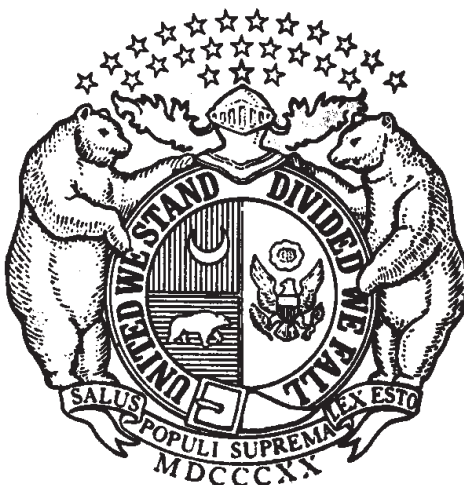


MISSOURI  
HOUSE OF REPRESENTATIVES

RONALD F. RICHARD  
SPEAKER

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

**95<sup>th</sup> GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
AND  
FIRST EXTRAORDINARY SESSION  
2010**



Prepared by  
**HOUSE RESEARCH**

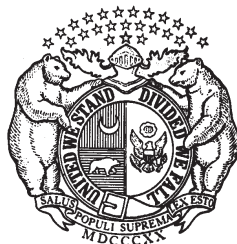
Copyright © 2010  
Missouri House of Representatives  
Jefferson City, Missouri 65101

Material covered by this copyright may be used in its entirety for any noncommercial purpose by giving credit as follows: *Prepared by the Research Staff of the Missouri House of Representatives and used by permission.* Any other use of this material must have specific written permission. Address requests to the Chief Clerk, Missouri House of Representatives, Jefferson City, MO 65101.

## OFFICE OF THE SPEAKER

RON RICHARD  
(573) 751-5912

STATE CAPITOL  
Jefferson City, Missouri



## MISSOURI HOUSE OF REPRESENTATIVES

July 2010

*Dear Fellow Missourian:*

*The 2010 legislative session was a critical time for the State of Missouri. Despite our harsh economic conditions and declining state revenue, the Missouri House of Representatives crafted and passed a balanced budget. We also passed a number of bills that will make substantive improvements to the lives of our citizens. Thanks to tougher penalties that will keep DWI offenders off our roads and a ban on the synthetic marijuana substitute commonly known as K2, our roadways and neighborhoods will be safer than before. Because of new laws that will require many insurance providers to provide coverage for children with autism, thousands of young people will now have access to life-altering behavioral therapies. In addition, as a result of new ethics laws passed this session, state government will have an additional level of transparency that will better ensure accountability from all elected officials.*

*In 2010 the Missouri House of Representatives also convened for a special legislative session focused on preserving good-paying automotive manufacturing jobs as well as saving the state hundreds of millions of dollars by restructuring state employee pension systems.*

*This booklet contains indexed summaries of all legislation passed during the 2010 regular and special sessions. The Missouri House of Representatives makes this booklet available to better inform you of the work of the General Assembly.*

*Sincerely,*

A handwritten signature in cursive script that reads "Ronald Richard".

Ronald Richard  
Speaker



## **TABLE OF CONTENTS**

### **REGULAR SESSION**

House Appropriations Bills .....	7
House Bills .....	13
Senate Bills .....	49

### **EXTRAORDINARY SESSION**

House Bills .....	73
-------------------	----

### **REGULAR AND EXTRAORDINARY SESSIONS**

Subject Index .....	77
---------------------	----

## **ABBREVIATIONS**

**HB — House Bill**

**HCS — House Committee Substitute**

**HJR — House Joint Resolution**

**SB — Senate Bill**

**SCS — Senate Committee Substitute**

**SJR — Senate Joint Resolution**

**SS — Senate Substitute**

**CCS — Conference Committee Substitute**

## **EFFECTIVE DATE OF BILLS**

Unless they have a referendum clause, all bills are subject to approval or veto by the Governor. Regular session bills approved by the Governor become effective on August 28, 2010, unless another date is specified in the bill or the bill contains an emergency clause. A bill with an emergency clause becomes effective upon approval of the Governor except where a later date is specified. The bills passed in the extraordinary session become effective October 12, 2010.

**TRULY AGREED TO AND FINALLY PASSED**

# **HOUSE BILLS**

**REGULAR SESSION**





**OPERATING APPROPRIATIONS SUMMARY**

<b>House Bill</b>		<b>FY 2010 Budget</b>	<b>FY 2011 After Veto</b>
<b>2001</b>	<b><u>Public Debt</u></b>		
	General Revenue	\$ 83,604,814	\$ 34,891,457
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	8,447,482	13,463,215
	<b>Total</b>	<b>\$ 92,052,296</b>	<b>\$ 48,354,672</b>
<b>2002</b>	<b><u>Elementary and Secondary Education</u></b>		
	General Revenue	\$ 2,469,116,803	\$ 2,720,046,017
	Federal Funds	970,980,627	997,828,378
	Federal Stabilization	524,041,206	246,557,436
	Other Funds	1,458,793,085	1,398,673,044
	<b>Total</b>	<b>\$ 5,422,931,721</b>	<b>\$ 5,363,104,875</b>
	FTE Total	1,746.21	1,717.26
<b>2003</b>	<b><u>Higher Education</u></b>		
	General Revenue	\$ 921,114,922	\$ 911,637,406
	Federal Funds	6,168,003	6,168,003
	Federal Stabilization	146,334,912	39,952,504
	Other Funds	232,096,466	273,724,914
	<b>Total</b>	<b>\$ 1,305,714,303</b>	<b>\$ 1,231,482,827</b>
	FTE Total	75.67	75.67
<b>2004</b>	<b><u>Revenue</u></b>		
	General Revenue	\$ 81,169,861	\$ 71,461,586
	Federal Funds	6,669,721	6,865,545
	Federal Stabilization	2,571,865	0
	Other Funds	345,649,948	353,363,570
	<b>Total</b>	<b>\$ 436,061,395</b>	<b>\$ 431,690,701</b>
	FTE Total	1,461.49	1,418.35
<b>2004</b>	<b><u>Transportation</u></b>		
	General Revenue	\$ 8,292,923	\$ 15,334,842
	Federal Funds	75,123,802	75,181,950
	Federal Stabilization	5,500,000	0
	Other Funds	2,177,296,168	2,536,127,492
	<b>Total</b>	<b>\$ 2,266,212,893</b>	<b>\$ 2,626,644,284</b>
	FTE Total	6,616.68	6,616.68
<b>2005</b>	<b><u>Office of Administration</u></b>		
	General Revenue	\$ 163,643,426	\$ 149,923,090
	Federal Funds	72,282,150	72,282,149
	Federal Stabilization	7,455,942	528,000
	Other Funds	62,231,217	63,880,818
	<b>Total</b>	<b>\$ 305,612,735</b>	<b>\$ 286,614,057</b>
	FTE Total	2,033.32	2,203.07
<b>2005</b>	<b><u>Employee Benefits</u></b>		
	General Revenue	\$ 579,070,313	\$ 532,813,437
	Federal Funds	193,301,281	196,247,991
	Federal Stabilization	12,422,975	0
	Other Funds	170,394,165	170,627,563
	<b>Total</b>	<b>\$ 955,188,734</b>	<b>\$ 899,688,991</b>
<b>2006</b>	<b><u>Agriculture</u></b>		
	General Revenue	\$ 9,907,564	\$ 22,847,496
	Federal Funds	3,598,225	4,317,568
	Federal Stabilization	37,515,000	0
	Other Funds	14,121,325	14,518,318
	<b>Total</b>	<b>\$ 65,142,114</b>	<b>\$ 41,683,382</b>
	FTE Total	391.06	393.31

## OPERATING APPROPRIATIONS SUMMARY

House Bill		FY 2010 Budget	FY 2011 After Veto
<b>2006</b>	<b><u>Natural Resources</u></b>		
	General Revenue	\$ 12,053,568	\$ 9,038,406
	Federal Funds	42,629,014	44,426,749
	Federal Stabilization	730,364	0
	Other Funds	262,445,420	256,815,232
	<b>Total</b>	<b>\$ 317,858,366</b>	<b>\$ 310,280,387</b>
	FTE Total	1,795.56	1,782.06
<b>2006</b>	<b><u>Conservation</u></b>		
	General Revenue	\$ 0	\$ 0
	Federal Funds	0	0
	Federal Stabilization	0	0
	Other Funds	145,534,841	145,534,841
	<b>Total</b>	<b>\$ 145,534,841</b>	<b>\$ 145,534,841</b>
	FTE Total	1,843.81	1,843.81
<b>2007</b>	<b><u>Economic Development</u></b>		
	General Revenue	\$ 55,133,360	\$ 38,882,809
	Federal Funds	198,991,112	164,142,199
	Federal Stabilization	18,565,679	0
	Other Funds	65,357,654	53,752,363
	<b>Total</b>	<b>\$ 338,047,805</b>	<b>\$ 256,777,371</b>
	FTE Total	976.37	967.37
<b>2007</b>	<b><u>Insurance, Financial Institutions and Professional Registration</u></b>		
	General Revenue	\$ 0	\$ 0
	Federal Funds	700,000	1,700,000
	Federal Stabilization	0	0
	Other Funds	35,958,839	36,439,040
	<b>Total</b>	<b>\$ 36,658,839</b>	<b>\$ 38,139,040</b>
	FTE Total	545.15	550.15
<b>2007</b>	<b><u>Labor and Industrial Relations</u></b>		
	General Revenue	\$ 2,254,942	\$ 1,982,423
	Federal Funds	47,167,731	47,950,558
	Federal Stabilization	0	0
	Other Funds	81,555,533	62,508,565
	<b>Total</b>	<b>\$ 130,978,206</b>	<b>\$ 112,441,546</b>
	FTE Total	831.86	827.86
<b>2008</b>	<b><u>Public Safety</u></b>		
	General Revenue	\$ 66,264,818	\$ 54,268,676
	Federal Funds	130,479,901	113,090,687
	Federal Stabilization	1,074,325	0
	Other Funds	313,895,137	356,463,182
	<b>Total</b>	<b>\$ 511,714,181</b>	<b>\$ 523,822,545</b>
	FTE Total	5,032.78	4,973.91
<b>2009</b>	<b><u>Corrections</u></b>		
	General Revenue	\$ 604,146,521	\$ 593,435,940
	Federal Funds	6,841,995	10,434,834
	Federal Stabilization	750,000	0
	Other Funds	52,824,936	56,163,438
	<b>Total</b>	<b>\$ 664,563,452</b>	<b>\$ 660,034,212</b>
	FTE Total	11,323.99	11,151.85

**OPERATING APPROPRIATIONS SUMMARY**

<b>House Bill</b>		<b>FY 2010 Budget</b>	<b>FY 2011 After Veto</b>
<b>2010</b>	<b><u>Mental Health</u></b>		
	General Revenue	\$ 594,823,914	\$ 575,426,388
	Federal Funds	568,563,321	578,775,972
	Federal Stabilization	5,891,995	0
	Other Funds	42,271,054	44,827,524
	<b>Total</b>	<b>\$ 1,211,550,284</b>	<b>\$ 1,199,029,884</b>
	FTE Total	8,291.79	7,873.94
<b>2010</b>	<b><u>Health</u></b>		
	General Revenue	\$ 247,247,017	\$ 247,405,720
	Federal Funds	619,002,497	647,854,155
	Federal Stabilization	2,027,500	0
	Other Funds	24,275,597	25,644,597
	<b>Total</b>	<b>\$ 892,552,611</b>	<b>\$ 920,904,472</b>
	FTE Total	1,893.77	1,833.65
<b>2011</b>	<b><u>Social Services</u></b>		
	General Revenue	\$ 1,516,013,903	\$ 1,458,352,466
	Federal Funds	3,998,634,263	4,011,581,216
	Federal Stabilization	2,587,500	0
	Other Funds	1,945,406,004	2,186,658,673
	<b>Total</b>	<b>\$ 7,462,641,670</b>	<b>\$ 7,656,592,355</b>
	FTE Total	8,093.20	7,759.68
<b>2012</b>	<b><u>Elected Officials</u></b>		
	General Revenue	\$ 48,189,352	\$ 45,840,381
	Federal Funds	23,621,404	22,484,598
	Federal Stabilization	1,100,000	0
	Other Funds	45,512,192	43,993,721
	<b>Total</b>	<b>\$ 118,422,948</b>	<b>\$ 112,318,700</b>
	FTE Total	987.02	992.02
<b>2012</b>	<b><u>Judiciary</u></b>		
	General Revenue	\$ 162,749,121	\$ 169,074,144
	Federal Funds	10,408,187	10,408,187
	Federal Stabilization	6,647,949	0
	Other Funds	10,292,941	10,292,942
	<b>Total</b>	<b>\$ 190,098,198</b>	<b>\$ 189,775,273</b>
	FTE Total	3,406.05	3,406.05
<b>2012</b>	<b><u>Public Defender</u></b>		
	General Revenue	\$ 34,207,100	\$ 34,707,100
	Federal Funds	125,000	125,000
	Federal Stabilization	0	0
	Other Funds	2,980,263	2,980,263
	<b>Total</b>	<b>\$ 37,312,363</b>	<b>\$ 37,812,363</b>
	FTE Total	572.13	572.13
<b>2012</b>	<b><u>General Assembly</u></b>		
	General Revenue	\$ 34,373,472	\$ 33,213,211
	Federal Funds	0	0
	Federal Stabilization	344,597	0
	Other Funds	292,255	292,255
	<b>Total</b>	<b>\$ 35,010,324</b>	<b>\$ 33,505,466</b>
	FTE Total	711.34	688.17

