescribed by the patrol;

(8) Removes the \$2 million aggregate cap on special needs adoption tax credit;

(9) Requires the local school board or the Department of Elementary and Secondary Education to notify the State Board of Education and the Attorney General when a teaching certificate holder has pled guilty to or been found guilty of an offense that would allow the state board to seek discipline against the teacher;

(10) Designates specified provisions as the "Dominic James Memorial Foster Care Act of 2003";

(11) Requires persons employed by a school after January 1, 2004, and those employed for less than two years with negative history in their personnel file to have a criminal background check before having any unsupervised conduct with a child. All individuals who must submit to the criminal background check must submit to the Federal Bureau of Investigation background check and register with the Family Care Safety Registry;

(12) Provides that lack of knowledge of pregnancy does not excuse a man's failure to file a paternity action or to file with the Putative Father Registry. The bill also specifies the requirements for a statement concerning the registry that must be produced and distributed by the Department of Health and Senior Services;

(13) Requires the Division of Family Support to operate and maintain a full-time office in each county;

(14) Requires employees of the Division of Family Services who

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are involved with child protective services and who purposely, knowingly, and willingly violate a policy, rule, or state law that is related to the child abuse and neglect activities of the division to be dismissed if the violation results in serious physical injury or death. Juvenile officers or juvenile office employees who purposely, knowingly, and willingly act or neglect to act in a way that results in the serious physical injury or death of a child must be dismissed pursuant to Supreme Court rules governing personnel;

(15) Adds child-serving agencies with the comprehensive children's mental health service system to the definition of "mental health services" for the purpose of defining services for the Medicaid program. The bill requires the Department of Mental Health, in collaboration with the Department of Social Services, to establish the definition and criteria for the designation of a community-based service;

(16) Requires the Department of Social Services to look at children in its custody and determine which ones are there solely because of a mental health issue. These children may be returned to their families, and the Department of Mental Health must provide necessary services. The Department of Social Services is to be billed for the cost of care by the Department of Mental Health;

(17) Provides that children with special health care needs that would result in death or serious physical injury if not treated are not required to meet the six-month uninsured requirement to participate in the CHIPS program;

(18) Prohibits mandated reporters from making reports of child abuse and neglect anonymously, except for school personnel, who are only required to disclose their classification as a mandatory reporter. All other reporters may remain anonymous;

(19) Requires the Division of Family Services to contract for the provision of children's services whenever possible. The state is to be the sole provider of child abuse and neglect hotline services, initial child abuse and neglect investigations, and initial family assessments. The state is also responsible for representation of children in court, but can contract for these services;

(20) Requires the names of individuals placed on the central registry before August 28, 2003, to remain on the registry for the duration of the time required in Section 20.152, RSMo;

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(21) Requires the division to identify all children in its custody who are receiving foster care services by January 1, 2004, and report to the General Assembly the type of foster care being provided and the status of all children;

(22) Requires the division to contract with providers of children's services through a competitive bid process to provide all services except for hotline, initial investigation, and initial family assessments. The providers must have a proven record of providing child welfare services in the state or the ability to provide a range of services. All contracts entered into by the division must be in accordance with federal law and must not result in a loss of federal funding. The bill sets goals for the amount of direct services for children to be provided by private providers;

(23) Requires the division to submit a report to the General Assembly by January 15, 2006, and each January 15 through 2008, which contains specified details about the privatization of direct services for children, including information and recommendations from contracting providers. The bill also establishes the goal of obtaining accreditation within five years of the effective date of the section;

(24) Requires the division to develop a protocol for handling hotline calls. It requires the division to use a structured decision-making model to classify all reports, giving priority to ensuring well-being and safety of the child. The division may not meet with child at any school or child care facility building where the abuse of the child is alleged to have occurred. Biological parents, foster parents, guardians ad litem, and court-appointed special advocates must be notified of all family assessment team meetings;

(25) Requires that all information provided at a meeting or hearing relating to the removal of a child from the child's home be confidential, except that a party or parent may waive confidentiality for himself or herself, and that no one may be required to sign a confidentiality agreement prior to testifying or providing information at the meeting. Hearings and meetings held regarding the removal of a child from the child's home may be recorded by the child, parent, or any party. Information contained in the recording is not considered confidential after the 72-hour status conference, to the extent that the information is not otherwise privileged, unless the court enters an order prohibiting the disclosure of the information;

(26) Reduces the amount of time the division must keep an

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unsubstantiated report of child abuse made by a mandated reporter from 10 to five years;

(27) Requires the guardian ad litem and/or court-appointed special advocate volunteer to be informed of and have the right to attend all meetings involving the child upon appointment by the court. The judge is given the authority to examine the general and criminal background of individuals appointed as guardian ad litem and court-appointed special advocate volunteers, including using the Family Care Safety Registry. The guardian ad litem is required to advocate for timely court hearings to achieve permanency for the child as soon as possible;

(28) Requires the Children's Juvenile Justice Task Force established in accordance with federal law to conduct an independent review of the policies and procedures of state and local child protective services agencies and to conduct reviews of specific cases, when appropriate, to evaluate the extent to which agencies are effectively discharging their responsibilities;

(29) Requires the Department of Social Services to submit an annual statistical report regarding the number of children receiving child protective services to the Governor and the General Assembly, beginning February 1, 2005;

(30) Requires facilities that are exempt from licensure as child care facilities based on the school exemption to submit annual documentation to the department to verify their license-exempt status. Private or religious elementary or secondary schools, religious preschools and kindergartens, weekly Sunday schools, and vacation Bible schools are not required to submit annual documentation;

(31) Allows the Division of Family Services or Juvenile Office to request a name-based criminal history check when an emergency placement of a child must be made and requires the division or Juvenile Office to determine whether any person over the age of 18 is listed on the child abuse and neglect registry;

(32) Requires the division to conduct a search for full orders of protection for anyone seeking a foster parent license. The applicant and any adult in the applicant's household must also submit two sets of fingerprints for a criminal background check;

(33) Requires meetings to be held between the departments of Social Services, Mental Health, and Elementary and Secondary Education to address and review action taken by agencies regarding the provision of services to a child;

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(34) Requires the division to provide standards and training for prospective foster parents, as well as performance-based criteria for licensed foster parents;

(35) Requires the Department of Social Services to place a child with relatives if the court has determined that the placement is not contrary to the best interests of the child. The court must make specific findings on the record detailing why placement with a relative is not in the best interests of the child;

(36) Specifies that the age of a relative may not be the only factor considered in determining whether to place the child with that relative. The bill also requires the Division of Family Services to comply with the Federal Indian Child Welfare Act in placing Native American children;

(37) Requires the division to notify parents when their child is placed in foster care, except when harm or danger to the child is imminent;

(38) Prohibits the removal of children from school for placement in foster care without a court order specifying that the child will be removed from school;

(39) Prohibits employees of the division and employees of public and charter schools from performing a strip search on students without written permission of a parent or guardian;

(40) Requires the division to hold a team meeting immediately after the 72-hour status conference and additional meetings prior to taking any action relating to the placement of a child in its custody;

(41) Changes references to "probable cause" to "preponderance of the evidence" for purposes of the Family Care Safety Registry. The bill adds the sexual offender registry to the list of registries included in the Family Care Safety Registry;

(42) Requires the court to grant a change of judge, a change of venue, or both upon the motion of a child or the child's parent. It requires the juvenile officer to send reports that only involve violations of the compulsory school attendance law to the school district in which the child resides. The bill also provides for the referral of violations to the local prosecuting attorney;

(43) Requires a status conference to be held within three days of a child being taken into custody and requires the court to

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make reasonable efforts to notify specified individuals. If requested at the status hearing, a protective custody hearing must be held within 14 days of the request. An adjudication must be held no later than 60 days after the child has been taken into custody; and if at that time the court determines there is sufficient cause for the child to remain in the state's custody, the court will conduct a dispositional review no later than 90 days after the child has been taken into custody. The court must then conduct review hearings every 90 to 120 days during the first year and at least every six months after the first year. If placement results in the child attending a different school, the child's records will be automatically transferred, or upon request of the foster parents and when possible, the child will be allowed to continue attending the school he or she attended prior to being taken into the custody of the division;

(44) Requires that the questioning of a child who is in custody because of delinquency or a criminal violation cease if the child wishes to have a parent, guardian, or attorney present during the questioning. Interrogations or interviews of children taken into custody based on allegations of child abuse are allowed to be audiotaped, videotaped, or digitally recorded whenever possible, except for good cause shown based on the best interests of the child. Failure to comply with the recording requirement will render statements made by the child inadmissible in future judicial proceedings;

(45) Requires the Department of Social Services, in conjunction with the Department of Mental Health, to apply to the United States Department of Health and Human Services for waivers to provide services for children, including community-based services;

(46) Makes public juvenile court proceedings involving children or persons aged 17 who are in need of care and treatment and termination of parental rights cases, except for adoption cases. The proceedings are allowed to be closed in certain situations. The general public is excluded during the testimony of a child or victim. All records are closed until the 72-hour hearing and are open after that, unless specifically closed. Pleadings and orders, other than confidential files and those specifically closed, are open to the general public. The identity of the victim and all references to the identity of the victim must be redacted from all records made available to the public prior to their disclosure. The court is allowed to enter an order to destroy social histories, records, and information, other than the official court file and to seal the official court file and peace officer records after the child reaches the age of 17. The

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provisions of this section apply to proceedings initiated on or before August 28, 2003;

(47) Requires the Department of Social Services to determine whether an applicant for a license to operate a school bus is listed on the child abuse and neglect registry. The applicant is required to submit fingerprints to search state and federal criminal history repositories and to pay the fees for the criminal history checks;

(48) Adds Christian Science Practitioners to the definition of "minister" for purposes of reporting child abuse and neglect;

(49) Revises provisions relating to the Missouri Family Trust. The bill allows the trust to be used by residents of adjacent states. Upon the death of a life beneficiary, the State of Missouri will receive from the beneficiary's account the amount of total medical assistance paid on behalf of the life beneficiary. If there is any amount remaining in the account, an amount equal to 75% of the principal balance will be distributed to the life beneficiary's heirs. If there are no heirs, the remaining balance will be distributed to the charitable trust;

(50) Requires a \$50 filing fee for adoption petitions, to be used to fund the Putative Father Registry;

(51) Requires a search of the Missouri Putative Father Registry and the putative father registry of another state, if the child was born in another state in adoption cases where the putative father is unknown. A father who is discovered as a result of the search is required to be served with the adoption petition;

(52) States that a man who has sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived as a result and specifies that the man is entitled to all legal rights and obligations as a result;

(53) Allows parents to temporarily place a child with another person, while retaining the right to supervise the care of the child and resume custody, and allows a parent to use a power of attorney to delegate his or her powers regarding care or custody of a minor child to another person for a period of up to one year;

(54) Changes the age limitation under which statements made by children relating to specified offenses are admissible in criminal proceedings from 12 to 14;

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(55) Requires an action to recover damages for injury or illness that resulted from child sexual abuse be commenced within 12 years of the date the plaintiff reached the age of 18, or within three years of the date the plaintiff discovered or reasonably should have discovered that the illness or injury resulted from child sexual abuse, whichever date is later;

(56) Requires the Department of Mental Health to develop, implement, and administer a comprehensive children's mental health service system;

(57) Makes revisions to the department's employee disqualification list;

(58) Allows the department's means test to be waived for a child in need of mental health services in order to avoid transfer of custody to the Division of Family Services;

(59) Requires the Department of Social Services to seek Title IV-E waivers from the Department of Health and Senior Services and requires the department to take the necessary steps to qualify the state for any federal block grant money available for foster care and adoption assistance;

(60) Requires the Division of Family Services to conduct a diligent search for the natural parents of a child who is in the custody of the division when the parents' identity or location is unknown;

(61) Requires the departments of Mental Health and Social Services to prepare a plan to address the need for mental health services for children who are in the custody of the state because of their need for mental health services and for children and persons age 17 who are determined by the court to need mental health services;

(62) Requires a child to be returned to the care of a non-offending biological parent under certain circumstances; and

(63) Removes the sunset date for the Family Care Safety Registry.

#### SCS HCS HB 688 -- LIFE SCIENCES RESEARCH TRUST FUND

This bill establishes the Life Sciences Research Trust Fund in the state treasury. In its main provisions, the bill:

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- (1) Requires moneys in the fund to be held separate from all public moneys, including the Tobacco Securitization Trust Fund moneys;
- (2) Requires the State Treasurer to deposit 25% of moneys received from the Tobacco Master Settlement Agreement into the fund each fiscal year, beginning in Fiscal Year 2007;
- (3) Requires that moneys in the fund will not be subject to appropriations for purposes inconsistent with the bill without a majority vote in each house of the General Assembly;
- (4) Requires moneys in the fund to be used strategically and in cooperation with other governmental and nonprofit entities. The moneys will be used for the purposes of enhancing the capacity of the State of Missouri to perform life sciences research, build upon existing research institutions, and commercialize life sciences technologies;
- (5) Establishes a seven-member Life Sciences Research Board within the Office of Administration as a Type-III division. The bill contains the terms and qualifications of board members;
- (6) Requires the board to manage and control moneys allocated from the fund;
- (7) Establishes centers for excellence for life sciences research in the Kansas City, St. Louis, and Springfield areas. A statewide center will be established which consists of the campuses of the University of Missouri system and regions of Missouri not encompassed within another center for excellence;
- (8) Requires the board to approve any formation, composition, and organizational structure of a center for excellence before its operation;
- (9) Specifies the organizational composition of a center for excellence. Each center is required to establish a screening committee which will review and prioritize funding proposals before submitting the proposals to the board;
- (10) Requires moneys appropriated by the General Assembly from the fund to be appropriated to the board for stated purposes;
- (11) Requires that any funds received by the board will be subject to the provisions of the bill. In any fiscal year, no more than 10% of the moneys can be appropriated for the

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construction of physical facilities. Eighty percent of the moneys appropriated must be used to build research capacity and 20% for life sciences technology transfers and commercialization. Of the moneys appropriated to build research capacity, 20% must be appropriated for research on tobacco-related illnesses;

(12) Requires the board to consider proposals endorsed by a center for excellence. The bill contains requirements for dispersing funds to institutions and organizations approved to conduct life sciences research;

(13) Requires moneys which are not distributed by the board to be held in reserve or be awarded based on a peer-review panel recommendation;

(14) Requires the board to secure the State Auditor or an external certified public accounting firm to conduct an annual audit of the administration of the fund. The board is required to make copies of the audit available to the public;

(15) Requires the board, with assistance from its staff or independent contractors, to prepare a comprehensive report assessing the work and progress of the life sciences research program every three years;

(16) Requires grant and contract awards utilizing moneys from the fund to be used for the reimbursement of costs. Reimbursement of costs will be determined by a four-part balancing process;

(17) Requires grants and contract recipients to preserve research freedoms and to ensure the timely disclosure of research findings. Recipients of research funds will retain intellectual property rights;

(18) Contains a conflict-of-interest provision;

(19) Prohibits public moneys appropriated to the board from being used to finance existing or proposed research projects that involve abortion services, human cloning, or prohibited human research. A research project that receives an award of public funds cannot share costs with another research project, person, or entity that is ineligible to receive public funds;

(20) Requires all applicants for and recipients of public funds to comply with cost accounting principles contained in Part 9905, Title 48, of the Code of Federal Regulations or successor regulations;

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(21) Requires all moneys for research purposes to be expended by checks, drafts, or electronic transfers and to use a separate accounting process;

(22) Prohibits moneys from any award from being diverted through other research projects unless it is included in the original application for an award or stated in subsequent amendments or a request is made to use separate contractors;

(23) Requires award recipients to maintain separate financial records that demonstrate strict compliance with the bill as revealed by a financial audit;

(24) Provides taxpayers of Missouri standing to bring suit against the state or a recipient of public funds if violations of the bill occur; and

(25) Requires any bank account, including the trust fund, with an average daily balance of \$10,000 or more to be obtained through an open and competitive bid process.

The bill contains a non-severability clause.

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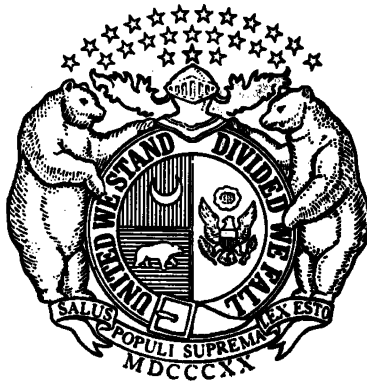
**TRULY AGREED  
TO  
AND FINALLY  
PASSED**

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**SENATE BILLS**

**FIRST SESSION  
92nd GENERAL ASSEMBLY**

**2003**



**Prepared by  
House Research Staff**

## SCS#2 SB 1 -- BOATING SAFETY

Beginning January 1, 2005, any person born after August 28, 1984, is required to possess a boating safety identification card in order to operate a vessel on the lakes of this state. The State Water Patrol will issue the card to persons who: (1) have successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the State Water Patrol; (2) have passed an equivalency examination prepared and administered by the State Water Patrol; or (3) hold a valid master's, mate's, or operator's license issued by the United States Coast Guard.

The State Water Patrol may charge a fee for the card that does not substantially exceed the administrative cost of this provision. No individual will be stopped or detained for the purpose of checking to see if the individual holds a boating safety identification card. The bill also requires that any person convicted of certain boating offenses must enroll and complete a boating safety education course which meets the State Water Patrol's minimum standards, file proof of successful completion of the course with the court, and not operate a vessel until filing proof.

## SS#2 SS SCS SB 2 -- EMPLOYMENT SECURITY

This bill makes several changes to the law concerning employment security. The bill:

- (1) Requires the Division of Employment Security to cross-check unemployment compensation recipients against the federal new hire database monthly;
- (2) Increases the taxable wage base to \$8,000 for calendar year 2003 and bases the taxable wage base on the previous year's balance in the Unemployment Compensation Trust Fund. If the balance is \$350 million or less, the wage base will increase by \$1,000; if the balance is \$500 million or more, the wage base will decrease by \$500;
- (3) Freezes the maximum benefit amount for 24 months in the event of fund insolvency after the fund regains solvency;
- (4) Exempts unemployment insurance claimants from the seeking work requirement if they are participating in a state-approved drug or alcohol treatment program;

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- (5) Makes the one-week waiting period non-compensable at any time;
- (6) Defines misconduct in connection with work as including acts of wanton or willful disregard of the employer's interest, deliberate violation of rules, disregard of standards of behavior, excessive negligence, wrongful intent, or evil design;
- (7) Requires that if an unemployment insurance claimant has been discharged due to misconduct in connection with work, the claimant be disqualified from the waiting week credit and benefits. Current law allows deputies to consider the seriousness of the misconduct in each case and disqualify claimants for not less than four and not more than 16 weeks;
- (8) Establishes criteria for an offer of suitable work;
- (9) Removes the exemption for salaries of elected officials, severance pay, and termination pay for purposes of calculating partial unemployment benefits;
- (10) Requires the division to recalculate the contribution rate of a newly acquired business on the first day of the next calendar quarter after acquisition instead of as of the date of acquisition;
- (11) Allows the state to issue bonds to fund unemployment benefits through the newly created Missouri Commission on Employment Security Financing and to charge employers an additional fee to pay the expenses for these bonds;
- (12) Allows the division to contract with private entities to provide employment and reemployment services; and
- (13) Prohibits the disclosure of confidential information related to employment security. Unlawful disclosure is a class D felony.

#### SCS SB 4 -- SPECIAL LICENSE PLATE

This bill creates the Antiterrorism Fund within the state treasury and allows motorists to obtain "Fight Terrorism" license plates. Any person desiring to obtain a plate must make an annual contribution of \$25 to the Antiterrorism Fund. Contributions from the sale of "Fight Terrorism" license plates and other moneys will be used to fund antiterrorism activities.

HS HCS SS SCS SB 5 -- CRIME

This bill makes a variety of changes in the laws relating to crime.

SENTENCING PROVISIONS

In its provisions regarding criminal sentencing, the bill:

- (1) Increases the penalty for endangering the welfare of a child in the first degree from a class D felony to a class C felony;
- (2) Increases the penalty for stealing less than \$500 worth of materials used to manufacture methamphetamine from a class D felony to a class C felony;
- (3) Decreases the penalty for a second stealing-related offense within a 10-year period from a class C felony to a class D felony;
- (4) Reduces the maximum sentence for persistent or dangerous offenders convicted of a class C or class D felony. For a class C felony, the maximum sentence is reduced from 20 years to 15 years, and for a class D felony the maximum is reduced from 10 to seven years;
- (5) Decreases the maximum sentence for a class D felony from five to four years; and
- (6) Amends the definition of "dangerous felony" to include assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, statutory rape and statutory sodomy when the victim is under the age of 12, and abuse of a child when the abuse results in the death of the child.

ALTERNATIVE SENTENCING

In its provisions relating to alternative sentencing, the bill:

- (1) Allows the court to recommend an offender be placed into a 120-day substance abuse treatment program conducted by the Department of Corrections. The department will determine whether the offender meets all eligibility requirements. Once the department determines an offender has successfully completed the treatment program, the offender will be released on probation, unless the court determines that a probationary release would be an abuse of discretion. The court, after a hearing, may order

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the execution of the offender's entire sentence. If the department's treatment program is full, the court may place the offender in a private treatment program, paid for by the offender. The court may grant probation to an offender convicted of a nonviolent class C or class D felony, while he or she is awaiting appointment to a treatment program;

(2) Allows an offender who has no prior prison commitments and who is convicted of a nonviolent class C or class D felony to petition the court for probation, parole, or other alternative sentencing after serving 120 days of his or her sentence. A hearing will be conducted only if the court deems it necessary. The department must submit a report to the sentencing court with its recommendations. If the report is favorable and recommends alternative sentencing, the court must follow the recommendation, unless the court rules that doing so would not be appropriate in that case;

(3) Allows an offender's first incarceration to not count as a prior conviction (in determining sentencing for a subsequent conviction) when the offender successfully completes substance abuse treatment and is granted probation;

(4) Grants the Board of Probation and Parole the authority to order the detention of an offender for up to 48 hours for violation of probation and parole, when the offender's probation or parole officer determines that the offender has violated a condition of probation or parole. Under current law, this detention requires a court order;

(5) Requires the Sentencing Advisory Commission to examine all alternative sentencing programs and review how Missouri's sentencing practices compare with those of other states; and

(6) Removes the requirement that the Board of Probation and Parole provide probation services to the court for class A misdemeanor convictions for stealing.

#### CRIMINAL FORFEITURES

The bill requires each law enforcement agency receiving proceeds via the federal criminal forfeiture system to send a copy of its annual independent audit to the Department of Public Safety and prohibits the department from issuing funds to any law enforcement agency failing to comply.

#### TRIALS

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The bill divides all criminal cases submitted to a jury into two stages. The jury must first determine whether the defendant is guilty or not guilty, then must decide upon a sentence after hearing evidence supporting or mitigating punishment.

The bill grants crime victims the right to attend all criminal proceedings of their case, even though the victim may later be called to testify. Current law allows a judge to exclude witnesses in any criminal proceeding while another witness is testifying.

#### CIRCUIT JUDGESHIP

The bill adds a circuit court judgeship to the 13th Circuit (Boone and Callaway counties) to be elected in 2006.

#### POLICE OFFICERS

The bill clarifies that police officers may carry concealed weapons while off-duty and outside of their jurisdiction.

The bill also clarifies that the Kansas City Board of Police Commissioners has the sole authority to determine conditions of employment for the city's police officers.

#### SEX OFFENDER REGISTRATION

Current law requires the county sheriff to forward the county's sex offender registration list to the law enforcement agencies of any city, town, or village in the county. The bill requires the list to be forwarded to the law enforcement agency for any college or university located within the county.

The bill also requires sex offenders to include in their registration information whether they are enrolled in a college and to update their registration information within seven days of changing their enrollment or employment with a college within the state.

#### CRIMINAL COURT SURCHARGES

The bill decreases the county's funding of the prosecutors retirement fund by 50% and replaces that funding with a surcharge of \$4 on all criminal cases.

The bill allows the governing body of any county or city to adopt a \$2 surcharge on all criminal cases for the funding of an Inmate Security Fund. The fund is to be used to develop a biometric

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identification system that would identify and track inmates in the local jails.

#### DRUG TAMPERING

The bill creates the crime of tampering with a prescription drug, a class A felony. The crime is committed when a pharmacist sells an altered or diluted prescription drug with the intention of misleading the purchaser.

#### ASSAULT ON EMERGENCY PERSONNEL

The bill changes the crime of assault on a law enforcement officer to assault on a law enforcement officer or emergency personnel and defines the term "emergency personnel."

The bill contains an emergency clause.

#### HCS SCS SB 7 -- CONVEYANCES OF PROPERTY IN PETTIS COUNTY

This bill authorizes the state to convey state property in Pettis County.

The bill also authorizes the state to convey state property in Pettis County to the Sedalia School District.

#### CCS#2 HS HCS SCS SB 11 -- TAXATION

This bill makes various changes related to taxation. The bill:

(1) Creates a state sales and use tax holiday for certain clothing, personal computers, certain computer software, and school supplies purchased during a three-day period each August. Any political subdivision may opt out of the holiday by adoption of a local ordinance if submitted annually to the Department of Revenue by the second Friday in July. The tax holiday will expire July 1, 2005;

(2) Creates the Joint Legislative Committee on Tax Policy consisting of five members from both the House of Representatives and the Senate. The committee will be responsible for continuous study and review of state tax policy and for issuing reports on its findings and recommendations to the General Assembly;

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(3) Changes provisions related to the carry-forward and carry-back provisions of net operating losses for income tax purposes. Any amount of net operating losses taken against federal taxes but disallowed against Missouri taxes since July 1, 2002, may be carried forward and used up to 20 years in the future. In addition, certain net operating losses relating to farming may be carried back and forward in the same manner as allowed by federal law;

(4) Exempts from property tax motor vehicles leased for a period of one year or more to the state and any political subdivision;

(5) Exempts from state and local sales and use taxes all purchases of tangible personal property and all items converted into tangible personal property which are donated to the State of Missouri;

(6) Limits the local license tax a village with less than 1,300 inhabitants can impose after March 31, 2004, to no more than \$10,000;

(7) Allows Johnson County, if approved by voters, to establish a landfill fee of up to \$1.50 per ton for economic development. Current law allows only third classification counties to establish these fees;

(8) Requires all lottery and other gaming winnings to be included in Missouri nonresident adjusted gross income when the winnings are from a Missouri source;

(9) Allows elected officials who live in tax increment financing (TIF) districts to not be regarded as having a conflict of interest when voting on or discussing TIF issues. Elected officials still will not be able to profit from TIF projects; and

(10) Exempts natural gas used in the primary manufacture of fuel ethanol from sales tax and modifies the farm machinery, equipment, and supplies exemption from sales tax.

#### HCS SB 12 -- RELIGIOUS FREEDOM RESTORATION ACT

This bill prohibits a governmental authority from restricting a person's free exercise of religion unless the restriction is generally applicable, does not discriminate against religion, is necessary to further a compelling governmental interest, and is

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not unduly restrictive considering the relevant circumstances. Relevant circumstances may include legitimate penological interests needed to protect the safety and security of incarcerated persons and correctional facilities, but does not include reasonable requests by incarcerated individuals for the opportunity to pray, reasonable access to clergy, use of religious materials that are not violent or profane, and reasonable dietary requests. The bill also specifies that its provisions apply to all state and local laws, resolutions, and ordinances regardless of whether they were adopted before or after the bill's effective date.

#### SS SB 13 -- FIREARMS MANUFACTURER LAWSUITS

This bill prohibits political subdivisions and the state from bringing a legal action against firearms manufacturers, trade associations, or dealers for activities relating to the lawful design, manufacture, or sale of firearms. The prohibition applies to suits pending as of the effective date of the bill and all future suits.

An exception allows political subdivisions to file an action claiming a breach of contract for the purchase of firearms or ammunition. The bill also specifies that the lawful design, marketing, manufacture, or sale of firearms or ammunition is not an unreasonably dangerous activity and is not a nuisance per se.

#### SB 14 -- POLICE OFFICER COMPENSATION

This bill increases the maximum annual salary for police officers in Kansas City.

#### HCS SCS SB 16 -- COUNTY ASSESSMENT FUNDS

This bill requires that 1% of the property taxes collected against the first \$500 million of assessed valuation in all counties that become counties of the first classification after September 1, 1998, and 0.5% on all taxes collected on the remainder of taxes collected against property in excess of \$500 million be deposited in the county assessment fund. In order to allocate these percentages among each political subdivision in the county, the assessor must determine the percentage of total property valuation divided into \$500 million. The collector is required to retain 1% of that percentage of collections from each political subdivision's property taxes for the county assessment fund and 0.5% on the remainder, also for the county assessment fund.

#### SCS SB 29 -- CANDIDATE WITHDRAWAL DEADLINES

This bill prohibits the time limits for candidate withdrawals from elections being altered, set aside, or ignored by any court within this state. The intent of the legislature is that there is no reason for these limits to not be enforced.

#### HCS SS SCS SB 30 -- AMBER ALERT

This bill creates the Amber Alert System to aid in the identification and location of abducted persons. An abducted person is one whose whereabouts are unknown and who is reasonably believed to be a victim of kidnaping. The Department of Public Safety will develop regions within the state and coordinate the program with local law enforcement agencies and broadcasters in each region. Participation in the system is optional for local law enforcement agencies and federally licensed radio and television broadcasters. If a local law enforcement agency decides not to participate and an abduction occurs in the jurisdiction, the local agency will notify the department, which will notify local media in the region.

The bill requires the system to include all state agencies capable of providing information to the public, as well as broadcasters and other entities who volunteer to disseminate urgent public information. The department has the authority to notify other regions upon verification that the criteria established by the Amber Alert System Oversight Committee have been met. Making a false report that results in an alert is a class A misdemeanor.

The Amber Alert System Oversight Committee is established within the department to develop criteria and procedures for the system. The bill specifies the members of the oversight committee.

The bill also makes revisions to the definition of "missing person" for purposes of the section dealing with missing person reports.

#### CCS HCS SB 39 -- METHAMPHETAMINE MATERIALS

This bill makes several changes in the laws governing controlled substances.

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The bill makes the manufacturing of a controlled substance a class A felony when it is done within 2,000 feet of any school or within a residence where a child resides. Currently, only the distribution of a controlled substance within 2,000 feet of a school is a class A felony, while manufacturing or distributing a controlled substance in any other location is a class B felony. Producing or distributing less than five grams of marijuana in any location remains a class C felony.

The bill also removes the possibility of parole for any persistent drug offender convicted of distribution of a controlled substance within 2,000 feet of a school or within 1,000 feet of public housing.

The bill prohibits the sale of more than two packages, or six grams, of any over-the-counter drug having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine. The bill also prohibits the sale of three packages, or nine grams, of any combination drug containing ephedrine, pseudoephedrine, or phenylpropanolamine. Packages having a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine must be kept behind the counter or within 10 feet of an attended checkout counter and within the view of the checker. This provision does not apply to stores that have an electronic anti-theft system using a detection alarm and product tags on these drugs. The bill supercedes any local ordinance passed on or after December 23, 2002, that is more restrictive. Violation of this provision is a class A misdemeanor.