## OPERATING APPROPRIATIONS SUMMARY

House Bill		FY 2010 Budget	FY 2011 After Veto
<b>2013</b>	<b><u>Statewide Leasing</u></b>		
	General Revenue	\$ 108,829,275	\$ 112,267,504
	Federal Funds	23,507,968	23,195,547
	Federal Stabilization	0	0
	Other Funds	13,099,626	12,931,904
	<b>Total</b>	<b>\$ 145,436,869</b>	<b>\$ 148,394,955</b>
	<b><u>Total Operating Budget</u></b>		
	General Revenue	\$ 7,802,206,989	\$ 7,832,850,499
	Federal Funds	6,998,796,202	7,035,061,286
	Federal Stabilization	775,561,809	287,037,940
	Other Funds	7,510,732,148	8,119,677,474
	<b>Total</b>	<b>\$ 23,087,297,148</b>	<b>\$ 23,274,627,199</b>
	FTE Total	58,629.25	57,646.99

## Supplemental Appropriations and Federal Stimulus Reappropriations

House Bill		FY 2011 After Veto
<b>2014</b>	<b><u>Supplementals - Operating</u></b>	
	General Revenue	\$ 86,168,682
	Federal Funds	153,173,205
	Federal Stabilization	108,564,833
	Other Funds	44,138,435
	<b>Total</b>	<b>\$ 392,045,155</b>
	FTE Total	6.25
<b>2016</b>	<b><u>Federal Stimulus Reappropriations</u></b>	
	Appropriations unexpended balances as of June 30, 2010, for capital improvements previously authorized in other appropriations	



**HB 1270 — CHILDREN'S SPECIAL HEALTH CARE NEEDS SERVICE**

This bill changes the name of the Crippled Children's Service, within the Department of Health and Senior Services, to the Children's Special Health Care Needs Service; renames the Crippled Children's Service Fund as the Children's Special Health Care Needs Service Fund; and specifies that the services are for a child who has a physical disability or special health care need.

**CCS SCS HCS HB 1311 & 1341 — HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS**

This bill establishes provisions regarding health insurance coverage for individuals diagnosed with autism spectrum disorders (ASD).

**MANDATED INSURANCE COVERAGE**

Beginning January 1, 2011, all group health benefit plans delivered, issued, continued, or renewed that are written inside the state or written outside the state but insuring a Missouri resident must provide coverage for the diagnosis and treatment of ASD. A health carrier cannot deny or refuse to issue coverage on, refuse to contract with, refuse to renew or reissue, or otherwise terminate or restrict coverage on an individual or his or her dependent because the individual is diagnosed with ASD. These provisions apply to any health care plan issued to employees and their dependents under the Missouri Consolidated Health Care Plan that is delivered, issued, continued, or renewed on or after January 1, 2011, and to plans that are established, extended, modified, or renewed on or after January 1, 2011, by self-insured governmental plans, self-insured group arrangements, multiple employer welfare arrangements, and self-insured school district health plans. The bill specifies that these provisions will not automatically apply to an individually underwritten health plan but must be offered as an option to any individual plan. Certain supplemental insurance policies and the MO HealthNet Program are exempt from providing this coverage.

**LIMITS ON COVERAGE**

A health carrier can limit coverage for ASD services to the medically necessary treatment ordered by the insured individual's licensed treating physician or psychologist in accordance with a treatment plan. An ASD treatment plan must include all elements necessary for a health benefit plan or carrier to pay the claim. Except for inpatient services, the carrier must have the right to review, at its expense, the treatment plan not more than once every six months unless the

individual's treating physician or psychologist agrees that a more frequent review is necessary.

Health benefit plan coverage for ASD services cannot be subject to any greater deductible, co-insurance, or co-payment than other physical health care services provided by the health benefit plan. Coverage of services may be subject to general exclusions and limitations of the contract or health benefit plan including coordination of benefits, exclusion for services provided by family members, and utilization review of health care services but cannot be denied on the basis that it is educational or habilitative in nature.

**BEHAVIOR ANALYST ADVISORY BOARD AND APPLIED BEHAVIOR ANALYSIS SERVICES**

The Behavior Analyst Advisory Board is established under the State Committee of Psychologists within the Department of Insurance, Financial Institutions and Professional Registration to establish licensure requirements for behavior analysts and assistant behavior analysts who provide applied behavior analysis (ABA) therapies to children with ASD. ABA services must be included in the coverage for ASD up to a maximum benefit of \$40,000 per year for an individual younger than 19 years of age. However, the maximum limit may be exceeded upon prior approval by the health benefit plan if additional services are medically necessary. Beginning January 1, 2012, a health carrier must adjust the maximum cost benefit at least every three years based on the increase in the federal Consumer Price Index as calculated annually by the department. The payment for the treatment of a condition unrelated to ASD cannot be applied to the ABA maximum benefit. ABA services will not be subject to a limit on the number of visits an individual utilizes within the maximum benefit.

Payments and reimbursements for ABA services can only be made to the ASD service provider or the entity or group for whom the supervising, board-certified behavior analyst works or is associated. ABA services provided by a line therapist under the supervision of a state-licensed ASD provider must be reimbursed to the provider if the services are included in the treatment plan and are deemed medically necessary. A carrier will not be liable for the actions of a line therapist in the performance of his or her duties.

A carrier is not required to reimburse for ABA services provided by any Part C Early Intervention Program, commonly known as First Steps, or by any school district to an individual diagnosed with ASD.

**WAIVERS**

The department director must grant a small employer that offers a group health plan a waiver

from offering health insurance coverage for ASD if the employer experiences at least a 2.5% increase in the health benefit plan premiums over a calendar year as a result of providing the ASD coverage to its employees.

#### REPORTING REQUIREMENTS

Beginning February 1, 2012, the department is required to submit an annual report to the General Assembly regarding the implementation of the coverage and specified cost analysis data for ASD service claims from health insurers.

#### SCS HCS HB 1316 — PROPERTY TAXES AND ASSESSMENTS

This bill changes the laws regarding the collection of property taxes and the assessment of property. In its main provisions, the bill:

(1) Changes the laws regarding the sale of real property for the collection of delinquent taxes. A county collector is required to send up to three notices to the publicly recorded owner of record of the real property prior to the publishing of a tax sale with the first notice being by first class mail. A collector of revenue or other collection authority may refuse to accept a delinquent tax payment submitted without a copy of the tax statement. If the county collector determines that an adequate legal description of tax sale property cannot be obtained from documents available through the recorder of deeds, the collector may commission a professional land surveyor to prepare an adequate legal description of the property. The certificate of purchase will be conveyed to an agent if the purchaser is a nonresident, and the agent must convey the property to the nonresident. The highest bid at a sale on the third successive year must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs as it is required when it was initially offered and at the second successive year it was offered. After the third offering, the collector's deed or trustee's deed will have priority over all other liens or encumbrances on the property sold except for real property taxes. Within 120 days prior to receiving a collector's deed, a tax sale purchaser must obtain a title search report from a licensed attorney or title company detailing the ownership and encumbrances on the property (Sections 52.230, 139.040, 140.110, 140.150, 140.170, 140.190, 140.230, 140.250, 140.260, 140.290, 140.310, 140.340, 140.405, and 140.420, RSMo);

(2) Specifies that in counties adopting a charter form of government after January 1, 2008, the county collector will continue to collect a 7% fee for the collection of delinquent and back taxes if provided

for by the charter and requires these counties to establish a tax maintenance fund. Currently, these provisions only apply to Jefferson County (Sections 52.290 and 52.312);

(3) Authorizes first classification counties without a charter form of government and second classification counties to collect and disburse property taxes using electronic records (Sections 52.361, 52.370, and 55.190);

(4) Specifies that the county collector-treasurer will assume all duties, compensation, fee schedules, and requirements of the collector-treasurer if a county of the third or fourth classification abolishes its township form of government (Section 54.010);

(5) Requires county auditors in first classification counties without a charter form of government and auditors in second classification counties to have access to all records, collections, and settlements for county-issued licenses and to receive a monthly listing of the licenses issued with the specified related information from each county office issuing the licenses. Currently, these county auditors are required to countersign all county-issued licenses and keep a record of them (Section 55.140);

(6) Changes the deadline from September 1 to October 1 for charter counties and the City of St. Louis to set ad valorem property tax rates (Sections 67.100 and 134.243);

(7) Increases the monthly interest rate charged from 1% to 2%, increases the maximum annual interest rate from 10% to 18%, and repeals the prime rate limitation on the interest rate for delinquent property taxes in the City of St. Louis (Sections 92.715, 140.100, and 141.830);

(8) Extends the effective date for the projected tax liability notice requirements for assessors in counties without a charter form of government and Jefferson County from January 1, 2011, to January 1 of the year following receipt of the necessary software from the State Tax Commission for the implementation of the requirement and requires all assessors in these counties and Jefferson County to provide property owners additional information with the notice of increased assessed valuation. The notice must include the previous assessed value and any increase, a statement indicating that the change in assessed value may impact the record owner's tax liability, and information regarding the processes and deadlines for appealing determinations of the assessed valuation. Beginning January 1, 2011, the assessor in St. Louis County must provide taxpayers with a notice that information regarding the assessment method and computation of the value for real property is available on the assessor's web site, the web site address, and the assessor's



contact information so taxpayers without Internet access can request and received the information (Sections 137.180 and 137.355);

(9) Authorizes each party to an appeal that is scheduled to be heard before the State Tax Commission to request one change of the assigned hearing officer by filing a written application to disqualify the officer within 30 days of the assignment (Section 138.431);

(10) Requires county collectors in first and second classification counties to file with the county clerk and auditor by the fifteenth day of each month a detailed statement, verified by affidavit, of all taxes and license fees collected during the preceding month and to disburse those funds, less commissions, to the appropriate taxing entities and the Director of the Department of Revenue. Taxing authorities are required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1 (Sections 139.031, 139.140, 139.150, 139.210, 139.220, 140.050, 140.070, 140.080, 140.160, and 165.071);

(11) Changes the laws regarding taxes and penalties for properties subject to certain actions as abandoned property in Jackson County (Section 141.535);

(12) Authorizes the establishment of the Kansas City Zoological District. The voters of the counties of Cass, Clay, Jackson, and Platte may choose to have their county be a part of the district. Each member county may impose, upon voter approval, a sales tax of up to 0.25% for the financial support of zoological activities within the district (Sections 184.500 - 184.512); and

(13) Specifies that the provisions of Section 262.802 regarding the abeyance of water and sewer district assessments until certain farmland property is connected to the system will not apply to any drainage or levee district established under state law (Section 246.310).

#### **HB 1340 — SALES TAX FOR DOUGLAS COUNTY FIRE PROTECTION DISTRICTS**

Currently, the governing body of any fire protection district in Douglas County is authorized to impose, upon voter approval, a sales tax of up to 1% for operational costs if the district reduces its property tax levy annually by 50% of the previous year's sales tax revenue. This bill repeals this authorization.

#### **SCS HCS HB 1375 — TREATMENT AND PREVENTION OF CERTAIN SEXUALLY TRANSMITTED DISEASES**

This bill changes the laws regarding the treatment and prevention of certain sexually transmitted diseases.

#### **HUMAN PAPILLOMAVIRUS BROCHURE**

The Department of Health and Senior Services is required to develop an informational brochure relating to the connection between human papillomavirus (HPV) and cervical cancer and that an immunization against the infection is available. The department must make the brochure available on its web site and must notify each public school district of the availability of the brochure. The brochure must be provided directly to parents as the district deems appropriate and cannot be distributed to students. The bill specifies the information to be included in the brochure.

#### **EXPEDITED PARTNER THERAPY**

A licensed physician is allowed to use expedited partner therapy under certain conditions by dispensing and prescribing medications to the partner of a person diagnosed with chlamydia or gonorrhea even when there is no existing physician/patient relationship. The physician must provide an explanation and guidance to the patient on the preventative measures that can be taken to stop the spread of the condition. A physician using expedited partner therapy will be immune from civil liability unless the action is negligent, reckless, in bad faith, or with malicious purpose.