The bill also creates the crime of unlawful release of anhydrous ammonia, a class B felony. A person commits the crime when he or she is not the lawful possessor of anhydrous ammonia and releases the chemical into the atmosphere.

The bill creates within the Department of Public Safety the Missouri Sheriff Methamphetamine Relief Task Force (MoSMART). The task force will consist of five sheriffs appointed by the Governor. The task force will award grants from a MoSMART fund to law enforcement agencies to help cover the costs associated with the enforcement of methamphetamine laws.

The bill establishes a \$150 surcharge to be assessed on defendants convicted of any drug charge which requires analysis of the drug by a crime lab. This money will be deposited in the Missouri Crime Laboratory Assistance Program. The bill also authorizes courts to order a defendant convicted of a drug crime to pay for the testing of the drug, when the testing is done at a private lab.

SB 50 -- PETITION SIGNATURE VERIFICATION

This bill requires an election authority to complete its verification of initiative and referendum petition signatures no later than 30 days from the date the authority receives the petition from the Secretary of State. Currently, the authority must complete the verification within two weeks.

CCS HCS SCS#2 SB 52 -- ATHLETES AND ENTERTAINERS

This bill extends the expiration dates for earmarking the proceeds of the withholding tax on out-of-state athletes and entertainers from December 31, 2008, to December 31, 2015.

The bill also requires any venue which pays compensation to a nonresident entertainer who performs in Missouri to collect withholding taxes from them. The bill authorizes penalties, interest, and additions to tax for failure to collect the withholding tax. Entertainers who receive compensation of \$300 or less are exempted from the requirements of the withholdings.

The words "subject to appropriation" are removed from the section relating to the earmarking of revenues into the various funds.

SB 54 -- VEHICLE EMISSIONS

Currently, residents of Franklin County may choose an annual BAR-97 test to fulfill vehicle emissions testing requirements. This bill makes the BAR-97 test biennial and increases the maximum testing fee from \$10.50 to \$24.

SS#2 SCS SB 55 -- STATE INSTITUTIONS OF HIGHER EDUCATION

This bill renames Missouri Southern State College as Missouri Southern State University-Joplin, the renaming to be accomplished without use of state funds. The bill also designates Missouri Southern as a statewide institution of international or global education and adds Missouri Southern to those institutions which are charged with a statewide mission and governed by a board of governors, rather than a board of regents. Missouri Southern will discontinue, as of July 1, 2008, any associate degree programs unless the continuation of those programs is approved by

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the Coordinating Board for Higher Education. Approval of additional master's degree programs at Missouri Southern or any other public higher education institution must follow established new degree approval procedures.

The Coordinating Board for Higher Education may promote development of cooperative agreements between higher education institutions to offer graduate degree programs on campuses which do not otherwise offer graduate degrees. Diplomas would include the names of both institutions.

#### HCS SCS SB 61 -- PERSONAL IDENTIFYING INFORMATION

This bill limits the use of a person's Social Security number and closes an individual's military records that have been recorded at a county recorder's office.

The bill prohibits any person or entity from publicly displaying a person's Social Security number or requiring a person to send his or her Social Security number over the Internet, unless the number is encrypted or otherwise made secure. This provision applies to the use of Social Security numbers on or after July 1, 2006. However, those entities that were using a person's Social Security number prior to that date may continue to use it if the use was consistent or if they provide an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number. This provision does not apply to government agencies or to records that are required to be open records pursuant to law.

Regarding an individual's military records, the bill prohibits county recorders from providing recorded military discharge records to anyone except authorized parties. Authorized parties include the person who is the subject of the records; the subject's relatives, attorney, or guardian; any person with written authorization from any of these parties; or a government agency. An authorized party must submit a notarized request form to the recorder to obtain the records. Only the name of a person with a recorded military discharge record will be available to the public without authorization.

County recorders may refuse to accept any military discharge document that appears to be altered or that does not contain an original signature of a military officer or a government agency official or any document that is not a certified copy of a record from a government agency. County recorders may not charge a fee

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for accepting or providing military discharge records or for providing the notarized request form needed to obtain the records.

The bill also prohibits the use or reproduction of military discharge records for any commercial purpose.

The bill has an effective date of January 1, 2005.

#### SB 63 -- TERMINATION OF PARENTAL RIGHTS

This bill states that the granting or denial of a petition for termination of parental rights is a final judgment for purposes of appeal.

#### HCS SB 68 -- AMBULANCE AND FIRE PROTECTION DISTRICTS; EMERGENCY MEDICAL TECHNICIANS

This bill makes a technical change to the Ambulance or Fire Protection District Sales Tax Trust Fund. Under current law, the Director of the Department of Revenue must authorize the State Treasurer to make refunds from the amounts in the trust fund and credit any district for erroneous payments and overpayments made. The bill allows the director to make the refunds and credits.

The bill also allows for the statewide certification of an emergency medical technician-intermediate. Under current law, this position is only authorized in certain charter and first classification counties.

#### CCS HCS SCS SB 69 -- SMALL BUSINESS

This bill establishes the Small Business Regulatory Fairness Board, which will work with agencies and small businesses on issues concerning the impact of agency rules and regulations on small businesses. The bill outlines the membership of the board. All members of the board, except for the chair of the minority business advocacy committee, must be current or former small business owners.

The board is specifically prohibited from interfering with, modifying, preventing, or delaying an agency's enforcement

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action; intervening in legal actions; and subpoenaing witnesses to testify or produce documents at hearings held by the board.

The bill requires state agencies to determine whether proposed rules affect small businesses prior to submitting or filing proposed rules with the Secretary of State's office. For proposed rules that affect small businesses, the agency must consider creative, innovative, or flexible methods of compliance for small businesses and prepare a small business impact statement which will be submitted with the proposed rules to the Small Business Regulatory Fairness Board on the day the proposed order of rulemaking is filed with the Secretary of State's office. The bill outlines the requirements of the impact statement. Rules that are required to have a small business impact statement but do not are invalid and the Secretary of State cannot publish the rule.

For any proposed rules that affect small business, the agency will also submit a small business participation statement to the board 30 days after a public hearing is held or at least 30 days before the issuance of a final order of rulemaking if no public hearing is held. The bill outlines the requirements of the statement.

The bill allows the board to file a written petition with the agency that has adopted rules, objecting to or requesting the adoption, amendment, or repeal of all or part of any rule affecting small business. The bill explains on what grounds a rule can be objected to. Upon submission of a written petition, the agency must forward a copy of the petition to the Joint Committee on Administrative Rules. Within 60 days of receipt of the petition, the agency will determine whether the rule should be adopted, amended, or repealed based on specific factors. Any small business may ask the board to file a petition for the adoption, amendment, or repeal of a rule; and the board may hold a hearing or solicit testimony to assist in making its determination of whether to file a petition.

The bill requires the board to provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns. Forty-five days after being notified by the board of these rules, the agency is required to submit a written report to the board in response to the complaints or concerns. The board may solicit testimony at public meetings regarding any report submitted by an agency. The bill requires the board to submit an evaluation report to the Governor and the General Assembly regarding these issues.

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The bill outlines occasions when an agency will waive or reduce any administrative penalty or administrative fine for violation of any statute, ordinance, or rule by a small business.

The bill allows small businesses claiming a material violation of the small business impact statement requirement to bring a declaratory judgment action without exhausting their administrative remedies.

#### HCS SCS SB 84 -- TAX CREDITS

This bill allows the following tax credits to be taken against estimated quarterly taxes paid:

- (1) Credits for investments in eligible new generation cooperatives or eligible new generation processing entities; and
- (2) Credits received for contributions to the Agricultural Product Utilization Grant Fund.

The bill adds eligible new generation cooperatives, eligible new generation processing entities, and agricultural product utilization contributor tax credits to the restriction that the tax credits taken against insurance premiums will not reduce moneys transferred to the county foreign insurance fund.

The bill decreases the required number of employees in an employee-qualified capital project from 100 to 60 for investors to receive a New Generation Cooperative Incentive Tax Credit.

#### HCS SB 101 -- COUNTY ORDINANCES

This bill allows the Cass County Commission to elect to have county traffic ordinance violations heard by an associate circuit judge of the county.

#### SB 108 -- STATE RECORDS COMMISSION

This bill places the states' chief information officer on the State Records Commission.

SB 120 -- CASS COUNTY ASSESSMENT FUND

This bill authorizes Cass County to deposit up to .20% of all ad valorem property tax collections on newly constructed property into the assessment fund of the county for collection costs.

SB 121 -- COUNTY PLANNING AND ZONING

This bill authorizes Cass County to operate under any existing planning and zoning law currently in statute, except planning and zoning for a county of the first classification.

SCS SB 122 -- COUNTY ASSESSORS

This bill allows county assessors in counties of the third classification to make changes to the assessor's book after the May 31 deadline for delivery to the county governing body. The change to the book is limited to changes in property ownership and redistributing the assessed valuation to reflect the current ownership status. Any increase to assessed valuation by the assessor will be considered new construction.

The governing body of counties of the third classification must adopt this law before it becomes effective in the county.

HCS SCS SB 130 -- CONVEYANCE OF PROPERTY IN ST. CHARLES COUNTY

This bill authorizes the state to convey state property to St. Charles County. The property is for the Knaust Road Improvement Project.

The bill contains an emergency clause.

HCS SB 136 -- ELECTION DEADLINES

This bill makes several changes to deadlines relating to elections. In its main provisions, the bill:

(1) Changes the deadline for the first meeting after the election of the city council each year in third class cities from the third to the fourth Tuesday in April;

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(2) Changes the opening filing date for an office in a political subdivision or special district from the fifteenth Tuesday to the sixteenth Tuesday prior to an election; and

(3) Changes the deadline for the first meeting after an annual election for school boards in seven-director districts from seven to 14 days after the election.

#### SB 143 -- EFFECTIVE DATES OF LAWS

Under current law, a bill vetoed by the Governor becomes effective immediately if the General Assembly votes to override the veto. This bill provides that vetoed bills become effective 30 days after the General Assembly votes to override.

#### HCS SB 175 -- FOOD RECOVERY INSPECTION AND SAFETY

This bill creates a food recovery program for restaurants and charitable or nonprofit organizations to provide food to needy persons. Any donor and charitable or nonprofit organization acting in good faith will not be subject to criminal penalty or civil damages arising from the condition of the food.

The bill also repeals various outdated statutes related to inspection of non-intoxicating beverages by the Department of Health and Senior Services.

#### HS HCS SB 184 -- CRIMINAL RECORDS

This bill makes several changes in the laws relating to criminal records. The bill:

(1) Requires the State Highway Patrol to maintain a web site containing all of the registered sex offenders within the state, including photographs of the offenders, their last known address, and the crimes for which they were convicted. The web site must have the capability of allowing an Internet user to find the registered sex offenders living within a given distance from the Internet user's address;

(2) Adds computer and Internet-based crimes to the provision allowing political subdivisions to pool resources in the forming of crime task forces;

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- (3) Requires the Department of Health and Senior Services to include a search of the registered sex offender list as part of the registration process for anyone seeking to be placed on the Family Care Safety Registry beginning January 1, 2004;
- (4) Requires each county sheriff to forward the county's sex offender registration list to the law enforcement agency of any college or university located within the county;
- (5) Requires sex offenders to include in their registration information whether they are enrolled in a college and to update their registration information within seven days of changing their enrollment or employment with a college within the state;
- (6) Allows an individual who has a criminal record in the central repository to challenge the accuracy of the record;
- (7) Creates the crime of unlawful disclosure of criminal history information, a class A misdemeanor. The crime is committed when a person obtains criminal history record information from the central repository under false pretenses or disseminates the information to anyone other than the original requester for its intended purpose;
- (8) Expands the definition of licensed day care "provider" and defines "qualified entity" as a person or entity that provides health care, education, or recreation for children, the elderly, or the disabled;
- (9) Amends the process by which qualified entities, rather than youth services agencies, may obtain a criminal record review of a provider;
- (10) Adopts the National Crime Prevention and Privacy Compact, which is an agreement to facilitate the exchange of criminal history information for noncriminal justice purposes;
- (11) Adds several state agencies to the list of entities requiring applicants to submit fingerprints for a criminal history check;
- (12) Allows the Department of Health and Senior Services and the Department of Mental Health to use registry information. Current law allows only the Department of Social Services to use it;
- (13) Requires school bus driver permit applicants to submit fingerprints for a background check with the State Highway Patrol and the Federal Bureau of Investigation. This section becomes effective on January 1, 2004;

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- (14) Expands the list of government entities which may have access to closed arrest records;
- (15) Allows a criminal justice agency receiving a request for criminal history information to require positive identification, including fingerprints, before releasing closed records;
- (16) Adds fingerprinting to the requirements for a person wishing to have an arrest expunged from his or her record;
- (17) Allows mental health facilities to disclose confidential records to the Department of Health and Senior Services when reporting abuse, neglect, or rights violations of patients;
- (18) Disqualifies an applicant from working in a mental health facility when the person has pled guilty to a felony with a suspended imposition of sentence. In addition, existing law allows the director to grant an exception for some applicants with felony convictions, but the bill adds several felonies to the list of crimes for which no exception may be granted;
- (19) Requires applicants for a direct care position at a mental health facility to sign a consent form to conduct a criminal background check and disclose his or her criminal history. The applicant is also required to disclose if he or she is listed on the employee disqualification list;
- (20) Makes it a class A misdemeanor for a job applicant at a mental health facility to knowingly fail to disclose his or her criminal history;
- (21) Makes it a class A misdemeanor for a provider to knowingly hire a person who has been disqualified from employment at a mental health facility;
- (22) Repeals a provision that prohibits the fingerprinting of juvenile offenders;
- (23) Repeals a sunset clause for several provisions relating to the protection of children; and
- (24) Clarifies that members of a county board of visitors (which periodically inspect county and city jails) enjoy the same immunity as judicial officers.

CCS HCS SB 186 -- RECORDERS OF DEEDS

Under current law, the circuit court of Marion County appoints the circuit clerk ex officio recorder of deeds. If the office is separated into district I circuit clerk and recorder of deeds, the court continues to appoint the district I circuit clerk. This bill makes the position of circuit clerk ex officio recorder of deeds an elected position. The first election of the position will take place at the 2006 general election.

The bill clarifies that in counties where the clerk of the circuit court and the recorder of deeds have been separated, the office of recorder of deeds will be elected at the next general election.

The bill also requires that the circuit clerk in the 6th and 7th judicial circuits must be appointed by a majority of the circuit judges and associate circuit judges of the circuit court. The clerk may be removed for cause by a majority of these judges. The bill becomes effective on January 1, 2004. Elected circuit clerks in office at that time will continue to hold their office until the expiration of their elected terms.

SCS SB 194 & 189 -- UNEMPLOYMENT COMPENSATION

This bill requires that Indian tribes acting as employers contribute, or make payments in lieu of contributions, to the state Unemployment Compensation Trust Fund like any other employer.

The bill contains an emergency clause.

CCS HS HCS SCS SB 199 -- COUNTY GOVERNMENT; WATER POLLUTION BONDS; RECREATIONAL FACILITY DISTRICTS

COUNTY GOVERNMENT

This bill:

(1) Increases the required assessed valuation necessary to qualify as a county of the first classification from \$450 million to \$600 million and as a county of the second classification from \$300 million to \$450 million. Any county that has the requisite assessed valuation to become a county of the first classification

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may choose to do so upon an affirmative vote of the county's governing body, even though the county has not had this valuation for five successive years as required under current law;

(2) Changes the months in which county commissioners are required to meet;

(3) Authorizes the Boone County Commission to impose a civil fine of not more than \$1,000 for misdemeanor county ordinance violations and requires the county counselor, rather than the county prosecuting attorney, to prosecute these violations. Fines collected pursuant to the bill will be paid into the county general fund and used to pay for the cost of enforcement of the ordinances;

(4) Authorizes county treasurers in counties of the third and fourth classification to issue payroll checks before the filing of the county budget estimates;

(5) Authorizes all counties to impose, upon voter approval, a sales tax of up to 0.025% for community services for children up to the age 19. Current law allows St. Charles, St. Louis, Jefferson, Franklin, Warren, and Lincoln counties to enact this sales tax. The moneys collected from the tax will be deposited into the county's community children's fund and administered by the board of directors;

(6) Authorizes any county subject to Environmental Protection Agency rules concerning storm water discharge to adopt ordinances that are necessary to comply with federal regulations. These counties may, upon voter approval, impose a storm water utility tax in an amount necessary to fund public storm water control projects;

(7) Authorizes St. Louis County to impose, by ordinance, a semiannual fee of up to \$200 on owners of residential property or commercial housing property if that property is vacant, has been vacant for six months, and is in violation of the housing code. A municipal officer must make the initial determination, and the owner may appeal or improve the property within 30 days. If improved, the owner may ask for reinspection. If the fee is still imposed, the owner may still appeal. Delinquent fees become a lien upon the property. Currently, only municipalities may impose the fee;

(8) Clarifies that a municipality in Christian County may continue to operate an emergency telephone service in the event the county also establishes a service or has been reclassified into a higher classification;

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(9) Authorizes the Department of Economic Development to designate an area within Jackson County as a satellite zone. The governing body of the county must submit a plan describing how the zone corresponds to the county's overall enterprise zone strategy. The department is also required to designate an enterprise zone in Laclede County. The zones must be approved by the department director and meet all statutory requirements;

(10) Authorizes counties of the second, third, or fourth classification to set, by ordinance, countywide speed limits on county-maintained roads; and

(11) Establishes requirements for candidates for the office of public administrator. Candidates must be 21 years of age, be a resident of the county for at least one year, be a registered voter, and be current in the payment of all personal and business taxes.

#### WATER POLLUTION BONDS

In addition to amounts authorized prior to August 28, 2004, the bill authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution. The authorizations are for:

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

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

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

#### EXHIBITION CENTER AND RECREATIONAL FACILITY DISTRICTS

The bill creates the Exhibition Center and Recreation Facility District Act. It enables citizens of Boone, Buchanan, Camden, Jasper, Jefferson, Miller, Morgan, and Newton counties to petition to create an exhibition center and recreation facility district. At least 50 property owners in a county must sign the petition.

Once the petition is filed, the governing body may approve a resolution to create the district. Following a public hearing, the governing body may adopt an order establishing the proposed district.

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A board of trustees will administer any district created. The governing body of each county within the district will appoint four residents from the portion of the county within the district to serve on the board. The board will have the power to enter into contracts or other agreements affecting the affairs of the district, borrow money, issue bonds, acquire and dispose of real and personal property, refund bonds without an election, manage the affairs of the district, hire agents, and amend and adopt bylaws.

The district may submit to its voters a sales tax of up to 0.5%. The tax will be reduced automatically to a rate of 0.1% after 25 years unless an extension is voted upon by the voters in the district.

#### COUNTY CRIME REDUCTION FUND

The bill allows county commissions to create county crime reduction funds and specifies the purposes for which the money in the funds can be spent.

The bill allows the court to order restorative justice methods in cases where there is a suspended imposition or execution of sentence and to order individuals who have a suspended imposition or execution of sentence for a misdemeanor to make a payment of up to \$250 to the county crime reduction fund.

The bill also allows the court to order a payment of up to \$250 to the county crime reduction fund as a condition of probation. A judge can only order this condition of probation if the fund was established prior to sentencing. A judge cannot have any direct supervisory or administrative control over the fund to which he or she orders probationers to make payments. A defendant can refuse probation that includes, as a condition, payments to the fund, but probation cannot be revoked solely for failure to make payments, except under certain circumstances.

#### SCS SB 202 -- FIRE PROTECTION

This bill requires all water corporations, municipal water districts, and public water supply districts to allow access to water supplies for filling mobile equipment by any fire protection service during an emergency. The bill outlines conditions for the connection to and the use of water supplies. A fire protection service is liable for any damages caused by it to any part of the water supply system from which water is taken.

SB 203 -- ADMINISTRATIVE SUBPOENAS

This bill allows a party to a contested case with a state agency to apply to a court for enforcement of a subpoena. Current law allows only the agency to seek court enforcement. The bill also allows the agency or any party to intervene in an enforcement action.

SB 207 -- DAMAGE CLAIMS ON RENTAL VEHICLES

This bill requires that all damage claims by a rental company must be reasonably and rationally related to the actual loss incurred. Rental companies must not assert a claim for damages which exceeds: (1) the actual cash value of the vehicle less any proceeds from the disposal of the vehicle; or (2) the actual cost to repair the vehicle including all discounts or price reductions, whichever is less. A renter will be presumed to have no liability for loss due to theft if an authorized driver has possession of the key or establishes the key was not in the ignition and the authorized driver promptly files a police report on the theft. The bill also adds repair facilities to the type of entities which may make estimates for damage claims.

HCS SCS SB 212 & 220 -- KANSAS CITY POLICE RETIREMENT; HIGHWAY PATROL

Concerning the Kansas City Police and Civilian Employees' Retirement Systems, this bill:

- (1) Requires benefits and conditions to always be adjusted to qualify for tax-exempt status;
- (2) Requires a member's benefits to be 100% vested and non-forfeitable upon the member's attainment of the normal retirement age;
- (3) Requires the distribution of retirement benefits to begin no later than April 1 of the year following the calendar year during which the member becomes 70 1/2 years of age;
- (4) Prohibits benefits in excess of the limits set by Section 415 of the Internal Revenue Code;
- (5) Limits the total salary taken into account for any purpose

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for any member to no more than \$200,000 per year, subject to adjustments permitted by the Internal Revenue Code;

(6) Gives the retirement boards authority to change actuarial assumptions at any time annually, but a change in actuarial assumptions may not result in any decrease in benefits accrued as of the effective date of the change;

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

(8) Gives the retirement boards authority to provide fiduciary liability insurance;

(9) Makes other changes to conform with the Internal Revenue Code;

(10) Changes the requirements for the five elected members of the Kansas City Police Retirement Board;

(11) Allows members to receive a partial lump-sum option payment;

(12) Makes the retirement boards state agencies for the purpose of the administrative procedure and review process;

(13) Requires the Kansas City Police Department to grant authorized leave with pay to active police officers and civilian employees to attend educational seminars and similar functions for a period not to exceed 10 days in any calendar year;

(14) Authorizes the City of Kansas City and the Kansas City Police Department to adopt a program of incentives to encourage early retirement of members and civilian employees, contingent upon the city requesting and agreeing to increase financial contributions to the police retirement system; and

(15) Requires a funeral benefit of \$1,000 to be paid in addition to all other benefits for a civilian employee.

The bill also requires the Superintendent of the State Highway Patrol to submit a salary schedule report to the Governor, Speaker of the House of Representatives, and the President Pro Tem of the Senate.

#### HCS SCS SB 218 -- SEWER SERVICE

This bill increases from \$28 to \$50 the voter-approved fee that may be charged for the repair of lateral sewer service lines on residential property having six or less dwelling units in St. Charles County, St. Louis County, and St. Louis City. If the fee is increased, repairs may be made to the entire line. Only condominiums that have six or less units per building are subject to the fee. Each unit is responsible for its proportionate share of any fee charged. If a condominium is served by its own lateral sewer line, it will be treated as an individual residence. If an existing lateral sewer program was in effect prior to the effective date of the bill, condominiums and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the program serving the unit was defective.

#### SS SB 219 -- VETERANS RECOGNITION

This bill allows any Korean Conflict veteran on active duty between June 27, 1950, and January 31, 1955, who was honorably discharged and resides in Missouri to receive a medallion, medal, and certificate of appreciation. The Adjutant General will determine which persons are eligible for the award. Applications may be filed during calendar year 2004. Any veteran, spouse, or eldest living survivor of a deceased veteran who meets the qualifications outlined in the bill may apply for a Korean Conflict medallion, medal, and certificate. The Korean Conflict Veterans' Recognition Award Fund is created and must be used to fund the design, manufacture, and distribution of the medallions, medals, and certificates. The bill allows the Missouri Veterans Commission to expend funds from the Veterans Commission Capital Improvement Trust Fund in order to pay for the Korean Conflict Medallion Program.

Further, the bill extends the World War II Medallion Program from July 1, 2003, to July 1, 2004, and allows the eldest living survivor of a deceased veteran to apply for a medallion.

The bill contains an emergency clause.

SCS#2 SB 224 -- CONVEYANCE OF PROPERTY IN CALLAWAY COUNTY

This bill authorizes the state to convey to the City of Fulton a permanent easement of state property located in Callaway County.

The bill contains an emergency clause.

HCS SB 228 -- TOURISM TAXES

This bill allows the City of Warrenton, upon voter approval, to levy a room tax on hotels and motels in an amount between 2% and 5% per night.

The bill also allows Shannon County, upon voter approval, to levy a tax no greater than 5% on lodging, campgrounds, canoe rental, and trail rides.

All revenues derived from these taxes must be used for the promotion of tourism.

SB 232 -- CONVEYANCE IN ADAIR COUNTY

This bill allows the Department of Natural Resources to convey state property in Thousand Hills State Park to James Lyons. Consideration for the conveyance will be the conveyance of property owned by Mr. Lyons to the Department of Natural Resources.

HCS SB 234 -- PARK CONCESSION STAND

This bill allows Clay County to grant leases for up to 50 years on any concession stand or marina, if the proposed investment by the lessee is greater than \$10 million. County bidding procedures and requirements are detailed in the bill.

The bill also requires the county to request bids for the private operation of one marina, if the county owns or operates more than two marinas. The bill establishes conditions under which the county may operate the marina that is to be leased.

The bill contains an emergency clause.

#### SB 235 -- LOCAL GOVERNMENT INDEBTEDNESS

This bill requires that the calculation of the constitutional limit for local government indebtedness include the additional value added as a result of redevelopment projects in the area. The county assessor is required to include the value when making entries in the assessor's book.

#### SCS SB 238 -- INCORPORATION OF CITIES

This bill allows an unincorporated area in Cass County to vote on incorporation as a city regardless of any proposed annexation of the area by a city of the third or fourth class or Kansas City. Any annexation proposal by a third or fourth class city or Kansas City would not become effective if the qualified voters of the unincorporated area voted to become an incorporated city. The bill also allows for the incorporation of a city in Cass County in an area located within two miles of another city.

The bill contains an emergency clause.

#### SCS SB 239 -- CONVEYANCE IN PETTIS COUNTY

This bill authorizes the Governor to convey the National Guard Armory in Sedalia to the Sedalia School District Foundation if a bid of at least \$99,990 is not received at public auction by the Office of Administration within six months of opening of the public sale of the property. If no bid is received, consideration for the conveyance to the Sedalia School District Foundation will be \$1.

#### HCS SS SB 242 -- APPEAL BONDS

This bill limits the amount of appeal bonds required of all appellants collectively to \$50 million in any civil litigation involving a claim relating to tobacco products. A court may, if good cause is shown, set the appeal bond at a lower amount, in which case the appellant must provide the court and the appellee with current and future financial statements. If the appellant is found to be purposefully dissipating or diverting assets outside the ordinary course of business for purposes of avoiding ultimate payment of the judgment, the \$50 million limit may be rescinded and the court may enter orders to prevent dissipation or diversion of the assets. The bill applies to all cases pending on or after its effective date.

#### HCS SB 243 -- STATE PROPERTY PRESERVATION FUND

This bill creates the State Property Preservation Fund, consisting of moneys appropriated by the General Assembly.

Moneys in the fund are available for the payment of any property loss for insured state-owned or leased buildings if a notice of coverage is issued for the property and the state is obligated to provide evidence of insurance.

The aggregate of payments from the fund is not to exceed the lesser of the amounts necessary to repair or restore the covered property to its condition before the covered loss or its fair market value at the time of the loss.

The fund is to be deemed as satisfying all provisions contained in any agreement requiring the state to purchase or maintain property insurance on state-owned or leased buildings and their contents.

The bill contains an emergency clause.

#### CCS HS HCS SS#2 SCS SB 248, 100, 118, 233, 247, 341 & 420 -- RETIREMENT SYSTEMS AND BENEFITS

This bill revises provisions pertaining to various retirement systems, establishes a medical and retirement incentive plan for state employees, and creates a workers' memorial fund.

#### ST. LOUIS POLICE RETIREMENT SYSTEM

The bill makes technical corrections to the Deferred Retirement Option Plan (DROP) for the St. Louis City Police Retirement System.

The bill requires members of the St. Louis Police Department to receive six weeks of paid vacation each year if members have at least 30 years of service and are eligible to participate in the DROP.

#### KANSAS CITY POLICE RETIREMENT SYSTEM

Active members of the retirement board who are currently serving as a police officer or a civilian employee can receive up to 10 days of paid leave to attend meetings and seminars as approved by the board. An early retirement incentive program is established

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for police officers and civilian employees if the city covers full actuarial costs to the system. The bill provides a funeral benefit of \$1,000 for eligible civilian employees.

#### RETIREMENT SYSTEMS FOR HIGHWAYS AND TRANSPORTATION EMPLOYEES, THE HIGHWAY PATROL, AND STATE EMPLOYEES

The bill makes the following changes to the Highways and Transportation Employees' and Highway Patrol Retirement System (HTEHPRS), Missouri State Employees' Retirement System (MOSERS) and the Missouri State Employees' Retirement System, Year 2000 Plan (MSEP 2000):

(1) The "80 and out" eligibility age is reduced from 50 years of age to 48 years of age for members of HTEHPRS, MOSERS, and MSEP 2000;

(2) Uniformed members of the State Highway Patrol who have served as a non-federal, full-time public employee in Missouri prior to becoming a member of HTEHPRS are allowed to purchase prior credited service not to exceed four years. This purchase is subject to certain conditions;

(3) Effective September 1, 2003, HTEHPRS members are prohibited from requesting or applying for disability benefits allowed under Subsection 1 of Section 104.110, RSMo. The Board of Trustees is authorized to contract for the provision of disability benefits. HTEHPRS members can waive their right to receive any disability benefit;

(4) The purchase of prior credited service by members of MOSERS and the MSEP 2000 who have served in the military is revised to no longer require the filing of an affidavit;

(5) Former and current members of the General Assembly are allowed to elect simultaneous credited service in lieu of receiving creditable service as a member of the General Assembly if a former or current member becomes a state employee or state officer. This provision is effective August 28, 2003;

(6) Members of the Board of Trustees of MOSERS are required to file a financial disclosure form with the Missouri Ethics Commission;

(7) Members of certain retirement systems, including MOSERS and MSEP 2000, can purchase additional life insurance benefits, subject to certain conditions;

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(8) Certain employees who are earning creditable service under the closed plan of MOSERS or the MSEP 2000 Plan administered under MOSERS and who were transferred to the Department of Transportation can elect to participate in the closed plan of HTEHPRS or the MSEP 2000 administered by HTEHPRS. The election must be made within 90 days of July 1, 2003; and

(9) Provisions pertaining to a division of marital benefits order for an annuity paid under MSEP 2000 and the designation of an agent for a beneficiary under MSEP 2000 who becomes disabled are corrected.