#### **SCS HB 1392 — PROPERTY TAX RATES**

This bill changes the laws regarding property tax rates. In its main provisions, the bill:

(1) Changes the deadline from September 1 to October 1 for charter counties and the City of St. Louis to set ad valorem property tax rates;

(2) Authorizes each party to an appeal that is scheduled to be heard before the State Tax Commission to request one change of the assigned hearing officer by filing a written application to disqualify the officer within 30 days of the assignment; and

(3) Requires fire protection districts in charter counties and the City of St. Louis to certify their property tax rates by October 1 to the county commission of each county within which the district is located. All other fire districts must certify their rates by September 1.

### **CCS SS HCS HB 1408 & 1514 — INTEREST ON OVERPAYMENTS OF INCOME TAXES**

This bill changes the time period before interest is paid on an overpayment of individual income tax from four months to 90 days after the last date to file a return, including an extension, or the date the return was filed, whichever is later.

### **CCS SS SCS HB 1442 — LOCAL TAXES**

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

(1) Authorizes the City of Jefferson City to impose, upon voter approval, a transient guest tax of up to 7% per occupied room per night for funding a convention and visitors bureau to promote the city as a convention, visitor, and tourist center. Currently, the city is allowed to impose a tax of up to 5% per occupied room per night (Section 67.1000, RSMo);

(2) Authorizes Carter County to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night with 50% of the proceeds to fund law enforcement and 50% to fund tourism (Section 67.1018);

(3) Authorizes the cities of Ashland and Sugar Creek and Montgomery County to impose, upon voter approval, a transient guest tax of between 2% and 5% per occupied room per night for the promotion of tourism (Section 67.1360);

(4) Allows the City of St. Joseph and Buchanan County to use transient guest tax revenue for capital expenditures related to the promotion of tourism and convention facilities. Currently, the tax revenue may only be used for the promotion of tourism and convention facilities (Section 67.1361);

(5) Authorizes real property owners located in the counties of Caldwell, Clinton, Daviess, and DeKalb to petition the governing body of their county to seek voter approval for the creation of an exhibition center and recreational facility district in their county and to impose a 0.25% sales tax for a period of up to 25 years to fund the district (Section 67.2000);

(6) Authorizes the City of St. Joseph to contract with Buchanan County to share transient guest tax revenues to promote tourism and for the construction, maintenance, and improvement of a convention center and recreational facilities (Section 70.220);

(7) Authorizes the City of Grandview to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night for the promotion of tourism (Section 94.271);

(8) Requires a city that abolishes its general revenue or capital improvement tax to notify the Department of Revenue at least 90 days prior to the effective date of the expiration. The repeal of the

tax will become effective December 31 of the year in which the abolishment was approved (Sections 94.510 and 94.577);

(9) Authorizes the City of North Kansas City to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night to fund tourism and infrastructure improvements (Section 94.832);

(10) Authorizes the City of Raytown to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night for the promotion, operation, and development of tourism and convention facilities (Section 94.840);

(11) Authorizes the cities of Peculiar, Blue Springs, and Grandview to impose, upon voter approval, a sales tax of up to .5% to fund public safety improvements including equipment, employment expenditures, and facility construction for fire, police, and emergency medical providers (Sections 94.900 and 94.902);

(12) Authorizes the City of Waynesville to impose, upon voter approval, a transient guest tax of up to 3% per occupied room per night for the construction, maintenance, and repair of a multipurpose conference and convention center (Section 94.1011);

(13) Allows the voters of any city, town, or village to impose a property tax of up to one-fourth of one cent on each \$100 assessed valuation on all taxable real property to fund the upkeep and maintenance of cemeteries located within the city, town, or village (Section 137.1040);

(14) Authorizes each party to an appeal that is scheduled to be heard before the State Tax Commission to request one change of the assigned hearing officer by filing a written application to disqualify the officer within 30 days of the assignment (Section 138.431);

(15) Clarifies that certain purchases made for resale are not to be considered as retail for sales and use tax purposes when the subsequent sale is taxed in the state or another state, is for resale, is excluded from tax, is subject to tax but is exempt, or is exempt in another state where the subsequent sale occurs (Section 144.019.1);

(16) Clarifies that operators of amusement parks and places of entertainment or recreation, including games or athletic events, must charge sales taxes on the amount of gross receipts charged for admission, but any subsequent sale of the admissions or seating accommodations will not be subject to the taxes if it was an arms length transaction for fair market value with an unaffiliated entity and clarifies that operators of hotels, motels, taverns, restaurants, drugstores, dining cars, tourist camps, or similar businesses must charge sales taxes on the amount of gross receipts charged for all rooms, meals, and drinks furnished at the establishment, but any subsequent sale of those

same rooms, meals, and drinks is exempt from sales and use taxes if it was an arms length transaction for fair market value with an unaffiliated entity (Sections 144.019.2 and 144.019.3);

(17) Authorizes a state and local sales and use tax exemption for any sale of utilities at cost by a sports complex authority which is ultimately consumed in the operation of a sports complex leased to a professional sports team (Section 144.030); and

(18) Specifies that any state or local tax imposed on transient accommodations will only apply to amounts actually received by the operator of an establishment in which rooms are furnished to the public. Under no circumstances will a travel agent or intermediary be deemed an operator of a hotel, motel, inn, tourist camp, or similar business unless the travel agent or intermediary actually operates the facility (Section 1).

The bill contains an emergency clause for the provisions clarifying sales that are not to be considered as retail for sales and use tax purposes and for the provisions clarifying when certain operators must charge sales taxes.

#### **SCS HB 1444 — NOTICE REQUIREMENTS FOR CERTAIN PUBLIC MEETINGS**

This bill requires the governing body of any county, city, town, or village or any entity created by these political subdivisions to give notice at least four business days prior to voting and to hold a public meeting to allow public comment on an issue involving the implementation of a tax increase, a retail development project which utilizes the power of eminent domain, the creation of a transportation development or community improvement district, or the approval of a redevelopment plan that pledges public funds as financing for the project or plan. No vote may occur until after a public meeting on the matter where interested parties and citizens have had an opportunity to be heard, and no vote can be taken until the proper notice has been given. Any legal action challenging the notice requirements must be filed within 30 days of the date of the meeting or it will be deemed to have been properly noticed and held. These provisions will not apply to any votes or discussions related to proposed ordinances that require a minimum of two separate readings on different days for passage; and a tax increase under these provisions will not include the setting of the annual tax rates under Sections 67.110 and 137.055, RSMo.

#### **HCS#2 HB 1472 — CONTROLLED SUBSTANCES**

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

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

(a) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers;

(b) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, commonly known as HU211;

(c) Indole, or 1-butyl-3-(1-naphthoyl)indole;

(d) Indole, or 1-pentyl-3-(1-naphthoyl)indole, commonly known as K2; and

(e) Phenol, CP 47, 497 & homologues, or 2-[[1R,3S]-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n-4,6, or 7;

(2) Adds the following to the list of controlled substances on Schedule II:

(a) Tapentadol; and

(b) Any material, compound, mixture, or preparation which contains any quantity of amyl nitrite or butyl nitrate;

(3) Adds the following to the list of controlled substances on Schedule III:

(a) Boldione;

(b) Dexoxymethyltestosterone; and

(c) 19-nor-4,9(10)-androstadienedione;

(4) Adds Fospropofol to the list of controlled substances on Schedule IV;

(5) Adds the following to the list of controlled substances on Schedule V:

(a) Lacosamide; and

(b) Pregabalin; and

(6) Specifies that any person who possesses a controlled substance of more than 35 grams of Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-tetrahydrobenzo[c]chromen-1-ol; Indole, or 1-butyl-3-(1-naphthoyl)indole; Indole, or 1-pentyl-3-(1-naphthoyl)indole; and Phenol, CP 47, 497 & homologues, or 2-[[1R,3S]-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n-4,6, or 7 will be guilty of a class C felony. Any person possessing 35 grams or less of any one of these substances will be guilty of a class A misdemeanor.

### **HCS HB 1498 — PAYMENT OF HEALTH INSURANCE CLAIMS**

This bill changes the laws regarding the payment of health insurance claims. In its main provisions, the bill:

(1) Requires health insurance carriers, including third-party contractors, to send an electronic acknowledgment of the date of receipt within 48 hours after an electronically filed health care claim is received;

(2) Increases the period of time, from within 10 working days to within 30 processing days, that a carrier has to send an electronic or facsimile notice of the status of a health care claim that notifies the claimant whether the filed claim has any reason which will prevent timely payment or if more information is required. If the claim is properly filed, the carrier must pay or deny the claim;

(3) Requires a carrier to notify the health care provider, electronically or by fax, within 10 processing days, instead of the current 15 days, upon receiving the requested additional information from the provider to pay the claim, deny all or part of the claim specifying the reason, or make a final request for additional information. If the provider submits the additional information, the carrier must pay or deny the claim within five processing days, instead of the current 15 days, of receiving the additional information;

(4) Requires a carrier to pay a penalty equal to 1% of the total claim amount per day on unpaid claims if it has not paid a claimant within 45 processing days of receiving the claim;

(5) Allows a carrier to combine interest payments on unpaid claims and make payment when the total amount reaches \$100 instead of the current \$5. A claim that was properly denied prior to the forty-fifth processing day will not be subject to interest or penalties;

(6) Repeals the current penalty imposed on carriers that do not take the required action within 40 processing days;

(7) Specifies that a claim for which a carrier has not communicated a specific reason for the denial of payment cannot be considered denied; and

(8) Changes the requirements a carrier must follow when requesting the documentation and additional information that is necessary to process all of a claim or all of a claim on a multi-claim form.

The bill becomes effective January 1, 2011.

### **SCS HCS HB 1516 — REPEAL OF EXPIRED STATUTES**

This bill repeals various expired provisions in the Revised Statutes of Missouri as identified in the

January 2010 Annual Report of the Joint Committee on Legislative Research on Laws Which Expire, Sunset, Terminate, or Become Ineffective.

### **SCS HCS HB 1524 & 2260 — VETERANS AND MEMBERS OF THE MILITARY**

This bill changes the laws regarding veterans and members of the military and establishes the Missouri Youth Challenge Academy. In its main provisions, the bill:

(1) Requires all state agencies and political subdivisions of this state to give a three-point bonus preference to a service-disabled veteran business operating as a Missouri business when letting a contract for the performance of any job or service. Currently, they must give preference to a disabled veteran business when the quality of performance is equal or better and the price quoted is the same or less. If there is an insufficient number of veteran businesses or none that submits a bid or proposal for a contract, the provision requiring the Commissioner of the Office of Administration to have a goal of 3% of all contracts to be let to service-disabled veteran businesses will not apply (Section 34.074, RSMo);

(2) Specifies that the State of Missouri recognizes the designations of Prisoner of War (POW) and Missing in Action (MIA) as valid descriptions of casualty status and category classification for military personnel (Section 41.025);

(3) Defines “primary next of kin” as, in order of precedence, a surviving spouse, eldest child, father or mother, eldest brother or sister, or eldest grandchild as it relates to the Uniform Code of Military Justice (Section 41.030);

(4) Allows the Adjutant General to establish the Missouri Youth Challenge Academy to provide positive interventions for at-risk high school age youth. The academy will utilize residential military-based training and supervised work experience to build life skills of high school dropouts and training in responsible citizenship, life-coping and academic skills, and other personal development skills. The Missouri Youth Challenge Foundation Fund is created consisting of gifts, donations, appropriations, transfers, and bequests. The Adjutant General is authorized to make grants from the fund to support the academy (Sections 41.206 and 41.207);

(5) Allows a sergeant major from the Missouri National Guard and a reserve unit to serve on the panel of the Missouri Military Family Relief Fund. Currently, only a command sergeants major of the guard and a command sergeants major of a reserve unit can be members of the panel (Sections 41.216 and 143.1004);

(6) Authorizes the Governor, upon the recommendation of the Adjutant General, to present:



(a) A Legion of Merit Medal to individuals who have exceptionally meritorious conduct in the performance of outstanding military service and achievement reflecting honorably and creditably upon the state (Section 41.572);

(b) A campaign ribbon to individuals who have served in direct support of several military campaigns. The ribbons include a Missouri Iraq Campaign Ribbon, a Missouri Afghanistan Campaign Ribbon, a Missouri Kosovo Campaign Ribbon, and a Missouri Vietnam Campaign Ribbon (Sections 41.582, 41.584, 41.586, and 41.588); and

(c) The Governor's Unit Citation to a unit, team, or task force of the Missouri National Guard which served after September 11, 2001, during state emergency duty or a federal deployment with outstanding honor and distinction (Section 2);

(7) Authorizes the Adjutant General to present:

(a) A Missouri Adjutant General Staff Identification Badge to an individual based on demonstrated outstanding performance of duty (Section 41.578); and

(b) The Missouri National Guard First Sergeant Ribbon to an individual who has been a first sergeant for three years and has been recommended by his or her squadron or company commander for having demonstrated exceptional and honorable leadership qualities and dedication as a first sergeant (Section 1);

(8) Requires the Secretary of State to establish procedures for absent uniformed services and overseas voters to request voter registration applications and absentee ballot applications. At least one form of electronic communication for use by absent uniformed services and overseas voters must be designated for requesting and sending voter registration applications and absentee ballots. These voters may request and designate a preferred method of electronic transmission of these applications and ballots or request receipt by mail. The Secretary of State must also develop, in coordination with local election authorities, a free access system by which these voters may determine whether an absentee ballot has been received by the appropriate election authority. A sufficient quantity of paper ballots for each federal election must be printed and available for these voters within 45 days prior to the election, and the election authority must begin transmitting the ballots to these voters who have submitted an absentee ballot application. Registration applications and paper ballots cannot be rejected by an election authority because of any restriction on the paper or envelope type. Missouri is required to use the special write-in absentee ballot provided in Section 115.292 for all elections for federal office as authorized by federal law (Sections 115.156 - 115.292);

(9) Adds a dependent of a retired military member who relocates to Missouri within one year of the date of his or her parent's retirement from active duty to those individuals who are exempt from the requirement that a student must have attended a state high school for at least three years prior to graduation in order to be eligible for a grant under the A+ Schools Program (Section 160.545);

(10) Adds a person designated by an active-duty military member on the United States Department of Defense Form 93, Record of Emergency Data, to the term next-of-kin as it relates to the common law right of sepulcher in choosing and controlling the final disposition of a person who died while on active duty (Section 194.119);

(11) Allows for a special license plate designated "LEGION OF MERIT" bearing an image of the Legion of Merit Medal for any person who has been awarded this military service award. To obtain this plate, a person must make application, furnish proof as a recipient of the Legion of Merit Medal, and pay a fee equal to the fee charged for personalized license plates to the Department of Revenue in addition to the registration fee and any other documents required by law (Section 301.3158); and

(12) Requires the State Treasurer upon receiving a military medal as abandoned personal property to hold and maintain it until the original owner or his or her heirs or beneficiaries can be found. The State Treasurer may designate a veteran's organization or other appropriate organization as custodian of a medal until the owner or his or her heirs or beneficiaries are located (Sections 447.503 and 447.559).

The bill contains an emergency clause for the provisions regarding the Missouri Youth Challenge Academy.

## HCS HB 1540 — INFRACTIONS

This bill increases the penalty for certain motor vehicle violations from an infraction to a class C misdemeanor or from a class C misdemeanor to a class B misdemeanor when a violation causes an immediate threat of an accident. Any person operating a commercial vehicle in violation of Section 307.400, RSMo, will be guilty of a class B misdemeanor instead of an infraction.

Beginning January 1, 2012, the bill requires the judicial procedure for an infraction to be the same as for a misdemeanor. If a defendant fails to appear in court solely for an infraction or for an infraction committed in the same course of conduct as a criminal offense or fails to respond to a notice of an infraction from the Central Violations Bureau, the court may issue a default judgment for court costs and fines for the infraction unless the court determines that good

cause or excusable neglect exists for the defendant's failure to appear. A court may issue a warrant for failure to appear for any violation which is classified as an infraction.

The bill repeals and re-enacts provisions requiring a person to obey any signal or direction given by a law enforcement officer while traveling on a road when the officer is enforcing an infraction. A person who refuses to obey any signal or direction or who willfully resists a law enforcement officer who is in the course of enforcing an infraction will be guilty of a class A misdemeanor.

The bill contains an emergency clause for the provisions regarding judicial procedures for infractions and obeying any signal or direction of a law enforcement officer while traveling on a road.

#### **CCS SS#2 SCS HCS#2 HB 1543 — ELEMENTARY AND SECONDARY EDUCATION**

This bill changes the laws regarding elementary and secondary education. In its main provisions, the bill:

(1) Expands the reporting of acts of violence to include all teachers at the student's school building. Currently, the report is required to be given to teachers who need to know (Section 160.261.2, RSMo);

(2) Specifies that a suspended student who is not allowed within 1,000 feet of school property without specific permission is also prohibited from being within 1,000 feet of a school activity occurring off school property with certain exceptions (Sections 160.261.3 and 160.261.4);

(3) Expands employee immunity from following established discipline policies to include, but not limited to, policies of student discipline (Section 160.261.8);

(4) Adds the use of reasonable force to protect persons or property by school district personnel to the provisions regarding spanking. The action is not to be considered as abuse that would be investigated by the Children's Division within the Department of Social Services as long as the spanking or use of force does not give rise to an allegation of sexual misconduct and another school district employee is present as a witness at the spanking (Section 160.261.10);

(5) Specifies that bullying as it relates to required school district anti-bullying policies must include cyberbullying and electronic communications (Section 160.775);

(6) Specifies that in fiscal years 2011 through 2013 the Department of Elementary and Secondary Education cannot penalize a school district on its Missouri School Improvement Program accreditation

review for failing to achieve resource standards if the school funding formula or transportation categorical is underfunded as specified and the district cannot be penalized in the following fiscal year if the Governor withholds funds from the school funding formula (Section 161.209);

(7) Requires the Office of Administration to issue regulations for contractors or subcontractors on public works construction projects at public schools which require them to establish and implement a random drug and alcohol testing program. Any program must be administered by a certified laboratory and must require notification to the employer and employee of the results of any positive drug and alcohol test. The school district must be notified of the action taken to protect the safety of the students as a result of a positive test. The employer on the public works project must pay for the costs of the program (Section 161.371);

(8) Specifies that in fiscal years 2011 through 2013 the requirement for school districts to dedicate 1% of their formula funding to professional development and the 75% funding and fund placement requirements for teacher salaries will be suspended if the school funding formula or transportation categorical is underfunded as specified or will be suspended in the following fiscal year if the Governor withholds funds from the school funding formula (Section 163.410);

(9) Allows all public school districts to require a school uniform or restrict student dress to a particular style. Currently, only the St. Louis City School District must consider adopting a school uniform dress code policy (Section 167.029);

(10) Exempts an unqualified school district employee who refuses to administer medication or medical services from disciplinary action for the refusal (Section 167.621.2);

(11) Exempts a qualified school district employee from any civil liability for administering medication or medical services, including a trained employee providing cardiopulmonary resuscitation and other lifesaving methods, in good faith and according to standard medical practices (Sections 167.621.3 and 167.624);

(12) Specifies that a student must be allowed to self-administer medication for any chronic health condition under certain specified conditions (Section 167.627);

(13) Adds other school employees trained and supervised by the school nurse to the list of individuals who are authorized to use an epinephrine auto-syringe on a student and specifies that these employees will be immune from civil liability when done in good faith and according to standard medical practices (Section 167.630);

(14) Allows the special administrative board when it has been granted governing powers for a district in the St. Louis City School District to appoint a hearing officer to conduct a contested case of a teacher's dismissal. The board must render a decision on the charges upon the review of the hearing officer's recommendations and the hearing record (Section 168.221);

(15) Removes the requirement but allows the General Assembly to make an annual appropriation to the Missouri Career Development and Teacher Excellence Plan, commonly known as the Career Ladder Program. Beginning in Fiscal Year 2012, the state portion of career ladder payments will only be made available to school districts if an appropriation is made. Any state appropriation must be made prospectively in relation to the year in which work under the program is performed. A school district may fund the program for its teachers for work performed in years for which no state appropriation is made available. The variable match formula of the program is removed, and the payment must be on a matching basis with 60% local funding and 40% state funding (Sections 168.500 and 168.515); and

(16) Removes the provision which specifies that no fees can be charged for Parents as Teachers services, clarifies that families with children younger than the kindergarten entry age will be eligible to receive specified services, requires priority to be given to high-needs families according to department criteria, and allows school districts to establish cost-sharing strategies for these services. These provisions will expire December 31, 2015 (Section 178.697).

The provisions regarding the suspension of a school district's use of funds for required professional development and the level and placement of funds for teacher salaries will become effective upon passage and approval or July 1, whichever occurs later.

#### **SCS HCS HB 1544 — UNEMPLOYMENT COMPENSATION AND SHARED WORK BENEFITS**

This bill extends the state's eligibility to receive federal extended unemployment benefit money to provide unemployed individuals compensation beyond the current unemployment benefit period that ended December 5, 2009. The state is eligible to receive this money until March 3, 2011, or the week ending four weeks prior to the last week of unemployment for which 100% federal sharing is available under the provisions of Public Law 111-5, Section 2005(a), whichever occurs first.

The bill also increases, from 26 to 52, the number of weeks an individual is eligible to receive shared work benefits under the Shared Work Unemployment Compensation Program in the Division of Employment Security within the Department of Labor and Industrial Relations.

The bill contains an emergency clause.

#### **HB 1559 — CONSOLIDATED PUBLIC LIBRARY DISTRICT REPORTS**

Currently, the librarian of a consolidated public library district is required to submit an annual report on the condition of the library and its services at the end of the preceding fiscal year and an independent audit to the district board by August 31, and the board is required to submit them to the county commission, county executive officers, and the Missouri State Library by September 30 of each year. This bill changes the due dates to September 30 and October 31, respectively.

#### **HB 1595 — INDUSTRIAL DEVELOPMENT CORPORATIONS**

This bill revises the definition of "project" as it relates to industrial development corporations to include the construction, extension, and improvement of public roads.

#### **SCS HB 1612 — COMMON SEWER DISTRICTS**

This bill changes the laws regarding common sewer districts. In its main provisions, the bill:

(1) Allows a majority of the remaining members in office of the board of trustees of a common sewer district to fill a vacancy on the board if the county governing body fails to fill it within 60 days of receiving written notice of the vacancy. The trustees of a common sewer district may also appoint a member to a sewer subdistrict's advisory board if a vacancy is not filled by a county or political subdivision within 60 days of receiving a written request (Sections 204.300.1 and 204.571, RSMo);

(2) Increases, from eight to 10, the number of members on the sewer district boards of trustees in the counties of Cass and Jackson. Each board will consist of the county executive, mayors of the five largest-user cities, mayors of three other cities who are members of the sewer district advisory board, and one member of the county legislature. In the event the district extends its boundaries into a bordering county, the presiding commissioner or county executive of the bordering county will become the eleventh member of the board (Section 204.300.2);



(3) Authorizes a sewer district in a third classification county to develop an agreement with a city to provide sewer service in annexed areas of the district that were not receiving sewer service at the time of annexation. Currently, the City of Poplar Bluff and sewer districts in Butler County are authorized to develop agreements to provide sewer services (Section 204.472);

(4) Allows a board member to serve in more than one capacity on a common sewer subdistrict advisory board if the board consists of less than three members (Section 204.571); and

(5) Authorizes a sewer district to establish and collect charges for sewer services, including tap-on fees, and requires a private water company or public water supply district to provide water service data at a reasonable charge upon a reasonable request to a sewer district in order to calculate the rates for service. Currently, water supply districts are required to provide this data to cities, towns, and villages (Section 250.233).

#### **HB 1643 — COUNTY RECORDERS OF DEEDS**

This bill changes the laws regarding certain documents recorded with the county recorder of deeds. In its main provisions, the bill:

(1) Requires a request for records filed or recorded by the county recorder of deeds under Chapter 59, RSMo, which are dated after December 31, 1969, to be made to the office in which the record was originally recorded;

(2) Authorizes the recorder of deeds and the local registrar in Jackson County to collect a \$1 donation over and above any required fees charged for recording or providing a certified copy of a marriage license or birth certificate. Moneys collected will be deposited into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in the county. The recorder and registrar must provide a check-off box for the donation on any required form; and

(3) Changes the method by which notice of a mechanic's lien on real property of an absent or nonresident owner may be given and requires an applicable fee for recording to accompany the notice.

#### **HB 1654 — GARNISHMENTS AND WRITS OF SEQUESTRATION**

This bill requires a notice of garnishment and a writ of sequestration to contain only the last four digits of a person's Social Security number instead of the full number.

#### **HB 1662 — DISEASED ANIMALS**

This bill specifies that any animal or bird under investigation by the State Veterinarian within the Department of Agriculture for the presence or suspected presence of a toxin must not be removed from the premises until certain specified actions have taken place. The State Veterinarian will be authorized to choose the method of eradication of the toxin and may implement a holding period restricting the movement of any animal or bird under investigation for the presence of a toxin. Once an investigation is completed, the animal or bird must be released from the holding period or must be permanently quarantined by the State Veterinarian or his or her representative.

#### **SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 — REAL ESTATE; ELECTRONIC DEATH REGISTRATIONS; CEMETERIES; ARCHITECTS, ENGINEERS, AND SURVEYORS; MECHANIC'S LIENS; CHILD SUPPORT; CLEAN ENERGY PROJECTS; AND APPRAISERS**

This bill changes the laws regarding real estate; electronic death registrations; cemeteries; architects, engineers, land surveyors, and landscape architects; mechanic's liens; and child support and establishes the Property Assessment Clean Energy Act and the Missouri Appraisal Management Company Registration and Regulation Act.