#### TEACHING PERSONNEL AND RETIREMENT BENEFITS

The bill requires the State Board of Education to develop rules to facilitate job-sharing positions for classroom teachers. The bill contains a definition for "job-sharing position" and entitles teachers in these positions to certain employment and retirement benefits.

#### ADMINISTRATIVE LAW JUDGES AND LEGAL ADVISORS RETIREMENT SYSTEM

The bill prohibits any revisions to this retirement system previously established by law.

#### STATE EMPLOYEES' MEDICAL AND RETIREMENT INCENTIVE PLAN

The bill contains provisions pertaining to medical insurance and retirement incentives for state employees who are members of HTEHPRS, MOSERS, or MSEP 2000 and are eligible for medical coverage under the Missouri Consolidated Health Care Plan (MCHCP).

In its main provisions, the bill:

(1) Allows a retiree to elect to continue coverage for himself or herself and eligible dependents at the same cost as if the retiree was an active employee for a maximum period of five years or until the retiree is eligible for Medicare or reaches 65 years of age, whichever occurs first;

(2) Requires the costs for medical coverage for eligible retirees to revert to the applicable rate after the five-year period expires or when the retiree becomes eligible for Medicare or reaches 65 years of age;

(3) Requires the governing body of any participating member agency to elect to provide the medical coverage and retirement

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incentive contained in the bill in order for employees or retirees to be eligible to apply the medical coverage to their current benefits;

(4) Allows the governing boards of Truman State University, Lincoln University, educational institutions listed in Section 174.020; the Highways and Transportation Commission; and the Conservation Commission to elect to provide their employees or retirees the same retirement incentive and medical coverage as are contained in the bill. Certain conditions of this provision will apply to the Highways and Transportation Commission if the commission elects to participate in the plan;

(5) Allows current employees who are receiving creditable service and are eligible to receive a normal annuity under HTEHPRS or MOSERS, or a life and any temporary annuity under MSEP 2000, and whose annuity begins no later than September 1, 2003, to be eligible to receive the medical coverage contained in the bill;

(6) Allows current employees who are eligible to receive a normal annuity under HTEHPRS or MOSERS, or a life and any temporary annuity under MSEP 2000, who apply for retirement and whose annuity begins no later than September 1, 2003, to be eligible to receive the medical coverage contained in the bill;

(7) Allows employees who are eligible to receive lump-sum payments under Section 104.625 or Section 104.1024, by January 1, 2004, to elect to receive these payments. However, these employees are prohibited from receiving a lump sum payment under these sections after the effective date of the annuity established by this incentive plan, or September 1, 2003;

(8) Allows a retiree whose retirement annuity commenced on or before February 1, 2003, but no later than September 1, 2003, to be eligible to receive the medical coverage contained in the bill;

(9) Establishes a department rehiring cap of 25% for positions that are vacated due to the election to retire. Critical positions, seasonal positions, or positions that are federally funded may be exempt from this provision. In addition, this provision will not apply to Truman University, Lincoln University, and educational institutions listed in Section 174.020;

(10) Requires HTEHPRS and MOSERS to provide monthly tracking of the effects of the medical coverage provided to eligible retirees

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and the number of retirements resulting from the plan. In addition, the bill requires HTEHPRS and MOSERS to submit a written report to the Governor, the Commissioner of the Office of Administration, and the General Assembly by April 1, 2004. The report must examine required subject areas and the effects of the incentive provisions contained in the bill. The period the report must cover is February 1, 2003, to January 31, 2004;

(11) Requires the Office of Administration to provide monthly tracking of the budgetary effects of the retirement plan in addition to submitting a budgetary report concerning the effects of the incentive provisions contained in the bill by April 1, 2004. The subject areas the report must address are also contained in the bill; and

(12) Requires the MCHCP to provide monthly tracking of the effects of state employee retirements and to submit a report to the Governor and the General Assembly by April 1, 2004. The report must examine required subject areas and certain effects of the incentive provisions contained in the bill.

The bill contains an emergency clause which applies to the retirement incentive plan.

#### WORKERS' MEMORIAL FUND

The bill allows individuals or corporations entitled to a state tax refund to designate that a portion of their refund be contributed to the Workers' Memorial Fund. If not entitled to a tax refund, individuals or corporations may make a contribution along with their payment or send the contribution in separately.

#### SB 250 -- LAW ENFORCEMENT SALES TAX

This bill authorizes Jefferson County, upon voter approval, to impose by ordinance a retail sales tax of up to 0.5% for law enforcement services. The bill requires 25% of the sales tax revenue collected to be deposited into a special trust fund for the sole use of the county prosecuting attorney's office.

The bill contains an emergency clause.

SB 255 -- CONSUMER-OWNED ELECTRIC CORPORATIONS

This bill prohibits the Public Service Commission from regulating the rates and financing of consumer-owned electric corporations that are required to operate on a not-for-profit cooperative basis and, as of August 28, 2003, hold a certificate of public convenience and necessity to serve a majority of their consumer-owners in third classification counties.

HCS SB 266 -- MENTAL HEALTH SERVICE PLAN

This bill requires the Department of Mental Health to develop a plan to address the needs of persons who are on a waiting list for services. The plan is required to emphasize the partnership between developmentally disabled individuals and their families, community providers, and state officials.

The plan is required to include:

- (1) A method for reducing the waiting period to 90 days;
- (2) A description of available services and an evaluation of the capacity to serve more individuals;
- (3) A method of adjusting support and service levels based on individual needs and a method for determining when out-of-home, 24-hour care is necessary;
- (4) A description of how the plan will be implemented;
- (5) Any recommendations for necessary changes to state law; and
- (6) An analysis of the monetary effects in providing services to all eligible individuals and their families.

The bill requires the plan to be completed no later than November 1, 2003. The director of the department is required to submit a copy of the plan to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor.

The bill also requires the departments of Mental Health and Social Services to jointly prepare a plan concerning the needs for mental health services and supports for:

- (1) All child custody cases in the Department of Social Services in order to determine mental health service needs and the absence of child abuse, neglect, or abandonment; and

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(2) Children or persons 17 years of age who are determined by the court to be eligible to receive mental health services in the least restrictive and appropriate environment if the children are returned to a family's custody by a court.

The plan is required to include analyses concerning:

(1) The use of federal funding and the application for federal waivers;

(2) Budgetary and programmatic effects resulting from providing mental health services to children and persons 17 years of age; and

(3) The feasibility and time frames for securing federal funds.

The bill requires the plan to be completed no later than January 1, 2004. The directors of the departments of Mental Health and Social Services are required to submit a copy of the plan to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor.

#### SCS SB 269 -- LOCAL SALES TAX

This bill allows the City of Excelsior Springs to submit to its voters a local sales tax for the purpose of funding public safety.

The bill contains an emergency clause.

#### HCS SB 275 -- CONVEYANCES OF PROPERTY IN COLE COUNTY

This bill repeals the authority of the Governor to convey certain tracts of property owned by the state in Cole County to either the General Services Administration or the Missouri Development Finance Board.

The bill authorizes the Governor to convey to the Missouri State Penitentiary Redevelopment Commission certain state property located in Cole County known as the Missouri State Penitentiary. The bill allows for the property to be parceled out and conveyed at different times.

SS SS SCS SB 280 -- TORT REFORM

This bill enacts various tort reform measures. In its main provisions, the bill:

(1) Requires state agencies that use a lawyer or law firm to obtain services through open and competitive bids and prohibits state agencies from paying in excess of \$1,000 per hour for legal services (Sections 34.360 to 34.371, RSMo);

(2) Adds attorneys practicing pro bono at tax-exempt nonprofit community social services centers and physicians working in county jails to coverage from the State Legal Expense Fund (Section 105.711);

(3) Expands immunity from civil liability for certain landowners adjoining public trails from only certain first classification counties to all political subdivisions (Section 258.100);

(4) Allows a person's failure to wear a seat belt to be considered as evidence of comparative negligence in a lawsuit and to be admitted to mitigate damages of an insurer or party to the action (Section 307.178);

(5) Provides that venue will be in the county where the cause of action accrued or the county where the office of the registered agent of the nonprofit corporation is maintained (Section 355.176);

(6) Requires that claims for prejudgment and post-judgment interest in tort actions be calculated at an interest rate tied to the auction price of 52-week United States Treasury bills (Section 408.040);

(7) Allows liens for health practitioners who provide medical services to patients injured by tortfeasors (Section 430.225);

(8) Requires that venue in all tort actions, including torts for improper health care, but excluding suits against motor carriers, only be in the county where the cause of action accrued or the county where the defendant resides. Residence for a corporation is either the county where the registered agent is located or, if no agent exists, then Cole County. In suits against corporations, venue will only be in the county where the cause of action accrued or the county of the corporation's residence. Defendants are allowed to move for change of venue upon the adding of a new defendant if current venue would have been inappropriate if the new defendant had initially been named (Sections 508.010, 508.040, and 508.120);

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(9) Requires courts to dismiss or transfer venue for a cause of action accruing outside the county in which the court is located if there is another more convenient venue. The determination of convenience is based on a number of enumerated factors. A motion to transfer venue may be filed within 90 days after the answer is due. A party filing a case in a county where none of the defendants reside or where the cause did not accrue will bear the burden of establishing that the pending forum is more convenient than a forum in which the defendants reside or the cause accrued (Section 508.075);

(10) Adds convenient forum to the list of objections that may be raised by motion whether or not that objection appears in the pleadings (Section 509.290);

(11) Allows discovery of a defendant's assets in tort actions only after a judge determines that the plaintiff has a submissible case on punitive damages, as defined in the bill (Section 510.263);

(12) Allows orders granting or denying class certification and motions based on a more convenient forum to be appealed (Section 512.020);

(13) Establishes a \$50 million limit on supersedeas bonds if the appellant proves that it has unencumbered assets that equal or exceed the amount of the judgment in excess of \$50 million. If the appellant fails to maintain this level of assets or is purposely dissipating assets outside the ordinary course of business to avoid payment of the judgment, the court may require a bond equal to the full amount of the judgment (Section 512.099);

(14) Sets the statute of limitations in actions to recover damages from injury caused by childhood sexual abuse at 10 years or the plaintiff turning 21 years of age or within three years of the date of discovering that the injury was caused by childhood sexual abuse, whichever occurs later (Section 516.600 and 537.046);

(15) Provides for joint and several liability for compensatory and noneconomic damages if a defendant is found to be 10% or more at fault, but makes defendants liable only for their portion of fault for punitive damages (Section 537.067);

(16) Requires mediation for all tort actions unless the court finds that mediation has no chance of success (Section 537.072);

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(17) Limits liability of paddlesport outfitters for injury or death caused by inherent risks of paddlesport activities (Section 537.327);

(18) Requires an affidavit from a similarly-licensed professional supporting a cause of action for nonmedical claims of professional negligence (Section 537.530);

(19) Adds long-term care facilities licensed pursuant to Chapter 198 (Convalescent, Nursing and Boarding Homes) to the definition of "health care provider" as used in Chapter 538 (Tort Actions Based on Improper Health Care) and modifies the definition of "punitive damages" to include exemplary damages and damages for aggravating circumstances (Section 538.205);

(20) Removes the words "per occurrence" to ensure that there is a single cap, and not multiple caps, for incidents of medical malpractice (Section 538.210);

(21) Makes it mandatory rather than discretionary that a court dismiss any medical malpractice claim for which the plaintiff fails to file the required supporting expert affidavit and limits extensions of time to file the affidavit to 90 days. The bill also requires the expert to be licensed and actively practicing in substantially the same specialty as the defendant (Section 538.225);

(22) Prohibits statements, writings, or benevolent gestures expressing sympathy from being admissible as evidence of an admission of liability in a civil action. Statements of fault, however, will not be inadmissible (Section 538.227);

(23) Makes certain records, written proceedings, or documents produced by or through the activities of any state or federal agency from being admissible in certain civil, criminal, and administrative proceedings against facilities licensed pursuant to Chapter 198 (Convalescent, Nursing and Boarding Homes) (Section 538.301);

(24) Includes a severability clause (Section 1); and

(25) Clarifies that the bill only applies to cases filed after August 28, 2003 (Section 509.290).

#### HCS SCS SB 281 -- COUNTY GOVERNMENT

This bill allows any county of the first classification to acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice.

#### SB 282 -- COUNTY FACILITIES

This bill increases the amount of time a county of the first classification may issue a lease or concession grant for public facilities from five to seven years. The bill also increases the amount of time a county may operate the facility without seeking competitive bids from three to seven years.

#### SCS SB 288 -- LOST PROPERTY

This bill changes the time for the owner of lost property to prove ownership from one year to 180 days after publication in a newspaper. The bill also modifies the publication process.

#### SB 289 -- MEMORIAL HIGHWAYS

This bill names the portion of Highway 71 within Jasper County the "Trooper Charles P. Corbin Memorial Highway." The bill also designates a portion of Interstate 29 in Holt County as the "William `Bill' Lark Memorial Highway."

#### SB 292 -- CREDIT CARD RECEIPTS

Under current law, credit card and debit card receipts may show only the last five numbers of the credit card or debit card. This bill clarifies that this provision applies only to the receipts that are given to the cardholder.

#### SB 293 -- INCOME TAX FILING LIMITS

This bill allows the Director of the Department of Revenue to increase the threshold requirement for a taxpayer to file an individual income tax return.

## SCS SB 294 -- LOTTERY AND GAMING COMMISSIONS

This bill allows the Lottery Commission and the Gaming Commission to conduct a fingerprint background check on any person seeking employment or employed by either agency. The background check includes a check of the Missouri Criminal Records Repository and the Federal Bureau of Investigation. The Gaming Commission may also conduct criminal history checks on persons seeking the issuance or renewal of an excursion gambling boat license or a bingo equipment manufacturer or supplier license.

## HCS SCS SB 295 -- DELINQUENT TAXES

This bill modifies the provisions of the delinquent tax collection laws. The bill:

- (1) Extends the collection laws to include mineral rights and royalty interests within the scope of items subject to sale to discharge a tax lien and removes the provisions that allow the partial sale of land to satisfy taxes;
- (2) Reduces from seven to three years the time that the State Treasurer must hold the proceeds from the sale on behalf of absent owners. If there is no trustee in a county or if there is a trustee who has not taken the property after a third offering of sale where no sale occurred, the collector may then sell the property at any time and for any amount;
- (3) Removes the requirement that the collector notify the person entitled to any excess funds from the sale and reduces the redemption time for receiving land purchased at a sale from two years to one year;
- (4) Allows the collector to charge a title search fee and recording fee;
- (5) Restricts nonresidents and delinquent taxpayers from being assigned certificates of purchase; and
- (6) Modifies the provisions concerning the rights of subsequent purchasers where a primary purchaser has caused taxes on the property to become delinquent. In this case, the first purchaser will forfeit all liens on the property.

HS HCS SCS SB 296 -- EDUCATIONAL STANDARDS

This bill requires that changes to the state school district accreditation standards take effect no less than two years after their adoption by rule, unless a specific time line is otherwise mandated.

The bill also changes the standards for teacher certification. Currently, teacher certificates include three levels, the first two of which are steps to a continuous professional certificate, renewable every 10 years. The bill replaces the three-level system with a two-level system: an initial four-year certificate and a career continuous professional certificate. The bill grants current certificate holders who qualify as of August 28, 2003, an equivalent certificate as their current certificates expire. The bill contains professional development requirements for both levels of certification, exempting certain continuous certificate holders. For the initial certificate, additional requirements include participation in a beginning teacher assistance program and two years of mentoring.