#### **REAL ESTATE**

The bill:

(1) Requires the Office of the State Land Surveyor within the Department of Natural Resources to establish rules setting minimum standards for digital cadastral parcel mapping. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system must comply with the rules established by the office with certain exceptions (Section 60.670, RSMo);

(2) Prohibits any school district located in the City of Chesterfield from operating a materials recovery and recycling facility within 500 feet of a residential property (Section 171.185);

(3) Specifies that the provisions of Section 262.802 regarding the abeyance of water and sewer assessments until certain farmland property is connected to the system will not apply to any drainage or levee district established under state law (Section 246.310);

(4) Specifies that the term "employment" as it relates to unemployment compensation will not include services performed by a licensed real estate salesperson or licensed real estate broker



if substantially all, instead of the current at least 80%, of the remuneration, whether or not paid in cash, for the services performed, rather than to the number of hours worked, is directly related to sales or other output, including the performance of services, performed pursuant to a written contract between the individual and the person for whom the services are performed and the contract provides that the individual will not be treated as an employee with respect to the services for federal tax purposes (Section 288.034);

(5) Adds the determination of land boundaries and positions of the United States Public Land Survey System and the creation, preparation, and modification of electronic or computerized data to the list of work or services that a professional land surveyor can perform (Section 327.272);

(6) Changes the laws regarding the regulation of a real estate broker and salesperson to include a limited partnership, limited liability company, or professional corporation and specifies that “real estate broker” will include these types of companies and “real estate salesperson” will include a limited liability company, partnership, limited partnership, association, professional corporation, or corporation. The bill creates a new category of license for a real estate broker-salesperson and prohibits a real estate broker-salesperson from also operating as a real estate broker (Sections 339.010, 339.170, and 339.710);

(7) Defines “boat slip” or “watercraft slip” for the purposes of the Real Estate Appraisers Act as a defined area of water which is a part of a boat dock serving a common interest community and is to be considered real property. The rights of a real estate owner in a slip are to be included as collateral in any deed of trust and uniform commercial code filing of a lender taking a security interest in the owner’s real estate (Section 339.503);

(8) Requires the Missouri Real Estate Commission within the Department of Insurance, Financial Institutions and Professional Registration upon receiving notice from the Director of the Department of Revenue that a licensee is delinquent in paying his or her taxes to immediately send a copy of the notice to the real estate broker with whom the licensee is associated (Section 339.845);

(9) Exempts a tenant from liability for rent payments during the remainder of the term of a lease agreement when his or her residence is destroyed by an act of God or other natural or man-made disaster unless the tenant caused the disaster (Section 441.645);

(10) Requires all public advertisements and orders of publication required by law, including amendments to the Missouri Constitution, legal publications

affecting sales of real estate under a power of sale in a mortgage or deed of trust, and other legal publications affecting the title to real estate, to be published in a newspaper of general circulation (Section 493.055); and

(11) Requires the court or jury to visit the property alleged to be affected by a nuisance in an action for private nuisance where the amount in controversy exceeds \$1 million whenever any party requests a visit be made (Section 537.296).

#### PROPERTY ASSESSMENT CLEAN ENERGY ACT (Sections 67.2800 - 67.2835)

The Property Assessment Clean Energy Act is established which:

(1) Authorizes one or more municipalities to form a clean energy development board to establish a property assessed clean energy program to finance energy efficiency or renewable energy improvement projects. A property owner can apply to the board to finance the costs of the project through an annual special assessment to be collected with his or her property tax for up to 20 years;

(2) Requires the board to consist of at least three members. The number of board members and their terms are to be specified in the ordinance or order establishing the board. If only one municipality is participating in the board, the chief elected officer will appoint board members with the consent of the governing body. If more than one municipality is participating, members will be appointed in a manner agreed to by all participating municipalities;

(3) Requires the board to be a political subdivision of the state and have all powers necessary to carry out the provisions of the act;

(4) Requires the board to submit an annual report by July 1 to each municipality that participated in the formation of the board and the Director of the Department of Natural Resources. The report must include a brief description of each project financed by the board, the amount of assessments due and the amount collected, the board’s administrative costs, the estimated cumulative energy savings from the projects financed during the preceding year, and the estimated cumulative energy produced by all renewable energy improvements financed during the preceding year;

(5) Specifies that no lawsuit to set aside the formation or to otherwise question the proceedings related to the formation of the board may be brought after 60 days from the effective date of the ordinance or order establishing the board. No lawsuit can be brought to set aside the approval of a project, an assessment contract, or a special assessment levied by a clean energy development board after 60 days from the date that the assessment contract is

executed;

(6) Specifies the contractual requirements for any assessment contract between the board and the benefitted property owner or owners;

(7) Specifies that the total special assessments levied against a property under an assessment contract cannot exceed the total cost of the project including any required energy audits and inspections;

(8) Requires the board to provide a copy of the signed assessment contract to the local county assessor and collector, as well as ensure that a copy of the assessment contract is recorded with the county recorder of deeds;

(9) Specifies that the special assessments agreed to under the contract will be a lien on the property against which it is assessed on behalf of the board. The assessments will be collected by the county collector in the same manner as other real property taxes;

(10) Authorizes a board to issue bonds payable from special assessment revenues; and

(11) Authorizes the Director of the Department of Economic Development to allocate any portion of the state's residual share of the national qualified energy conservation bond limitation under Section 54D of the Internal Revenue Code to specified state and local entities.

#### ELECTRONIC DEATH REGISTRATION SYSTEM

(Sections 193.145 and 193.265)

All data providers in the death registration process, including the State Registrar, local registrars, medical examiners, coroners, funeral directors, embalmers, sheriffs, physicians, chief medical officers of licensed health care facilities, and other institutions providing medical care, are required to use an electronic death registration system within six months of it being certified by the Director of the Department of Health and Senior Services to be operational and available to all data providers.

The State Registrar may adopt pilot programs or voluntary electronic death registration programs until the system can be certified. However, no pilot or voluntary program can prevent the filing of a death certificate with the local registrar or the ability to obtain a certified copy of a death certificate under current law until six months after the system is certified as operational.

#### ENDOWED CARE CEMETERIES

(Sections 214.160 - 214.550)

The bill:

(1) Allows a county commission that serves as the trustee of a trust fund for a cemetery to invest moneys in the fund in certificates of deposit;

(2) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against a cemetery operator upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal action occurred or in the county in which the operator resides;

(3) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, crypts, and other burial receptacles to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;

(4) Requires any person, entity, association, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;

(5) Exempts cemetery operators from the provisions of Chapter 436 regarding prearranged funeral contracts for the sale of cemetery services or for graves, cemetery markers, crypts, and other burial receptacles but prohibits them from adjusting or establishing the price of items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price of certain products are revised;

(6) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(7) Requires a cemetery operator to notify the division in writing at least 30 days prior to selling a majority of the business assets of a cemetery or a majority of its stock. If the division does not disapprove, the operator may complete the transaction;

(8) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded with certain exceptions;

(9) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund or

escrow account if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency. The cemetery operator may appeal the suspension; and

(10) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership. Currently, this applies only to a cemetery in St. Louis City.

#### ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

(Sections 327.031 - 327.411)

The bill:

(1) Increases the membership of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration from 14 to 15 by adding one more professional engineer;

(2) Allows a landscape architect to serve as the chairperson of the board;

(3) Gives all rights, powers, and duties available to the members of the architectural and professional engineering divisions of the board to the members of the professional land surveying and landscape architectural divisions of the board;

(4) Allows certain faculty members of an accredited school of landscape architecture to serve on the board;

(5) Repeals the requirement that the board cannot summon or subpoena a witness or documents on a matter under a hearing or investigation without the advice of the Attorney General;

(6) Establishes a sequential rotation for the appointment of a chairperson to the board;

(7) Limits a chairperson to one, four-year term;

(8) Authorizes the President of the Missouri Association of Landscape Architects to fill a board vacancy for a landscape architect as other state associations are allowed to do for their professions;

(9) Allows a person holding an inactive license as a professional land surveyor to use that title or the initials "PLS" after his or her name; and

(10) Requires a licensee to prepare or personally supervise the preparation of all documents containing his or her personal seal and to perform services only when he or she is qualified by education, training, and experience in the specific technical areas involved.

#### MISSOURI APPRAISAL MANAGEMENT COMPANY REGISTRATION AND REGULATION ACT (Sections 339.1100 - 339.1240)

The Missouri Appraisal Management Company Registration and Regulation Act is established

to regulate real estate appraisal management companies. The bill:

(1) Prohibits any person from directly or indirectly engaging or attempting to engage in the business of real estate appraisal management or from advertising or holding himself or herself out as engaging in or conducting business as an appraisal management company without being registered with the Missouri Real Estate Appraisers Commission within the Department of Insurance, Financial Institutions and Professional Registration. The registration will be valid for two years from its issuance;

(2) Allows the commission to adopt the necessary rules to implement, administer, and enforce the provisions of the bill;

(3) Requires an entity applying for a registration as an appraisal management company to complete an irrevocable Uniform Consent to Service of Process, pay the fee as established by the commission, post and maintain a \$20,000 surety bond, and certify certain ownership information. No more than 10% of any company applying for a registration may be owned by a person or entity who has had a license or certificate refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation in any state. Anyone with more than 10% ownership in an appraisal management company must be of good moral character and submit to a background investigation;

(4) Requires the company to notify the commission within 30 days of a change in its controlling principal, agent of record, or ownership composition;

(5) Requires each appraisal management company to designate one compliance manager who will be the main contact for all communications between the commission and the company;

(6) Prohibits an appraisal management company from employing or contracting with a person who has had an appraiser license or certificate in Missouri or in any other state refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation;

(7) Requires an appraisal management company, prior to placing an assignment for real estate appraisal services, to have a system in place to verify that the appraiser holds a credential in good standing with the State of Missouri. The letters of engagement must include instructions to the appraiser to decline the assignment in the event the appraiser is not geographically competent or the assignment falls outside his or her scope of practice restrictions. Each registered company must certify biannually that it has a system and process in place to verify that an individual being added to the appraiser panel of the company holds a license in good standing in Missouri and that an individual to whom the company



is making an appraisal assignment has not had an appraiser license or certification refused, denied, canceled, revoked, or surrendered in lieu of a pending revocation on a regular basis; that it has a system in place to perform an appraisal review on a periodic basis to validate that the appraisals are being conducted in accordance with Uniform Standards of Professional Appraisal Practice (USPAP); and that it maintains a detailed record of each service request and the report of each appraiser who performs an appraisal for the company;

(8) Requires an appraisal management company to separately state to the client all fees paid to an appraiser and the fees charged by the company for services associated with the management of the appraisal process. Fees must be paid to the appraiser within 30 days of the date the appraisal is completed with certain exceptions;

(9) Prohibits an employee, director, officer, or agent of an appraisal management company from influencing or attempting to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, bribery, or any other manner;

(10) Requires the commission to issue a unique registration number to each appraisal management company and to publish a list of all companies that have registered and have been issued a number;

(11) Allows the commission to censure an appraisal management company, conditionally or unconditionally suspend or revoke any registration issued under Sections 339.1100 - 339.1240, or impose civil penalties of up to \$1,000 for each offense, with a maximum penalty of \$10,000. In determining the amount of the penalty to be imposed, the commission may consider if a company is:

(a) Knowingly committing any act in violation of Sections 339.1100 - 339.1240;

(b) Violating any rule adopted by the commission; or

(c) Procuring a license by fraud, misrepresentation, or deceit; and

(12) Requires the commission before censuring any registrant or suspending or revoking any registration to notify the registrant in writing of any charges made at least 20 days before the hearing and to afford the registrant an opportunity to be heard in person or by counsel. Written notice will be satisfied by personal service on the controlling person of the registrant or the registrant's agent for service of process in this state or by sending the notice by certified mail, return receipt requested, to the address on file with the commission of the controlling person of the registrant.