The bill also deletes references to the five-year provisional certification granted to experienced teachers with out-of-state certificates and grants a license to validly certified teachers from other states hired to teach in this state, commensurate with their experience, upon completion of a background check, if the certificate holder annually completes the requirements of the State Board of Education for that level of certification. Currently, holders of a doctor of philosophy degree may be granted a certificate under certain conditions. The bill changes this to a doctoral degree. A fee may be charged for initial certificates not to exceed the cost of their issuance plus the background check. Enticement of a child and attempting to entice a child are added to the list of crimes for which licenses are revoked. When a certificate holder pleads or is found guilty of an offense that would permit disciplinary action against the holder, the local school board or the Department of Elementary and Secondary Education must notify the state board and the Attorney General.

CCS HCS SS SCS SB 298 -- LIQUOR SALES

This bill makes technical changes to the liquor sales laws. The bill also:

- (1) Removes the requirement that written consent be obtained

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before a license to sell liquor within 100 feet of a school or church will be granted, but allows the local municipality to deny a license for the sale of liquor within 300 feet of a school or church. Liquor retailers licensed before January 1, 2004, are not affected by this law;

(2) Changes the time of opening from 11:00 a.m. to 9:00 a.m. for the sale of packaged liquor at retail and the sale of liquor on Sundays in restaurant bars, amusement places, and places of entertainment. The time of opening for restaurant bars located in a sports stadium in Jackson County is changed from 11:00 a.m. to 8:00 a.m. The occupancy requirement for places of entertainment in St. Louis County, Jackson County, St. Louis City, and Kansas City is removed from current law. Sunday sales are also expanded to cover a business having at least 40 rooms for transient guests. Businesses having over 40 rooms are also excluded from license limits requirements;

(3) Prohibits a licensed microbrewer from having more than 10 liquor licenses. The bill also exempts a microbrewer who is licensed to sell intoxicating liquor by the drink at retail, when selling liquor that is produced on the premises, from state law requiring all liquor purchases to be made from a licensed wholesaler;

(4) Allows persons licensed to sell malt liquor at retail by the drink to also sell 3.2% beer by the drink. The fee for the license is \$50. Any person licensed to sell malt liquor or 3.2% beer at retail may sell between the hours of 9:00 a.m. and midnight on Sundays;

(5) Prohibits retailers of alcohol from selling alcohol in mutilated, torn, or cut cartons. Retailers may not repackage liquor in a manner misleading to the consumer or that results in required labeling being omitted or obscured;

(6) Creates a rebuttable presumption that the contents of a manufacturer-sealed container that is labeled as containing alcohol or intoxicating beer does contain the listed contents. The presumption currently exists only for the sale of liquor to minors;

(7) Requires the purchaser of liquor to provide upon demand by a liquor retailer a valid and unexpired driver's license from any state or a passport. Under current law, an expired license or passport may be used to purchase liquor;

(8) Repeals the section of law requiring the seller of malt

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liquor to label the malt liquor container with the name and location of the manufacturer;

(9) Repeals provisions of current law that allow savings and loan associations and credit unions to sell intoxicating liquor they have repossessed as collateral;

(10) Prohibits persons operating any premises where food, beverage, or entertainment are sold who does not possess a license for the sale of liquor from permitting the drinking of any liquor in the premises;

(11) Changes the name of the Division of Liquor Control to the Division of Alcohol and Tobacco Control;

(12) Allows liquor control officers to enforce state laws related to tobacco products;

(13) Prohibits persons less than 19 years of age from dancing in an adult cabaret and a proprietor of an adult cabaret from allowing a person under 19 years of age to dance. Persons violating this provision are guilty of a class A misdemeanor;

(14) Requires a liquor retailer to attach a label to each keg that is sold for off-premise consumption. The bill sets requirements for both the liquor retailer and the purchaser of a keg. Provisions of this law preempt all local laws regulating keg registration and become effective on July 1, 2004; and

(15) Creates a new Sunday sales license for resort, convention trade, and enterprise zone areas in St. Louis and Kansas City. The bill outlines the qualifications and restrictions for the new license.

CCS HS SCS SB 299 & 40 -- MISSOURI SUNSET ACT; PERFORMANCE-BASED BUDGETING

#### MISSOURI SUNSET ACT

This bill creates the Missouri Sunset Act. Each new program authorized by the General Assembly will sunset after a period not to exceed six years. A program may be re-authorized for up to 12 years.

Two years prior to a program's scheduled sunset, the agency responsible for administering the program is required to submit

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certain information to the Committee on Legislative Research regarding the public need for the continuation of the program. The committee is to hold hearings and issue a report to the General Assembly with recommendations on whether the program should be continued, reorganized, discontinued, or consolidated within state agencies not being reviewed. Any recommendations not requiring statutory changes are to be presented to the State Auditor and used in the next scheduled audit of the program to review the agency's implementation of the recommendations.

Programs inactive for two years prior to the scheduled sunset may be exempted from hearing, evaluation, and reporting requirements. During each legislative session, committee staff is required to monitor proposed legislation affecting programs that have undergone review and periodically report to the committee any proposed changes that would modify prior committee recommendations. The General Assembly retains the right to terminate any program prior to the program's scheduled sunset. Any program to which money has been appropriated prior to August 28, 2003, may be subject to review as provided in the bill and recommended for termination or continuation.

A program that is to sunset will continue in existence until June 30 of the following year. Any moneys remaining after the sunset are to be transferred to the General Revenue Fund. Property and records are to be transferred to the Office of Administration or the designated state agency. Bonded indebtedness and other written obligations are to remain in effect until the terms are completed and paid in full.

The committee may inspect the records of any state agency and will have the full cooperation of state agencies and officials. Any state employee displaced by the sunset of a program will be assisted in relocating by the state agency and the Division of Employment Security.

#### PERFORMANCE-BASED BUDGETING

The bill requires the Director of the Division of Budget and Planning to develop and implement a performance-based budgeting system that establishes goals and objectives, provides detailed measures of program and fund performance against attainment of planned goals, and provides for program evaluation. The Governor may consider outcome measures used for each program and fund as compared with the attainment of the established goals of the program and fund over the preceding three fiscal years in preparing budget recommendations to the General Assembly. The General Assembly is to consider the three preceding fiscal years'

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outcome measures and attainment of goals and objectives for each program and fund in approving appropriation levels for each program and fund.

The Governor's budget recommendations, which are annually submitted to the General Assembly, are to include all outcome measures and attainment of established goals and objectives of each program and fund for the preceding three fiscal years, the current fiscal year, and the following two fiscal years; the most recent reports submitted by the State Auditor's Office; and any evaluations done by the Oversight Division of the Committee on Legislative Research.

Beginning January 1, 2005, the bill requires a performance-based budgeting review of each department and agency at least once every five years. The chairpersons of the House Budget Committee and the Senate Appropriations Committee and the Director of the Division of Budget and Planning are required to review the outcome measures used for programs and funds within the department, division, or agency being reviewed.

#### HCS SB 301 -- SEWER SERVICE

This bill increases from \$28 to \$50 the voter-approved fee that may be charged for the repair of lateral sewer service lines on residential property having six or less dwelling units in St. Charles County, St. Louis County, and St. Louis City. Currently, the assessment of the fee is quarterly; the bill allows for the annual assessment of the fee.

The bill also requires any municipality that establishes or increases the fee to include all defective portions of the lateral sewer service line from the residence to the public sewer line in the repair program.

#### SCS SB 307 -- MISSOURI SENIOR Rx PROGRAM

Under current law, pharmaceutical manufacturers participating in the Missouri Senior Rx Program are required to pay a rebate of 15% on all drugs. For drugs sold after July 1, 2003, this bill sets the rebate at 15% for brand name drugs and 11% for generic drugs.

The bill contains an emergency clause.



SB 314 -- TOWING OF MOTOR VEHICLES

This bill repeals a duplicate section regarding the towing of motor vehicles from private property.

SB 317 -- MISSOURI CONSOLIDATED HEALTH CARE PLAN

This bill requires the Board of Trustees of the Missouri Consolidated Health Care Plan to study the feasibility of including within the plan individuals who are employees of eligible agencies or who are retirees of school districts which have not elected to join the plan. The bill requires the board to report its findings to the General Assembly on or before December 15, 2003.

SB 321 -- VOTER REGISTRATION INFORMATION

This bill requires persons discharged from prison or parole to be informed in writing of the process and procedure to register to vote.

HCS SB 325 -- MILITARY AFFAIRS

This bill requires the county recorder of deeds to accept original certified military discharge documents for filing. The recorder may refuse to accept any document that appears to have alterations or erasures. The recorder must maintain a separate open public index of the documents, using only the name of the subject of the military document. The bill lists the parties who may have access to the record, including the individual, certain relatives, and legal representatives. A notarized request for any document must be made to the recorder. The Recorders' Association of Missouri is required to develop a request form for the military documents. A record of all requests must be kept by the recorder for five years. The bill also applies to the City of St. Louis.

The bill repeals current law requiring the recorder to maintain a list of all military discharges and requiring the records to be open to the public. The bill also prohibits any reproduction or use of military discharge documents for any commercial or speculative purpose.

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Current law permits veterans of both world wars and the Korean War who entered the military before graduating from high school to receive an honorary high school diploma. The bill deletes references to specific wars to permit any veteran who left high school to enter the military to apply for an honorary diploma.

The bill requires every public school district to devote one class period at each district school to an observance of the significance of Veterans Day.

#### SB 327 -- REAL ESTATE APPRAISERS

This bill authorizes the Missouri Real Estate Commission to establish rules which require that some or all of the real estate appraising experience an applicant needs for licensure be obtained in this state.

The bill also requires that records of licensees requested by the commission be provided at no cost to the commission.

The bill further requires real estate appraisers to retain all records used in litigation for a period of at least two years after final disposition.

#### SB 330 -- CHILD SUPPORT

Currently, court orders requiring the withholding of an obligated parent's income and orders requiring a parent to provide health insurance for a minor child must be sent to employers via certified mail. This bill allows notice of these orders to be sent via regular mail.

#### HCS SS SCS SB 346 -- FINANCIAL SERVICES

This bill makes several changes to the laws governing financial services. The bill:

(1) Gives priority to Article 9 securities over liens on deeds of trust and other instruments affecting real property in first classification counties which have two recorders' offices for the time period from June 30, 2001, to August 28, 2003;

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(2) Adds \$1 to the recording fee that county recorders charge for every document recorded. Additional moneys are to be sent to the county employees' retirement fund or to the general revenue fund of charter counties without a county employees' retirement fund. The bill contains an effective date of September 1, 2003, for this section;

(3) Allows the Missouri Higher Education Loan Authority (MOHELA) to originate PLUS Loans (Parent Loans for Undergraduate Students) and increases the term of the bonds the loan authority may sell from 30 years to 40 years;

(4) Allows the Division of Finance to obtain information filed with federal regulatory agencies, rather than requiring banks to file reports of condition directly with the division;

(5) Allows the division access to the work papers used in a certified public accountant's audit of a bank and requires the certified public accountant to maintain these records for three years after the report to the bank is issued;

(6) Requires banks to get prior approval from the division when the bank seeks to purchase real property for an amount that exceeds its loan limit or when the bank seeks to purchase property from an officer, shareholder, or other person with a similar relationship to the bank;

(7) Prohibits the division and the State Banking Board from setting conditions or requirements on deposit account fees or service charges assessed by financial institutions that are more restrictive than those allowed by federal law;

(8) Amends the definition of "unimpaired capital" by requiring that goodwill comprise no more than 10% of the lending institution's unimpaired capital;

(9) Establishes a process for establishing a new form of business entity called "trust holding company";

(10) Clarifies that trust holding companies will not be subject to Federal Reserve examination;

(11) Requires any acquisition of a nondepository trust company by a trust holding company to be approved by the division;

(12) Allows the division to pursue joint actions and investigations of trust holding companies with other state and federal regulatory authorities;

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(13) Allows electronic filing with the Office of the Secretary of State of certain filings of initial financing statements and abolishes the Uniform Commercial Code Transition Fee Trust Fund. The substitute contains an effective date of September 1, 2003, for this section;

(14) Clarifies that credit card and debit card receipts may show only the last five numbers of the card on the receipts provided to the cardholder;

(15) Clarifies that several provisions relating to variable-rate loans (which are repealed in the bill) will continue to govern those loans currently in existence, even if the loan is converted to another form of credit later;

(16) Makes unclaimed property payable in the course of a demutualization, rehabilitation, or related reorganization of a mutual insurance company abandoned after two years;

(17) Repeals several sections of law setting requirements and restrictions on certain variable-rate loans;

(18) Repeals the limit on fees that financial institutions may charge for check overdrafts;

(19) Adds out-of-state municipal bonds to be offered to the State Treasurer as security by lending institutions. The bonds must be rated in the highest category by at least one nationally recognized rating agency;

(20) Allows the division to issue biennial consumer credit licenses for certain finance companies; and

(21) Allows financial institutions to charge late payment fees of up to \$50 for certain consumer loans and second mortgages which are in default for more than 15 days.

#### SCS SB 351 -- ORGAN DONATION

Currently, a parent or guardian's consent must be noted on one or the other of several documents, including the donor's application for an instruction permit or driver's license. The bill revises this latter document to be the donor's permit or license, where notation of parental consent is made as attorney-in-fact.

#### HCS SB 355 -- ORGAN DONOR PROGRAM

This bill allows persons registering their vehicles to make a \$1 donation to the Organ Donor Program. The bill also requires that parental or guardian consent be noted on a minor's donor card, donor's instruction permit, or driver's license as the attorney-in-fact.

#### SB 356 -- ORGAN DONATION

This bill changes the terminology used in the Organ Donation License Law. The bill clarifies the law by replacing the words "making an organ donation" with "inclusion in the organ donor registry" or "registry participation."

#### SB 357 -- VENUE IN ADMINISTRATIVE ACTIONS

This bill establishes venue for administrative actions involving real property in the circuit court of the county where the real property is located.

#### HCS SCS SB 358 -- ELECTION EXPENDITURES

This bill requires that the annual general operating expenditures for elections from the general revenue fund of Platte County or any city in Platte County be subject to the budgeting approval of the county governing body.

#### SB 371 -- MISSOURI HIGHER EDUCATION LOAN AUTHORITY

This bill permits the Missouri Higher Education Loan Authority to issue loans for tuition to high school juniors and seniors for courses that can be counted for postsecondary course credit. Loans cannot go for sectarian instruction.

#### HCS SCS SB 373 -- SELF-SERVICE STORAGE FACILITIES

This bill amends several provisions relating to personal property that is stored in a self-service storage facility. Under current law, the owner of a storage facility has a statutory lien on the property contained in each unit in the event the occupant becomes in default of the rental contract for more than 30 days. However, before selling any property, the facility owner must give the occupant 45 days' notice. The bill makes those two time periods run concurrently. In addition, the facility owner may deny the occupant access to the leased space at the time the occupant becomes in default, rather than after the 45-day notice period has expired. The bill also defines several terms and clarifies the definition of the phrase "commercially reasonable manner."

#### SB 376 -- DEPUTY CORONERS

This bill changes the organization that certifies deputy coroners from the County Officials Training Commission to the Missouri Coroners and Medical Examiners Association.

#### CCS HCS SCS SB 379 -- COMMUNITY IMPROVEMENT DISTRICTS

This bill allows the City of Springfield, when requested by a property owner, to hold a public hearing for the removal of real property from a community improvement district or have a parcel of property within the district reclassified.

The bill allows the property to be removed from the district or reclassified if the district's board of directors consents to the action, the district can meet its obligations without the revenue generated by or on the property, and the public hearing is properly conducted.

#### SB 383 -- RECORDERS OF DEEDS

This bill removes the requirement that certain recorded documents be proven or acknowledged "according to law."