#### MECHANIC'S LIENS AGAINST RESIDENTIAL REAL PROPERTY (Section 429.016)

Procedures are established for asserting a mechanic's lien against residential real property other than a mechanic's lien for the repair, remodeling, or addition to owner-occupied residential property of four units or less. In its main provisions, the bill:

(1) Requires a claimant seeking to retain the right to assert a mechanic's lien against residential real property to record a notice of rights with the recorder of deeds in the county in which the property is located not less than five days prior to the intended date of closing stated in a notice of intended sale as contemplated in these provisions. A claimant who is correctly identified in a previously recorded notice of rights recorded as to the property is relieved of his or her duty to record a notice of rights. Any claimant failing to record a notice of rights will be deemed to waive and forfeit any right to assert a mechanic's lien against the property but will retain the rights and remedies allowed by law to collect payment for any work, labor, and materials;

(2) Requires a notice of rights to comply with the provisions of Section 59.310 and to be in a form as specified in the bill;

(3) Requires the title owner of residential real property who has contracted with a claimant for the performance or provision of work, labor, or materials for the improvement of the property in order to facilitate the sale of the property to record with the recorder of deeds for the county in which the property is located a notice of intended sale not less than 45 days prior to the earliest date the owner intends to close on the sale of the property. The notice must state the date on which the owner intends to close. Recording the notice is a condition precedent to a claimant's obligation to record a notice of rights as to the subject property in order to retain a claimant's mechanic's lien rights as to the property. The owner or designated agent must provide a copy of the notice to any claimant within five days after receiving a written request from the claimant and must post a copy of the notice on the subject property, at an entrance to the subject property, or at any jobsite office located at or near the subject property. If the owner or agent fails to comply with these provisions, the claimant will be entitled to receive his or her actual and reasonable costs, excluding attorney fees, to obtain the necessary legal description for the claimant to record his or her notice of rights. The owner or agent's failure to post, mail, or transmit the required information will not relieve the claimant from his or her obligation to record a notice of rights in order to retain his or her mechanic's lien rights as to the property. The owner or agent will not be liable to

any claimant or other person for an error, omission, or inaccuracy in the content of the information provided and disclosed by the owner or agent with certain specified exceptions;

(4) Specifies that a claimant satisfies the just and true account requirement in Section 429.080 by providing the following information and documentation as part of the mechanic's lien claim filed with the clerk of the circuit court:

(a) A photocopy of the file-stamped notice of rights and any renewals of notice of rights recorded by or identifying the claimant;

(b) The name and address of the person the claimant contracted with to perform the work;

(c) A copy of any contract, purchase order, or proposal and any agreed change order or modification to the agreement;

(d) A general description of the scope of work agreed to be performed in the absence of any written agreement;

(e) All invoices submitted by a claimant for work on the property;

(f) An accurate statement of account showing all payments or credits against the amount due for work performed and the calculation or basis for the amount claimed; and

(g) The last date that work or labor was performed or any materials or equipment provided;

(5) Allows any person having interest in a residential real property against which a mechanic's lien has been filed to release the property from lien by depositing in the office of the circuit clerk a sum of money in cash or certified check; an irrevocable letter of credit issued by a federally or state-chartered bank, savings and loan association, or savings bank authorized to and doing business in Missouri; or a surety bond of at least 150% of the amount of the mechanic's lien being released and by recording with the recorder of deeds and filing with the circuit clerk the amount of the deposit including the claimant's name and the amount being released on the property;

(6) Specifies that a deposit of substitute collateral and release of a claimant's mechanic's lien claim will not modify any aspect of the priority of the claimant's interest or obligations regarding enforcement of a mechanic's lien claim nor will it relieve any claimant of potential liability for slander of title or otherwise due to the filing of a claimant's mechanic's lien;

(7) Allows a claimant to waive his or her right to assert a mechanic's lien by executing a partial or full waiver of mechanic's lien rights, but this waiver will not be deemed to waive or release a mechanic's lien rights in exchange for a lesser payment unless

the mechanic's lien waiver is an unconditional, final mechanic's lien waiver in compliance with these provisions;

(8) Specifies that an unconditional, final mechanic's lien waiver will only be valid if it is on a form as specified in the bill; and

(9) Requires any claimant who has recorded a notice of rights and who has been paid in full for the work performed to timely execute an unconditional, final mechanic's lien waiver; to not unreasonably withhold the waiver when circumstances require prompt execution; and to in no event fail to provide a waiver any later than five days after the claimant's receipt of a written request to do so by any person or entity. A claimant who fails or refuses to timely execute an unconditional, final lien waiver when he or she has been paid in full will be presumed liable for slander of title and for any damages sustained as a result, together with a statutory penalty of \$500.

These provisions will apply to any residential real property conveyance closing on or after November 1, 2010.

CHILD SUPPORT (Sections 452.340, 454.475, 454.517, 454.557, and 454.1003)

The bill:

(1) Requires the hearing officer, when making a determination of the amount of a parent's financial responsibility, to consider the factors in Section 452.340. Currently, the officer must use the scale and formula for minimum support obligations established by the Department of Social Services under Section 454.480;

(2) Requires a notice issued by an agency entitled to receive and disburse child support payments in Missouri to advise the obligor of the procedures available to contest a lien on the obligor's workers' compensation benefits on the grounds that the lien is improper due to a mistake of fact by requesting a hearing within 30 days of the mailing date of the notice. The certified copy of the court order and the sworn or certified statement of arrearages will constitute prima facie evidence that the order of the Director of the Family Support Division within the department is valid and enforceable. If a prima facie case is established, the obligor can only assert mistake of fact as a defense. The obligor will have the burden of proof on these issues; and

(3) Specifies that a current support obligation must not be recorded in the automated child support system when the obligation of a parent to make child support payments is deemed terminated under Section 452.340.

## MISCELLANEOUS PROVISIONS

The bill:

(1) Specifies that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, the value of any life insurance policy where a seller or provider is made the beneficiary or the policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under Chapter 436, will not be taken into account or considered an asset of the beneficiary named in the irrevocable prearranged funeral contract (Section 208.010);

(2) Requires, beginning January 1, 2011, the certificate of title for a new outboard motor to designate the year the motor was manufactured and the year the dealer received the motor from the manufacturer (Section 306.532);

(3) Requires any pleading, other than the interlocutory or final judgment or any modification thereof, in a dissolution of marriage, legal separation, or modification proceeding filed before August 28, 2009, to be subject to inspection only by the parties, an attorney of record, the Family Support Division within the Department of Social Services when services are being provided under Section 454.400, the Attorney General or his or her designee, a person or his or her designee licensed and acting under Chapter 381 who must keep any information obtained confidential except as necessary to the performance of functions required under the chapter, or upon order of the court for good cause shown. Persons authorized to inspect these documents are allowed to receive or make copies of the documents without requiring the clerk to redact the Social Security number unless specifically ordered to do so by the court. Upon a request, the clerk must redact the Social Security number from any copy of a judgment or satisfaction of judgment before releasing the information to the public. A pleading or filing that is more than 72 years old may be made available to any person (Section 452.430);

(4) Allows any county to use certain court fees collected pursuant to Section 488.426 for courtroom renovation and technology enhancement or for debt service on county bonds for the renovation or enhancement projects. Currently, the counties of Clay, Greene, Jackson, Platte, and St. Louis and the City of St. Louis are not allowed to use the fees for these purposes (Section 488.429);

(5) Specifies that an individual who owns or leases private property may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter the property. The owner or lessor of the private property does not

have a duty to retreat from the property (Sections 563.011 and 563.031);

(6) Specifies that a person commits the crime of unlawful use of weapons if he or she knowingly has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses the firearm or projectile weapon in a negligent or unlawful manner or discharges the firearm or projectile weapon unless acting in self-defense. All prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required under Section 571.111 are exempt from the general prohibition on carrying concealed firearms and from certain other restrictions in Section 571.030 (Section 571.030);

(7) Exempts the possession of an antique firearm from the provision that specifies a person commits the crime of unlawful possession of a firearm if he or she is a convicted felon possessing a firearm (Section 571.070); and

(8) Allows the sheriff of the new jurisdiction of a person who has been issued a concealed carry endorsement to charge a processing fee of up to \$10 for a change of address on the endorsement and a sheriff to charge a processing fee of up to \$10 to change the name on an endorsement (Sections 571.104 and 571.107).

## **SS SCS HCS HB 1695, 1742 & 1674 — INTOXICATION-RELATED TRAFFIC OFFENSES**

This bill changes the laws regarding intoxication-related traffic offenses. In its main provisions, the bill:

(1) Specifies that a DWI docket or court may grant limited driving privileges to a participant or graduate of the program who would otherwise be ineligible for the privilege. However, the DWI docket or court cannot grant a limited driving privilege to a person during his or her initial 45 days of participation (Section 302.309, RSMo);

(2) Removes the provision specifying that no chemical test will be given to a person with a commercial driver's license who refuses to submit to a chemical test at the request of a law enforcement officer (Section 302.750);

(3) Allows any circuit court or the county municipal court of Jackson County to establish a DWI docket or court to provide an alternative for the disposition of a driving while intoxicated or driving with excessive blood alcohol content (BAC) case when the person operating a motor vehicle has a BAC of at least .15, the person has previously pled guilty to or has been found guilty of one or more intoxication-related traffic

offenses, or the person has two or more previous alcohol-related enforcement contacts. The court may assess any and all necessary costs for participation in a DWI court against the participant; and all moneys received by the court will not be considered court costs, charges, or fines. A DWI docket or court may operate in conjunction with a drug court, and a drug court commissioner may preside over a DWI court or any other treatment or problem-solving court (Sections 478.001 and 478.007);

(4) Specifies that any offense involving the operation of a motor vehicle in an intoxicated condition will not be cognizable in municipal court if the defendant has been convicted of, found guilty of, or pled guilty to two or more previous intoxication-related traffic offenses or has had two or more previous alcohol-related enforcement contacts (Section 479.170);

(5) Specifies that an application or execution of a search warrant cannot be deemed invalid solely because it relies upon electronic signatures of the peace officer or prosecutor seeking the warrant or the judge issuing the warrant (Section 542.276);

(6) Requires each law enforcement agency, county prosecuting attorney, and municipal prosecutor to adopt a policy to report the arrest and charge information for all intoxication-related traffic offenses to the State Highway Patrol's central repository and to certify the adoption of the policy when applying for any grants administered by the Department of Public Safety. Beginning January 1, 2011, the patrol must maintain regular accountability reports of intoxication-related traffic offense arrests, charges, and dispositions based on the data submitted (Section 577.005);

(7) Requires each municipal judge to receive adequate instruction on the state laws regarding intoxication-related traffic offenses including jurisdictional issues related to those offenses, reporting requirements to the central repository, and the required assessment for offenders under the Substance Abuse Traffic Offender Program (SATOP) and requires each municipal judge to adopt a written policy requiring court personnel to timely report the dispositions of all charges for intoxication-related traffic offenses to the central repository and to provide a copy of the policy to the Office of State Courts Administrator and the patrol. Each municipal division of every circuit court must prepare a report every six months that includes the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed, or pending in its division and to submit the report to the circuit court en banc for its review and to make recommendations or take any appropriate action (Section 577.006);

(8) Specifies that no person who operated a motor vehicle with a BAC of .15 or more will be

granted a suspended imposition of sentence unless he or she participates and successfully completes the requirements of a DWI court or docket or other court-ordered treatment program. If a suspended imposition of sentence is not granted for a first offense, a person who operated a motor vehicle with a BAC of between .15 and .20 must be imprisoned for at least 48 hours and a person who operated a motor vehicle with a BAC of greater than .20 must be imprisoned for at least five days (Sections 577.010 and 577.012);

(9) Changes the minimum imprisonment from five days to 10 days for a prior offender and from 10 days to 30 days for a persistent offender to be eligible for parole or probation, unless as a condition, the person performs a specified amount of community service or participates in and successfully completes a program established under Section 478.007 or other court-ordered treatment program. A court is to include evidence received by a search of the central repository, Driving While Intoxicated Tracking System (DWITS), or the certified driving record maintained by the Department of Revenue for prior intoxication-related traffic offenses (Section 577.023);

(10) Removes the provision requiring an intoxication-related traffic offense arrest without a warrant to occur within 90 minutes of the alleged violation (Section 577.039);

(11) Removes the provision specifying that no test will be given to a person arrested or stopped for an alleged DWI offense who refuses to submit to a chemical test at the request of a law enforcement officer (Section 577.041); and

(12) Specifies that after 10 years, upon application by an individual, a court must enter an order of expungement if it determines that the person with a first alcohol-related driving offense has not been convicted of any subsequent alcohol-related driving offense, has no other subsequent alcohol-related enforcement contact, and has no other alcohol-related driving charge or enforcement action pending at the time of the hearing on the application. This provision will not apply to a person who has been convicted of driving a commercial motor vehicle while under the influence of alcohol (Section 577.054).

## **HB 1741 — BOARD MEETINGS OF CORPORATIONS**

*(Vetoed by the Governor)*

Currently, any action that must be taken at a meeting of a board of directors or the executive committee of a corporation can be done without a meeting if all members of the board consent in writing to the action. This bill also allows the consent to be by electronic transmission and specifies that



the board secretary must file the consent with the meeting minutes.

#### **SS SCS HCS HB 1750 — TELECOMMUNICATION COMPANY EXCHANGE ACCESS RATES**

This bill requires an incumbent local exchange telecommunications company to reduce for a period of three years its composite intrastate switched exchange access rates annually by 6% of the difference, as determined immediately preceding the first required reduction, between its composite interstate switched exchange access rates and its composite intrastate switched exchange access rates. The first reduction must occur by March 1, 2011, and each subsequent reduction by March 1 of the next two years. A company whose intrastate rates have been impacted by this reduction must submit a report to a chair in the Senate, designated by the President Pro Tem, and a chair in the House of Representatives, designated by the Speaker, between January 15 and January 30 of each year a reduction occurs regarding the company's quality of consumer service, build-out of telecommunications infrastructure, the financial impact of the bill on the company, and any other non-proprietary matters requested by the committee chairs. This requirement will not apply to a small incumbent local exchange telecommunications company serving fewer than 25,000 access lines as of January 1, 2010, or certain rural alternative local exchange telecommunications companies as specified in the bill.

#### **SS SCS HCS HB 1764 — INSURANCE**

This bill prohibits any person, employer, or health care provider from being compelled to participate in any health care system. Individuals and employers may pay directly for lawful health care services without being required to pay a penalty or fine, and health care providers can accept payment for health care services from individuals or employers without being subject to fines or penalties. The purchase or sale of health insurance in private health care systems cannot be prohibited by law or rule.

A domestic insurer organized as a stock insurance company is allowed to voluntarily dissolve and liquidate as a corporation if the Director of the Department of Insurance, Financial Institutions and Professional Registration approves the articles of dissolution prior to filing the articles with the Secretary of State and the insurer files a copy of the department director's approval along with the articles of dissolution with the Secretary of State.

In determining whether to approve a dissolution, the department director must consider, among other factors, whether the insurer's annual financial statements show no written insurance premiums for five years, the insurer has demonstrated that all policyholder claims have been satisfied or transferred to another insurer, and an examination pursuant to Sections 374.202 - 374.207, RSMo, has been completed within the last five years.

The bill contains a referendum clause and will be submitted to qualified voters on August 3, 2010.

#### **SS HCS HB 1806 — COUNTY CLASSIFICATIONS AND ANNEXATIONS BY CERTAIN CITIES**

This bill increases the assessed valuation thresholds when establishing a county's classification. The minimum assessed valuation threshold for counties of the first classification is increased from \$600 million to \$900 million and from \$450 million to \$600 million for counties of the second classification. All counties with an assessed valuation of less than \$600 million will be third classification counties.

The governing body of any county of the second classification which on August 28, 2010, has had an assessed valuation of at least \$600 million for at least one year may, by resolution of the county governing body, elect to become a county of the first classification after it has maintained that valuation for the period of time required under Section 48.030, RSMo. Currently, this applies only to the counties of Christian, Lincoln, Newton, and St. Francois.

The required assessed valuation for each county classification will be increased annually by an amount equal to the percentage change in the annual average of the federal Consumer Price Index or zero, whichever is greater. The State Tax Commission must calculate and publish the amount so that it is available to all counties. Any change in county classification will become effective as provided in Section 48.030.

The bill allows the governing body of a municipality to annex a parcel of land within a research, development, or office park project located in an unincorporated area of the county if the parcel is compact and contiguous to the existing boundaries of the municipality and the municipality obtains the written consent of all property owners within the unincorporated area of the parcel.

The City of Byrnes Mill is prohibited from annexing any property adjacent to the city if there are no registered voters residing on the property unless the city has obtained the written consent of all property owners within the adjacent property.

The bill contains an emergency clause.



**SCS HCS HB 1831 — SCHOOL DISTRICT PROPERTY***(Vetoed by the Governor)*

After 10 years from the date of a donation of real property to a school district, this bill allows the board of the school district to sell the donated real property as surplus if the donor refuses the district's offer to return it.

**HCS HB 1840 — RICE ADVISORY COUNCIL**

This bill changes the membership of the Rice Advisory Council within the Department of Agriculture to require certain members to be employed as or by a rice handler in Missouri and as or by an end user of rice. The bill revises the definition of "handler" to include a person in the business of buying rice and excludes a person who is a producer. The definition of "end user" is also revised to exclude a company or corporation that is a producer.

The Missouri Rice Certification Fund is created consisting of fees collected under the Missouri Rice Certification Act. The fund will be administered by the department and used for the sampling and testing of rice.

**SS HCS HB 1848 — JOINT COMMITTEE ON URBAN FARMING**

This bill establishes the Joint Committee on Urban Farming consisting of five members of the House of Representatives and five members of the Senate. All members of the General Assembly not appointed to the committee may be nonvoting, ex officio members of the committee. The committee is required to meet within 30 days of the bill's effective date and may meet in locations other than Jefferson City.

The joint committee must submit a final report with recommendations for any legislative action deemed necessary to the Speaker of the House of Representatives, President Pro Tem of the Senate, and the Governor by December 31, 2010. The committee must study and make recommendations regarding the impact of urban farm cooperatives, vertical farming, and sustainable living communities and must examine various trends in urban farming; existing services, resources, and capacity; the impact on affected communities; and any needed legislation, policies, or regulations. The committee must hold at least one meeting at three urban regions in the state to seek public input.

The joint committee is required to establish the Urban Farming Advisory Subcommittee consisting of 12 members including the directors of the departments of Agriculture, Economic Development, Health and Senior Services, and Natural Resources

or their designees. The Director of the Department of Agriculture will serve as the chair and will, subject to the approval by a majority of the joint committee, select eight additional members of the subcommittee who have experience in or represent organizations associated with certain specified topics relevant to urban farming. The subcommittee must study, analyze, and provide background information, recommendations, and findings in preparation of each public hearing called by the joint committee. Staff members of Senate Research, House Research, and the Joint Committee of Legislative Research may provide services as required by the joint committee.

The provisions of the bill expire January 1, 2011.

**SCS HCS HB 1858 — ADMINISTRATION OF CERTAIN SCHOLARSHIP PROGRAMS**

This bill transfers the administrative responsibility for the Minority Teaching Scholarship from the Department of Elementary and Secondary Education to the Department of Higher Education and the Minority Environmental Literacy Advisory Committee and the Minority and Underrepresented Environmental Literacy Program which awards scholarships to ethnic groups who are most severely underrepresented as determined by data gathered by the National Academy of Sciences in specified academic areas from the Department of Natural Resources to the Department of Higher Education.

**CCS SCS HB 1868 — STATE GOVERNMENT**

This bill changes the laws regarding keys to the Capitol dome, state agencies, and MO HealthNet claims and establishes the Joint Committee on the Reduction and Reorganization of Programs within State Government. In its main provisions, the bill:

(1) Requires the Commissioner of the Office of Administration to provide a key that accesses the State Capitol dome to each member of the General Assembly. The President Pro Tem of the Senate and the Speaker of the House of Representatives must provide a training program for the members and General Assembly staff regarding access to secured areas of the State Capitol Building. They may consult with the Office of Administration and the Department of Public Safety when developing the program (Section 8.016, RSMo);

(2) Establishes the Joint Committee on the Reduction and Reorganization of Programs within State Government. The membership of the committee is specified in the bill. The 13-member committee must submit a report to the General Assembly by December 31, 2010, with recommendations for reducing, eliminating, or combining a state program

with another program or programs in the same or a different department. All state departments must provide the committee with requested information (Section 21.910);

(3) Requires each employee of the Oversight Division of the Joint Committee on Legislative Research before entering upon his or her duties to take and file with the Chief Clerk of the House of Representatives and the Secretary of the Senate an oath to support the Missouri Constitution, to faithfully demean himself or herself in office, not to disclose specified information to unauthorized persons, and not to accept any pay for the discharge of his or her duties other than that fixed and accorded to the employee by law. Anyone violating this provision will be guilty of a class A misdemeanor (Section 23.156);

(4) Allows state departments to purchase information technology services not exceeding \$75,000 using the informal procurement standards authorized in Section 34.040 if the contract or agreement is for less than 12 months and the department posts the proper notice on the online bidding/vendor system maintained by the Office of Administration (Section 34.047);

(5) Transfers the jurisdiction over certain employee claims in Chapters 36 and 105 from the Personnel Advisory Board in the Office of Administration to the Administrative Hearing Commission. The commission is also granted power to hear an appeal from a merit employee who has been fired or demoted. The appeals process and possible remedies provided by the commission are specified in the bill (Sections 36.031, 36.050, 36.060, 36.150, 36.280, 36.370 - 36.400, 105.055, and 621.075);

(6) Replaces the Director of the Forms Management Unit with the Commissioner of the Office of Administration or his or her authorized representative as a voting member on the State Records Commission within the Office of the Secretary of State (Sections 37.320 and 109.250);

(7) Allows a statewide elected official to request a determination of the lowest and best bidder regarding a contract for purchasing, printing, or services for which he or she has the authority to contract from the Office of Administration which must respond to the elected official within 45 days after the submission of the request. The Office of Administration cannot prevent any state agency, political subdivision, or other state entity from purchasing supplies from an authorized General Services Administrator vendor if the contract does not exceed the competitive bid limits in Section 34.040 (Section 37.900 and Section 1);

(8) Allows the Superintendent of the State

Highway Patrol to appoint up to one additional major, nine additional captains, eight additional lieutenants, and 99 additional patrolmen and officers by raising the current established limits (Sections 43.040 and 43.050);

(9) Transfers, effective January 1, 2011, the powers and duties of the State Water Patrol to the newly established Division of Water Patrol within the State Highway Patrol in the Department of Public Safety. The Superintendent of the State Highway Patrol will appoint a director of the new division and may transfer employees to the new division. The county sheriff must participate in search warrants served by the division except for the investigation of boating while intoxicated and vessel accidents. The bill allows members of the water patrol joining the new division to choose the Missouri State Employees' Retirement System or the Department of Transportation and Highway Patrol Employees' Retirement System. The procedure for the election, which must be made within 90 days of January 1, 2011, is specified in the bill. A member will be provided with a comprehensive written analysis of the differences between the plans prior to making his or her decision. An employee who becomes a uniformed member of the highway patrol and joins that retirement system will be subject to the mandatory retirement age as provided in Section 104.081 (Sections 43.390, 58.445, 104.810, 301.716, 306.010, 306.165, 306.167, 306.168, 306.185, 542.261, 544.157, 577.090, and 650.005.11);

(10) Changes the laws regarding the authority of the MO HealthNet Division within the Department of Social Services to collect payments from third-party payers. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers are required to process and pay properly submitted medical assistance or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms for a period of three years from the date services were provided by an entity. The entity cannot be required to reimburse for items or services not covered under MO HealthNet; cannot deny a claim based solely on the date of submission, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; cannot be required to reimburse for items or services previously submitted to the third-party payer by the provider or the participant and the claim was properly denied for procedural reasons; and cannot be required to reimburse for items or services which are not covered under the plan offered by the entity against which a claim for subrogation has been filed. An entity must reimburse for items or services to the same extent that the entity would

have been liable if it had been properly billed at the point of sale and the amount due is limited to what the entity would have paid if it had been properly billed at the point of sale. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers must also pay a subrogation claim if the state enforces its right to a claim within six years of the submission of the claim. The computerized records of the division, if certified by the division director or his designee, will be prima facie evidence of proof of moneys expended and the amount of the debt due the state (Section 208.215);

(11) Allows the Administrative Hearing Commission to consist of up to five commissioners. Currently, it can only consist of up to three commissioners (Section 621.015);

(12) Requires the Department of Mental Health to cooperate with and allows it to directly contract with all state agencies; local units of government; any of the Governor's advisory councils or commissions, or their successor agencies; and the Missouri Mental Health Foundation, or its successor entity, in the delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse (Section 630.060); and

(13) Assigns the Missouri Veterans Commission to the Department of Public Safety. Currently, the commission is assigned to the Office of Adjutant General (Section 650.005.12).

### **SCS HB 1892 — STUDENT WORK CERTIFICATES**

Currently, a work certificate for a child younger than 16 years of age must be issued and signed by or under the direction of the superintendent of the public school district in which the student resides. This bill allows a work certificate to also be issued by:

(1) The chief executive officer, or the equivalent position, of the charter school which the child attends;

(2) A person possessing a student services certificate with the written authorization of the school's superintendent or chief executive officer; and

(3) The principal of a public or private school or an administrator designated by the principal of the school which the child attends.

A principal must self-certify that he or she understands the legal requirements for the issuance of a work certificate and must provide a copy of each work certificate he or she issues along with a copy of the application for the certificate to the superintendent of the school district who can revoke the certificate

if there are grounds for which the student is deemed ineligible. A superintendent or chief executive officer may authorize, in writing, another person to issue work certificates in the superintendent's or chief executive officer's absence.

No individual is allowed to issue a work certificate to his or her own child unless the parent, guardian, or designated private tutor is the student's primary educator and is responsible for the student's education program and schedule.

Any hour limitations imposed on the work certificate issued under the provisions of the bill must be based on the calendar of the school which the child attends.