#### HCS SCS SB 385 -- WORKERS' COMPENSATION

This bill changes the premium tax charged on the discounted portion of high-deductible workers' compensation policies to an "administrative surcharge." Under current law, this premium tax results in retaliatory taxes being imposed in other states upon Missouri-based insurers doing business in those other states. A late-payment charge of 0.5% will apply to late payments of the surcharge and interest for late payments will accrue at a rate of 1.5% for each month the payment is delinquent. Records required to be filed with the Division of Workers' Compensation pursuant to this law will be closed records. The bill does not apply to self-insureds. The division will start collecting the surcharge on January 1, 2004.

#### SB 388 -- LOAN GUARANTEES

Currently, the Missouri Agricultural and Small Business Development Authority issues certificates of guaranty covering a first loan guarantee up to 25% of a Single-Purpose Animal Facility Loan. This bill increases the guarantee to up to 50% of a loan.

The bill also decreases from 40% to 20% the immediate redemption amount of the outstanding loans guaranteed by way of the Single-Purpose Animal Facility Loan Guarantee Fund.

#### CCS HCS SB 394 -- BUSINESS CORPORATIONS AND PARTNERSHIPS

This bill makes several changes relating to business entities. In its main provisions, the bill:

- (1) Gives a shareholder with voting shares who objects to a merger or consolidation the right to an appraisal if the objection is filed prior to the meeting of shareholders;
- (2) Allows a corporation to adopt a provision in its articles renouncing any interest in specified business opportunities;
- (3) Establishes that the remedy available pursuant to Section 351.455, RSMo, will be the exclusive remedy (except in cases of fraud or lack of authorization for the transaction);
- (4) Authorizes domestic general partnerships to merge or consolidate with other business entities and establishes a procedure for approving a merger or consolidation; and
- (5) Establishes a procedure for approving a domestic limited partnership merger or consolidation.

#### HCS SB 399 -- JAILS

Current law makes it a crime to bring a controlled substance, alcohol, or weapon into a correctional facility. This bill clarifies that this prohibition also applies to any city or county jail, including private jails.

#### HCS SB 401 -- DEFINITION OF CRIME

Only for the purposes of Chapter 595, RSMo (Victims of Crime, Compensation and Services), this bill clarifies that a crime occurs at the time of the commission or attempted commission of the crime, rather than when the perpetrator is charged or convicted.

The bill also increases from \$250,000 to \$500,000 the amount of money transferred from the Crime Victims' Compensation Fund to the state forensic laboratory account.

#### CCS HCS SB 407 -- CANCER SCREENINGS

Current law requires health insurers to provide coverage to cancer patients for routine patient costs incurred as a result of drugs and devices used in clinical trials, even if those drugs and devices have not been approved by the United States Food and Drug Administration for use in treating the patient's particular condition. This bill clarifies that accident-only policies, specified disease policies, Medicare supplement policies, and other types of limited benefit health insurance policies are exempt from this mandate.

#### SB 423 -- HIGHWAY DESIGNATIONS

This bill designates a portion of Highway 65 in Taney County from Highway 265 south to the Arkansas border as the "Trooper Jimmie Linegar Memorial Highway." The bill also designates the portion of State Route 19 from New London, southwest to its intersection with State Route 154, then west to Perry, as "The Short Line Railroad Spur Historic Trail."



#### SB 425 -- CORONERS

This bill makes several changes in the law governing county coroners and their authority to conduct death investigations. The bill requires that when a person dies while being transferred from one county to another county or state and the death could be a homicide, suicide, accident, child fatality, or one that occurred in an unusual or suspicious manner, a death investigation must be conducted by the coroner in the county from which the person was being transferred. The bill clarifies that when a person dies while being transferred from Missouri to another state for medical treatment, the coroner in the county from which the person was transferred (the transferring county) is responsible for investigating the death.

The bill also requires that the coroner in the county in which a transferred person dies (the receiving county) must obtain authorization from the coroner in the transferring county before conducting an investigation. Current law allows both county coroners to investigate the death.

The bill also requires that when a person dies in a medical facility after being transferred, that facility's staff must notify the coroner in the transferring county of the death.

#### SB 426 -- PUBLIC OFFICERS AND EMPLOYEES

Currently, a state employee certified by the American Red Cross as a disaster service volunteer may be granted leave with pay to participate in specialized disaster relief services for up to 15 calendar days in any fiscal year. This bill changes the maximum leave period to 120 hours.

#### SB 431 -- INFORMED CONSENT FOR EXPERIMENTAL TREATMENTS

Current law specifies persons who may give consent for treatment at a teaching hospital using an experimental drug or treatment when a patient is incapable of giving consent. This bill revises the language of the statute so it applies to treatment by a teaching hospital.

#### SCS SB 447 -- BASIC CIVIL LEGAL SERVICES FUND

This bill creates the Basic Civil Legal Services Fund. The fund will increase the public money available for civil legal services for low-income persons, as defined by the federal Legal Services Corporation Income Eligibility Guidelines. To fund the program, a \$20 fee will be assessed upon the filing of every civil or criminal proceeding in appellate courts; a \$10 fee in circuit courts; and an \$8 fee in associate circuit courts. The fee will not apply in traffic violation cases. The Missouri Supreme Court or its designee will administer the fund and will report to the legislature every year on the moneys collected and disbursed.

The provisions of the bill expire on December 31, 2007.

#### CCS HCS SB 448 -- STATEWIDE COURT AUTOMATION FUND

This bill extends the expiration date of the fee used to fund the Statewide Court Automation Fund from 2004 to 2009 and extends the expiration date of the fund itself from 2007 to 2011.

#### SB 456 -- ST. LOUIS FIREFIGHTERS' RETIREMENT SYSTEM

This bill allows for the creation of a self-directed deferred retirement plan program (DROP) for the St. Louis Firefighters' Retirement System. Currently, a member's DROP account is required to accrue interest equal to the percentage rate of return on the system's investment portfolio. The bill does not require self-directed plan programs to accrue interest at that rate of return, but these programs will accrue interest based on self-directed investments.

The bill contains an emergency clause.

#### SB 457 -- MISSOURI JUDICIAL CONFERENCE

This bill amends the process for filling the vacancy of any unexpired term on the executive council of the judicial conference.

#### SB 463 -- CORPORATE DIRECTORS

This bill increases the maximum term of office for a nonprofit corporation director from five to six years. This change originally was enacted in Senate Bill 768 (1996), but the Missouri Supreme Court found that bill to be unconstitutional on procedural grounds.

#### HCS SB 465 -- JUDICIAL FINANCE COMMISSION

Under current law, the Judicial Finance Commission must resolve a dispute over the circuit court budget with the county before the beginning of the fiscal year in question. This bill allows the commission, if the dispute is submitted within 90 days of the end of the fiscal year, to resolve the dispute within 90 days of the beginning of the subsequent fiscal year. The bill also modifies the annual report of the commission to include separate information on all divisions of the circuit court of each county, including the probate division.

#### SCS SB 466 -- SHERIFF'S FEES

This bill repeals several obsolete provisions regarding court costs assessed to defendants for the payment of sheriff's fees. The provisions were omitted from a bill enacted in 2000 which revised the way all court costs are assessed, collected, and dispersed.

#### SB 467 -- CRIME VICTIMS' COMPENSATION FUND

This bill corrects a provision regarding a surcharge assessed in criminal cases for the Crime Victims' Compensation Fund. Legislation in 2001 raised this surcharge from \$5 to \$7.50. This section, which also refers to the surcharge, was mistakenly omitted from that bill.

#### SB 468 -- LAW ENFORCEMENT

This bill modifies the types of case dispositions that must be reported to the Missouri Uniform Law Enforcement System.

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The bill also requires the Superintendent of the State Highway Patrol to submit a report annually to the Governor and General Assembly on patrol salaries and their comparison to police officer salaries in the three largest police departments in the state.

#### SB 471 -- CHILD SUPPORT ORDERS

This bill deletes the requirement that the Division of Family Services must file all income withholding orders in child support cases with the circuit clerk.

#### HCS SB 474 -- CIVIL COURT CHARGES

This bill deletes the requirement that any changes in court surcharges become effective on certain dates after notification of the Office of State Courts Administrator.

The bill allows moneys collected as court costs for the purpose of maintaining a law library to be used for courtroom renovation and technology enhancement in Butler, Ripley, Scott, Mississippi, Washington, Madison, Howell, St. Francois, and Franklin counties.

#### SCS SB 478 -- INACTIVE LICENSES FOR ARCHITECTS AND PSYCHOLOGISTS

This bill establishes inactive licenses for architects. Licensed architects may make application for an inactive license with the State Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Holders of inactive licenses may not practice architecture, but they may continue to hold themselves out as being an architect. Inactive licensees who fail to maintain a current license in any state for more than five years prior to requesting licensure reinstatement must take a licensing examination deemed appropriate by the board.

The bill also makes technical changes to update the statutes in regard to landscape architects.

The bill further creates an inactive license status for licensed psychologists. Persons wishing to obtain an inactive license must make application with the State Committee of Psychologists,

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declaring their intention of not engaging in the professional practice of psychology in this state. Persons wishing to be taken off inactive status and obtain a regular license to practice psychology must make application with the committee, pay all reactivation fees, and submit proof of current competency as established by the committee. Inactive license holders are not required to meet continuing education requirements.

#### SB 492 -- INTERIOR DESIGN

This bill repeals expired language relating to the grandfather provisions for interior design licenses.

#### HCS SB 504 -- SATELLITE ENTERPRISE ZONES

This bill allows Springfield to designate a satellite enterprise zone within its corporate limits. The city must submit a plan to the Department of Economic Development describing how the zone corresponds to the city's overall enterprise zone strategy. The zone will not be designated until the plan is submitted and approved by the department's director.

#### SB 506 -- PRACTICE OF DENTISTRY

This bill adds the use of lasers to the definition of "practices dentistry" contained in the Dentist Practice Act.

#### SB 511 -- JOINT COMMITTEE ON THE LIFE SCIENCES

This bill creates the Joint Committee on the Life Sciences to make recommendations to the General Assembly on the implementation of Missouri's strategic plan for life sciences and on actions necessary to nurture and support new and existing life sciences research and commercialization. Recommendations may include changes in statutes, executive branch actions and policies, and state investments and taxes. The committee may also consider improvements in the coordination of existing scientific resources, including those at colleges and universities.

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The committee will consist of seven representatives appointed by the Speaker and the Minority Floor Leader of the House of Representatives and seven senators appointed by the President Pro Tem and the Minority Floor Leader of the Senate. No more than four representatives or four senators can be from the same political party. Members will serve for their entire term of office, and the chair will alternate between the House of Representatives and the Senate biennially. The committee will meet at least quarterly and submit an annual report to the General Assembly by January 15.

#### SCS SB 513 -- ST. LOUIS POLICE

Under current law, vacation leave based on years of service and paid holidays are given to members of the St. Louis Police Department at the discretion of the St. Louis Board of Police Commissioners. This bill removes the discretion of the board, making vacation leave mandatory as set forth in the statute.

#### SB 522 -- COUNTY SALES TAXES

Current law allows counties to adopt a capital improvements sales tax at the rate of 0.125%, 0.25%, 0.375%, or 0.50%. This bill also allows the rate to be set at 0.20%.

#### SB 529 -- OFFICIAL MISSOURI RAILROAD

Under this bill, any railroad which transverses state lines and which is domiciled in Missouri may be designated by the Division of Tourism as an official state railroad.

#### SB 534 -- SUPERVISION IN NURSING HOMES

This bill adds two new definitions to the Omnibus Nursing Home Act. "Protective oversight" is defined as the 24-hour awareness of the location of a resident and the ability to intervene and supervise the nutrition, medication, and care of the resident. "Voluntary leave" is defined as an off-premise leave initiated by a competent resident or the legal guardian of an incompetent resident.

SB 537 -- BOONE COUNTY COUNSELOR

This bill authorizes the Boone County Commission to impose a civil fine of not more than \$1,000 for misdemeanor county ordinance violations and requires the county counselor, rather than the county prosecuting attorney, to prosecute these violations. Fines collected pursuant to the bill will be paid into the county general fund and used to pay for the cost of enforcement of the ordinances.

SB 540 -- MICROBREWERIES

This bill limits to 10 the number of microbrewer liquor licenses that can be held by one person or the person's agents or affiliates.

The bill further exempts microbrewers from the provisions of the liquor control law which requires licensed retailers to purchase only from a licensed wholesaler, when pertaining to products produced on the premises. All other intoxicating liquor sold on the premises must be purchased from a wholesaler.

SCS SB 546 -- LANDFILL FEES

This bill authorizes Johnson County, upon voter approval, to impose a landfill fee not to exceed \$1.50 per ton of solid waste to be used by the county's industrial development authority.

HCS SCS SB 547 -- COUNTY OFFICIALS' SALARIES

This bill removes one of the two salary schedules used for county treasurers in Clay County and in counties of the second, third, and fourth classification. The schedule being removed has a lower minimum and maximum salary range than the salary schedule to be left in statute.

The bill also allows the Cole County Commission the one-time opportunity to equalize the salaries of all office holders and remain equal from that point on. The bill allows for additional compensation as law requires.

SB 548 -- EXPIRED STATUTES

This bill requires the Joint Committee on Legislative Research to file a report annually with the General Assembly which lists the provisions of law that will be expiring within the next two years.

HCS SB 552 -- RETIREMENT AND PROFIT-SHARING EXEMPTIONS

This bill expands the list of property exempt from attachment and execution by requiring that all qualified government retirement plans be exempt from these actions.

CCS HS HCS SS SCS SB 555 -- ELECTRICITY FOR SMELTING FACILITIES

This bill allows certain aluminum smelting facilities to purchase electrical power on the open market without regulation by the Public Service Commission. To be eligible, the facility must be in a county of the second classification, must have used more than three million megawatt hours of electricity in a calendar year, and must have been served by a municipally owned utility and an electric generating cooperative owned by rural electric cooperatives. The initial unregulated contract must not have a negative financial impact on previous power suppliers or their customers, reduce service reliability to other customers, or reduce local or state tax revenue. The smelting facility cannot resell the power to anyone except the original suppliers. Local or past suppliers of electrical power will no longer have any obligation to provide service to the facility.

The bill also allows municipalities to purchase electricity and ancillary services from any supplier without regulation beyond the approval of the governing board of the municipality.

The bill contains an emergency clause.

HCS SS SS SCS SB 556 & 311 -- PROTECTION OF THE ELDERLY

This bill revises many statutes relating to protection of the elderly, primarily through the regulation of long-term care and other service providers. The bill also contains many technical changes.

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## HOME HEALTH AGENCIES

The Department of Health and Senior Services may request out-of-state home health agency applicant data for the last five years. The department must provide the most recent home health agency survey information on its web site and must maintain an employee disqualification list for individuals who knowingly and recklessly abuse eligible adults in hospitals, ambulatory surgical centers, and hospices and eligible adults who receive home health care services.

## NECESSARY PROVIDER HOSPITALS

"Necessary provider hospitals" licensure is repealed.

## LONG-TERM CARE

Several sections reflect changes of responsibility from the Department of Social Services to the Department of Health and Senior Services for licensure of long-term care facilities.

The bill requires the Department of Health and Senior Services to investigate complaints about unlicensed facilities and refer violations to the local prosecuting attorney or the Attorney General's office. Abuse or neglect in an unlicensed facility is a class D felony. The department may request the past five years' compliance history from licensure applicants located outside the state. With satisfactory documentation of the correction of a deficiency, an on-site revisit may be waived. Residential care facilities, intermediate care facilities, and skilled nursing facilities must post a copy of the most recent inspection report for the facility. The department must maintain a hotline log for reports of abuse in long-term care facilities and must attempt to obtain the name of the person making the report. Identity of the caller would remain confidential. The bill makes additions to the grounds upon which the department can revoke a license. The bill lists 10 sanctions, from a plan of correction through license revocation, which the department may impose commensurate with the seriousness of the violation. The bill increases the ranges of civil monetary penalties for class I violations to \$1,000 to \$10,000; for class II violations to \$250 to \$1,000; and for class III violations to \$50 to \$250 and increases the cap on civil penalties from \$10,000 to \$25,000. The liability for a civil monetary penalty for a class I violation incurs immediately upon imposition of the penalty for violation, regardless of subsequent correction of the violation. Civil monetary penalties for class II or III violations will be

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imposed if the violation is not corrected at the time of reinspection. No fine will be imposed for a class II or III violation if it is self-reported and does not recur for 12 months. Civil penalties do not transfer to a new owner. The list of persons required to report suspected abuse of an individual over the age of 60 or an eligible adult to the department is expanded and made consistent with those in the elder abuse statutes and the chapter on health and senior services. Concealment by an administrator of abuse or neglect resulting in death or serious physical injury is a class D felony; a person who abuses or neglects a resident of a facility is subject to criminal prosecution under the elder abuse statutes. Facility staff must attempt to notify the resident's immediate family and contact the attending physician and the local coroner or medical examiner upon the death of any resident prior to transfer to a funeral home. Nursing assistant training must be completed within four months of employment. Alzheimer's demonstration projects must permit a family member or other caregiver to reside in the facility, within certain safety standards. Procedures for the determination and selection of qualified receivers are established.

#### NURSING HOME DISTRICTS

The bill prohibits retaliation by a nursing home district against residents or employees for reporting suspected violations.

#### MEDICAID

Medicaid eligibility will be assumed for long-term care until an application is approved or denied.

#### LONG-TERM CARE INSPECTION REQUIREMENTS

Residential care facilities I and all skilled nursing facilities must be inspected at least twice a year. The department may decrease the frequency of inspections to once a year if a facility is found to be in substantial compliance. Department employees are prohibited from disclosing an unannounced inspection. The department must post on its web site the most recent survey of every long-term care facility licensed in the state.

#### UNIFORM DATA PROJECT

A uniform data management pilot program with at least 50 facilities will be implemented and its results reported to the General Assembly.

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## ELDER ABUSE AND EXPLOITATION

The department must report incidents of alleged elder abuse to the appropriate law enforcement agency when the department is unable to substantiate whether abuse occurred due to a failure of the owner or employees to cooperate with the investigation. The use of force is added to financial exploitation of an elderly or disabled person and the penalty increased.

## MENTAL HEALTH PATIENT'S RIGHTS

The filing of a false report of abuse or neglect is a class A misdemeanor. Subsequent false reports are class D felonies.

## PROTECTIVE SERVICES FOR ADULTS

The agency responsible for protective services for adults is changed from the Department of Social Services to the Department of Health and Senior Services. Definitions are added for "home health agency," "employee," and "patient"; and the definition of "eligible adult" is changed, using disability rather than handicap. Reporting is changed to add abuse and neglect; and authority is added for the Department of Health and Senior Services to obtain an order to produce information. Reports received by the department of deteriorating physical conditions will be given to the case manager and department nurse for immediate investigation. Home health patients are added to certain subsections about abuse and investigations of abuse and neglect reports. The department may impose a fine on in-home services providers if they fail to report a known incident of abuse. The bill redefines certain requirements for an in-home services employee to be placed on the employee disqualification list. The department must report information from misappropriation investigations to law enforcement. The department must provide written notice to in-home services provider agencies when contracts are denied, placed on probation, or terminated. The bill also sets up appeal procedures through the Administrative Hearing Commission, where the burden of proof will be on the provider. Any person may seek judicial review of the commission's final decision. Aggravating circumstances are added to the list of considerations for determining the length of time a person's name appears on the employee disqualification list. Employers are freed from unemployment insurance benefit charges when required to discharge an employee who was placed on the disqualification list. Licensed adult day care providers are required to get background checks. Providers must conduct criminal background checks on new employees prior to allowing

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them to have contact with residents or patients. If the applicant has resided less than five consecutive years in this state and has no employment history with a licensed facility in that period, the provider must request a nationwide check. The background check cannot cost the provider more than \$5. The disclosure of confidential personal records without court order may only occur to specific state agencies in order to perform their constitutional and statutory duties or to the eligible adult, the legal guardian, or the person designated by the eligible adult.

#### STATE OMBUDSMAN FOR LONG-TERM CARE FACILITY RESIDENTS

Ombudsman coordinators and volunteers are given the authority to report abuse. The regional ombudsman may report uncooperative nursing home administrators to the state ombudsman.

#### SCS SB 562 -- LAND CONVEYANCE IN ST. LOUIS COUNTY

This bill authorizes the Governor to convey state property located at the Missouri Eastern Correctional facility in St. Louis County to the City of Pacific. The bill also authorizes the departments of Corrections and Transportation to consent to a municipal boundary adjustment so as to include certain public property and rights-of-way in the City of Pacific.

#### SB 577 -- CONVEYANCE OF PROPERTY IN BUCHANAN COUNTY

This bill authorizes the Governor to convey an easement in the form of a right-of-way in the City of St. Joseph.

#### SB 578 -- CONVEYANCE OF PROPERTY IN PLATTE COUNTY

This bill authorizes the Governor to convey a tract of land owned by the state in Platte County, commonly known as Trimble Microwave Relay Site.

SB 598 -- MEMORIAL HIGHWAY

This bill designates the portion of U. S. Highway 71 in McDonald County as the "Corporal Bobbie J. Harper Memorial Highway."

SB 606 -- STATE PARK LAND CONVEYANCES

This bill allows the Department of Natural Resources to trade up to five acres of land to resolve park boundary conflicts if the department receives land of equal or greater fair market value in exchange.

SB 611 -- COUNTY FAIR BOARDS

This bill allows Agricultural and Mechanical Society corporations to borrow money and mortgage property.

SB 618 -- SUICIDE PREVENTION

This bill requires the Director of the Department of Mental Health, in partnership with the Department of Health and Senior Services, to design and develop a state suicide prevention plan in collaboration with the departments of Social Services, Elementary and Secondary Education, Higher Education, and Corrections. The plan must:

- (1) Promote the use of employee assistance and workplace programs to support employees experiencing depression or other psychiatric illnesses;
- (2) Promote the use of student assistance and educational programs to support students with depression, other psychiatric illnesses, and substance abuse disorders;
- (3) Provide training and technical assistance to local public health and other community-based professionals on the best practices to prevent suicides;
- (4) Coordinate federal, state, and local agencies in order to collect and analyze data on suicides and suicidal behaviors in Missouri and annually issue a public report;
- (5) Establish a toll-free suicide prevention hotline; and
- (6) Recommend statutory changes and implementation and funding requirements to the General Assembly by December 31, 2004.

SCS SB 620 -- JOB RETENTION PROGRAMS

TAX CREDITS FOR BUSINESS-USE INCENTIVES FOR LARGE-SCALE  
DEVELOPMENT (BUILD)

This bill:

- (1) Limits the amount of BUILD tax credits to \$11 million annually;
- (2) Removes the \$75 million limit on revenue bonds the Missouri Development Finance Board can sell;
- (3) Defines "essential industry" as a targeted industry located in Hazelwood. The industry must meet certain criteria including having maintained at least 2,000 jobs in the four years prior to applying for tax credits, retain a certain level of employment, and invest a minimum of \$500,000,000 by the end of the third year following the issuance of these tax credit certificates; and
- (4) Allows existing jobs in an essential industry to be considered new jobs.

AUTO MANUFACTURING PLANT

The bill:

- (1) Exempts 50% of Missouri taxable income attributed to an approved retained business facility in Hazelwood;
- (2) Allows the following tax credits for the facility for 10 years:
  - (a) A \$400 or \$500 tax credit for each employee retained by the facility;
  - (b) A \$400 tax credit for each year in which a retained employee lives in Hazelwood. This tax credit can be prorated for employees who have not lived in Hazelwood for a full year;
  - (c) An annual \$400 tax credit for each retained employee who fits the criteria for "a person difficult to employ." This tax credit can be prorated for employees who have not worked for the facility for a full year;
  - (d) A tax credit equal to 80% of the training expenses that are in excess of \$400 per trainee, if the trainee is a resident of Hazelwood or is defined as "a person difficult to employ." This tax credit cannot exceed \$400 per trainee; and

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(e) A tax credit equal to 10% of the first \$10,000 of qualifying investment, a 5% tax credit on the next \$90,000 of qualifying investment, and a 2% tax credit on all remaining qualifying investments;

(3) Allows a tax refund to be issued to the facility in Hazelwood, but only if the certified tax credits exceed the company's total Missouri tax liability by at least \$1 million. In this case, a portion of the tax credits earned will be considered an overpayment of taxes and may be refunded to the company. The maximum amount of the refund cannot exceed \$2 million a year;

(4) Prohibits the facility from taking advantage of the tax exemption for new businesses in enterprise zones, tax credits for a new or expanded business facility in an enterprise zone, tax credits for training employees, tax credits for new or expanded business facilities, or the income tax refund for establishing a new business facility in an enterprise zone if it uses the tax exemption, tax credits, and tax refund in the bill;

(5) Allows the facility to participate in the New Jobs Training Program; and

(6) Requires any contract entered into between the facility and the Department of Economic Development to include a requirement that the company maintain operations at the facility for at least 10 years at a particular employment level. The contract must also include provisions for repayment of incentives upon breach of contract.

#### TAX INCREMENT FINANCING

The bill specifies how economic activity taxes and new state tax revenues will be calculated for a national headquarters that has moved from another state to Missouri.

The bill contains an emergency clause.

#### SCS SB 621 -- REMOVAL OF NUISANCE

This bill makes property owners in the City of Hazelwood liable for the removal of derelict vehicles if they are declared a nuisance. The bill outlines notice and hearing requirements for the removal process. If the nuisance is not abated within the five days, the governing body may have the nuisance abated and the cost of the removal may be billed on a special tax bill.

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The bill does not apply to agricultural property owners, property containing any licensed vehicle service or repair facility, or property in which the derelict vehicle is enclosed in a permanent structure designed for vehicle storage.

The provisions of the bill terminate August 28, 2004.

#### SB 623 -- BALLOT MEASURES

This bill modifies procedures for the review and approval of ballot summaries, fiscal notes, and fiscal note summaries for measures placed on the ballot by the General Assembly and for petitions being circulated for signatures to place measures on the ballot. Any court challenge to a ballot summary, fiscal note, or fiscal note summary must state the reason or reasons they are insufficient or unfair. If the court considers a fiscal note or fiscal note summary, it will either certify the note or summary to the Secretary of State or remand the fiscal note or fiscal note summary to the State Auditor for revision. If a fiscal note or fiscal note summary is found to be insufficient by the Attorney General, the note or summary will be returned to the State Auditor for revision.

#### SB 651 -- OFFICIAL STATE GRAPE

This bill establishes the Norton/Cynthiana grape as the official grape of the State of Missouri.

#### HCS SCS SB 666 -- SCHOOL INTRADISTRICT STUDENT TRANSFERS

This bill requires school districts to have a policy by July 1, 2004, on student transfers between schools within the district if the district has more than one attendance center that contains the same grade levels.

#### CCS HCS SCS SB 675 -- SPECIAL FUNDS

This bill makes various changes to state law relating to special funds. The bill:

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(1) Transfers all interest accrued from July 1, 2001, to June 30, 2003, on the moneys in various state special funds listed in the bill to the General Revenue Fund;

(2) Transfers fixed dollar amounts in various state special funds to the General Revenue Fund. These funds and the amounts transferred are: State Fair Fees Fund, \$6,000; Petroleum Inspection Fund, \$77,617; Department of Revenue Information Fund, \$250,000; Secretary of State's Technology Trust Fund, \$102,000; and Administrative Trust Fund, \$3,500,000;

(3) Creates the Highway Patrol Traffic Records Fund for deposit of funds received by the State Highway Patrol for copying documents and providing data processing services related to traffic accident reports;

(4) Transfers any outstanding balance in the School Building Revolving Fund upon the effective date of the bill and any future deposits into the fund into the State Schools Moneys Fund;

(5) Requires transfers of certain funds held in escrow accounts by real estate brokers which are in dispute by the parties in a real estate transaction to the State Treasurer within 365 days of the date of the initial projected closing date. This provision will become effective January 1, 2004;

(6) Transfers 55% of the balance or \$6,015,855, whichever is greater, of the Department of Insurance Dedicated Fund as of the effective date of the bill to the General Revenue Fund.

The bill contains an emergency clause.

CCS HS HCS SCS SB 686 -- EDUCATION

#### SCHOOL DISTRICT FISCAL PROCEDURES

In years in which the basic school funding formula moneys are 96% or less of the Fiscal Year 2002 level, the bill sets aside certificated salary compliance requirements if a district has an unrestricted fund balance of 17% or less of its last year's expenditures from those funds and also provides another method of waiver pertaining to any district that has a property owner who is delinquent with the taxes on property that by itself constitutes at least 10% of the district's assessed valuation under certain circumstances. The bill permits districts to transfer unrestricted balances in the capital projects fund to

(CONTINUED)

the incidental fund when the balances in the combined teachers and incidental funds fall below 10% of the expenditures from those funds. The bill deletes the requirement that for certain lease-purchases a levy be set to collect revenues equal to or greater than the amount of expenditure and makes a change in the calculation of the limit on the transfer of moneys from the incidental fund to the capital projects fund, requiring that capital instructional outlay be subtracted from the district's limit and that projects funded directly by the district be identified in the board resolution authorizing the transfer. Transfers from the incidental to capital projects funds are permitted for three districts for specific projects, and a method of transferring money between funds is established for certain districts that have issued qualified zone academy bonds without setting a levy in the debt service fund. Procedures are created to permit districts meeting certain requirements to refinance their lease-purchase obligations. This portion of the bill has an emergency clause.

#### SCHOOL DISTRICT BIDS AND CONTRACTS

The threshold for the requirement to advertise for bids for certain construction-related school district projects is raised from \$12,500 to \$15,000, and the number of advertisements and methods of advertisement are clarified. The bill grants to school districts the ability to designate service agencies to deliver educational services and programs to one or more districts. School districts that participate in aggregate purchasing arrangements for gas cannot be required to be responsible for pipeline capacity charges for longer than other large industrial or commercial basic transportation customers, unless it is by mutual agreement; and the Public Service Commission must treat the gas corporation's pipeline capacity costs for schools in the same manner as other large industrial and commercial basic transportation customers.

#### OTHER SCHOOL DISTRICT PROCEDURES

The restriction on the opening date for the school year is eliminated. Arbitration standards are created for school district boundary election disputes. The standards include the consideration of educational necessity and specifically disallow consideration of commercial benefits to landowners. School districts may hire a board member's spouse under certain conditions. The prohibition against persons related within the second degree to school employees in the City of St. Louis school district running for the school board is repealed.

#### OTHER PROVISIONS

(CONTINUED)

School districts and other political subdivisions that suffered weather-related damage in April and May of 2003 may hold an August primary to incur bonded indebtedness to replace and repair damaged buildings. This portion of the bill has an emergency clause. School districts currently are required to hold elections when the number of candidates equals the number of open seats, which the bill eliminates.

Public higher education institutions must provide information on vaccinations for meningococcal disease and meningitis to students who live in on-campus housing.

The Board of Therapeutic Massage may prescribe licensure rules that include requirements for clock hours of instruction at vocational-technical schools.

#### SB 697 -- MEMORIAL HIGHWAY

This bill designates a portion of Interstate 44 within Jasper and Newton counties as the "George Washington Carver Memorial Highway."