### **SS#2 HCS HB 1893 — GAMING FUNDS**

Currently, the laws regarding the distribution of gaming funds contain provisions that govern the administration of early childhood education and veterans' programs which are supported by gaming moneys. This bill repeals and re-enacts those provisions with two changes and places them in the statutes that apply to veterans (Chapter 42, RSMo) and to education (Chapter 161). The changes include requiring grant funds to be made available for service officer training for outreach programs between veteran service organizations and the Missouri Veterans Commission and adds the Vietnam War to the list of conflicts for which service medals are awarded. An obsolete subsection that describes how distributions were made in Fiscal Year 1998 and earlier is also repealed.

Beginning in Fiscal Year 2011, the Veterans' Commission Capital Improvement Trust Fund and the Early Childhood Development, Education and Care Fund will each receive, subject to appropriations, an additional \$600,000 per year if the Gaming Commission Fund reaches the 2009 appropriation level for early childhood education. Once the \$1.2 million is distributed to these two funds, any additional moneys will be deposited into the Early Childhood Development, Education and Care Fund.

The bill also requires the State Auditor to conduct an annual audit for a period of three years beginning January 1, 2011, of the Veterans' Commission Capital Improvement Trust Fund and the Early Childhood Development, Education and Care Fund. The findings of each audit of the veterans' trust fund must be distributed to the General Assembly, the Governor, and Lieutenant Governor within 10 business days after completion of the audit, and the finding of each audit of the early childhood fund must be distributed to the General Assembly within 10 business days after completion of the audit.

**HB 1894 — MENTAL HEALTH SERVICES**

Currently, public hospitals which are operated primarily for the care and treatment of mental disorders are exempt from the payment of a federal hospital reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. This bill removes this exemption.

The Department of Mental Health is required to cooperate with and is allowed to directly contract with all state agencies; local units of government; any of the Governor's advisory councils or commissions, or their successor agencies; and the Missouri Mental Health Foundation, or its successor entity, in the delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse.

Currently, an overdue patient account of a residential facility or day program under the control of the department which is submitted to a court for collection must be certified by the head of the residential facility or day program, with the seal of the institution attached, in order to constitute prima facie evidence of the amount due. The bill requires the certification to be completed by the department director or his or her designee instead of the head of the facility or program.

**HCS HB 1898 — WOMEN'S HEART HEALTH PROGRAM**

Upon receipt of federal funding, this bill establishes the Women's Heart Health Program within the Department of Health and Senior Services to provide heart disease risk screenings for women who are between 35 and 64 years of age, receive breast and cervical cancer screenings under the Missouri Show Me Healthy Women Program, are uninsured or underinsured, and have a gross family income at or below 200% of the federal poverty level. The department must contract with health care providers who currently provide services under the Missouri Show Me Healthy Women Program. Any woman whose screening indicates an increased risk for heart disease must be referred for the appropriate follow-up health care services and be offered lifestyle education services to reduce her risk for heart disease. If federal funding is not received, the department will not be required to implement the program.

**SCS HCS HB 1903 — FUNDS FOR DEPOSIT OF CERTAIN FEDERAL MONEYS**

*(Vetoed by the Governor)*

This bill creates the Federal Budget Stabilization Extension Fund to receive moneys from any legislation enacted by the 111th United States Congress to assist states in budget stabilization or that extends the temporary increase in the Medicaid Federal Medical Assistance Percentage and creates the Race to the Top Fund to receive moneys from the federal Race to the Top Program. Before funds can be disbursed to school districts from the Race to the Top Fund, the Commissioner of Education within the Department of Elementary and Secondary Education must present a proposed distribution to the Joint Committee on Education and the joint committee must approve or deny, by a majority vote, the distribution.

The bill contains an emergency clause.

**SCS HB 1941 — HIGHWAYS, PEDESTRIAN AND BICYCLE LANE, AND BRIDGE DESIGNATIONS**

This bill designates the following highways, pedestrian and bicycle lane, and bridge:

(1) The portion of Interstate 70 in the City of St. Louis as the "Mark Twain Highway." Currently, this portion of the highway is designated as the "Mark McGwire Highway";

(2) The portion of State Highway 266 in Greene County from Airport Boulevard to one mile east as the "Dr. Martin Luther King Jr. Memorial Mile." The current designation for the portion of State Highway 266 in Greene County from North Missouri Road AB to one mile east is repealed;

(3) The pedestrian and bicycle lane on the U. S. Highway 54 bridge crossing the Missouri River at Jefferson City in Cole County, upon its completion, as the "Pat Jones Pedestrian/Bicycle Lane";

(4) The portion of Lindbergh Boulevard in St. Louis County from its intersection with Lemay Ferry Road to the highway's connection with Barrackview Road as the "Dave Sinclair Memorial Highway";

(5) The portion of State Highway 80 in New Madrid County from the intersection of State Highway 61, State Highway 80, and State Route H east to Interstate 55 as the "Gene Curtis Memorial Highway";

(6) The portion of Interstate 44 in St. Louis County from the intersection with South Geyer Road east to the intersection with South Elm Avenue as the "Police Officer Ernest M. Brockman Sr. Memorial Highway";



(7) The portion of State Highway 53 in Butler County from the city limits of Qulin to one mile south of the city limits as the “Johnny Lee Hays Memorial Highway”;

(8) The portion of Interstate 64/U. S. Highway 40 from the McClausland/Skinker interchange east to the Interstate 64/Interstate 55 interchange as the “Jack Buck Memorial Highway”;

(9) The bridge crossing over the Union Pacific Railroad located on U. S. Highway 24 near Wilson Road in the Fairmont Business District in the City of Independence in Jackson County as the “Sergeant Charles R. Long Memorial Bridge”;

(10) The portion of U. S. Highway 24 in Jackson County from the bridge crossing over the Union Pacific Railroad in the Fairmont Business District of the City of Independence to the intersection of Noland Road as the “Harry S Truman Memorial Highway”;

(11) The portion of Interstate 44 in Franklin County from the State Highway 100 overpass west to the St. Mary’s Road overpass as the “Mo. Hwy. Patrolman Corporal Dennis E. Engelhard Memorial Highway”;

(12) The portion of U. S. Highway 36 in Macon County located 1.7 miles west of the intersection of U. S. Highway 36 and State Route O as the “Missouri State Trooper William Brandt Memorial Highway”; and

(13) The portion of State Highway 13 in Polk County from the intersection of State Highway 32 to the intersection of State Highway 83 as the “John Playter Memorial Highway.”

#### **HB 1942 — EMERGENCY SERVICE BOARDS**

Currently, a county emergency telephone service 911 board must consist of 11 members appointed by the county governing body with at least six members representing public safety agencies. This bill specifies that at least seven members of the Polk County board must represent certain public safety agencies including the county sheriff, county presiding commissioner, chief of police of the county seat, mayor of the county seat, president of the county fire association, and the chief executive officer and the director of emergency services of the memorial hospital located in the county seat.

An emergency service board, instead of the county governing board, must annually establish a tax rate sufficient to fund emergency services expenditures by September 1, publish the rate in its minutes, and notify every retailer by mail of the new rate. The bill specifies that an emergency service board will be a body corporate and a political subdivision of the state.

#### **CCS SCS HCS HB 1965 — STATE GOVERNMENT**

This bill repeals various expired provisions of law; changes the laws regarding the publishing of state laws and resolutions, the publication of the Official Manual of the State of Missouri, and the criteria to qualify for certain state programs; and establishes the Joint Committee on Missouri’s Promise and the Joint Subcommittee on Recovery Accountability and Transparency.

#### **REPEAL OF EXPIRED STATUTES**

The bill repeals various expired provisions in the Revised Statutes of Missouri as identified in the January 2010 Annual Report of the Joint Committee on Legislative Research on Laws Which Expire, Sunset, Terminate, or Become Ineffective.

#### **CERTAIN OFFICIAL STATE PUBLICATIONS**

The Joint Committee on Legislative Research is authorized to print or produce all state laws and resolutions in a web-based electronic format. A printed copy may be made available at a price determined by the joint committee. The Official Manual of the State of Missouri, commonly known as the Blue Book, will be made available only in an electronic format accessible on the Secretary of State’s web site. The current distribution requirements for the state laws and resolutions and the official manual are repealed.

#### **JOINT COMMITTEE ON MISSOURI’S PROMISE**

The Joint Committee on Missouri’s Promise is established consisting of 10 legislative members with five appointed by the President Pro Tem of the Senate and five by the Speaker of the House of Representatives. No more than three members of the House of Representatives nor three members of the Senate may be from the same political party. A majority of the committee will constitute a quorum, but the concurrence of a majority will be required for the determination of any matter within the duties of the committee. Members of the committee will not receive compensation but may be reimbursed for reasonable and necessary expenses associated with their official committee duties. The committee must examine issues impacting the future of Missouri and its citizens; develop long-term strategies and plans for increasing the economic prosperity and opportunities for Missouri citizens, improving the health status of Missourians, developing an education system that educates students and prepares them for global competition, and other areas that are vital to improving the lives of Missourians; develop three-, five-, and 10-year plans for the General Assembly to meet the specified long-term strategies; implement budget forecasting; and determine the proper

course of future legislative and budgetary actions on these issues. By January 1, 2011, and each year thereafter, the committee must issue a report to the General Assembly regarding any findings or recommendations.

#### **JOINT SUBCOMMITTEE ON RECOVERY ACCOUNTABILITY AND TRANSPARENCY**

The Joint Subcommittee on Recovery Accountability and Transparency is established within the Joint Committee on Legislative Research to coordinate and conduct oversight to prevent waste, fraud, and abuse of funds received from the federal American Recovery and Reinvestment Act of 2009, commonly known as the federal economic stimulus act. The subcommittee will be composed of four members of the House of Representatives and four members of the Senate. Procedural requirements for holding hearings are specified in the bill. The subcommittee's powers and duties include the review of contracts, grant management, job creation, and state agency and departmental spending practices. The subcommittee must submit an annual report to the Governor and General Assembly of its findings. All submitted reports must be publicly available on the web site of the Governor, the General Assembly, and each state agency. A state agency must report to the Governor and General Assembly within 30 days of the receipt of a recommendation from the subcommittee. These provisions expire March 1, 2013.

#### **CRITERIA TO QUALIFY FOR CERTAIN STATE PROGRAMS**

Currently, several state programs require an area to meet specific income, population, and unemployment thresholds based on the last decennial census in order to qualify for certain state programs. The bill requires that these thresholds be based on the most recent estimate from the United States Census Bureau's American Community Survey. This estimate must encompass a five-year period, the last year of which must end in either 0 or 5. This criteria will apply to:

- (1) The Missouri Downtown and Rural Economic Stimulus Act (Section 99.918, RSMo);
- (2) The Downtown Revitalization Preservation Program (Section 99.1082);
- (3) An enhanced enterprise zone (Sections 135.205, 135.207, and 135.230);
- (4) Tax credits for investment in or relocating a business to a distressed community (Section 135.530);
- (5) A rural empowerment zone (Sections 135.903 and 135.953);
- (6) Affordable housing (Section 215.263); and

(7) The Business Extension Service Team Fund (Section 620.1023).

The repeal and re-enactment of the provisions regarding the criteria to qualify for certain state programs become effective April 1, 2011, or when the data becomes available, whichever occurs first.

#### **HCS HB 1977 — EMERGENCY SERVICES**

This bill changes the laws regarding emergency services and emergency medical technicians-intermediate. In its main provisions, the bill:

(1) Requires all basic life support ambulances and stretcher vans operated in the state to be equipped with an automated external defibrillator and to be staffed by at least one person trained in its use;

(2) Repeals the provision allowing only emergency medical response agencies, fire departments, and fire protection districts to provide certain advanced life support services using emergency medical technicians-intermediate;

(3) Repeals the provision requiring emergency medical response agencies using emergency medical technicians-intermediate to work in collaboration with an ambulance service providing advanced life support with personnel trained at the paramedic level;

(4) Allows a temporary emergency medical technician licensee to practice under the immediate supervision of a licensed emergency medical technician-intermediate;

(5) Requires employers and supervisors of emergency medical technicians-intermediate to cooperate with the compliance requirements of the Department of Health and Senior Services under the Comprehensive Emergency Medical Services Systems Act; and

(6) Adds an emergency medical technician-intermediate, EMT-I, to the definition of "emergency medical care provider" as it relates to exposure to contagious or infectious diseases.

#### **HB 2056 — LIENS FOR FAILURE TO PAY CHILD SUPPORT OR MAINTENANCE**

This bill requires a lien on real estate that is obtained based on a judgment or order for unpaid child support or maintenance to state only the last four digits of the obligor's Social Security number instead of the full number.

#### **SS SCS HCS HB 2058 — MECHANIC'S LIENS AGAINST RESIDENTIAL REAL PROPERTY**

This bill establishes procedures for asserting a mechanic's lien against residential real property other

than a mechanic's lien for the repair, remodeling, or addition to owner-occupied residential property of four units or less. In its main provisions, the bill:

(1) Requires a claimant seeking to retain the right to assert a mechanic's lien against residential real property to record a notice of rights with the recorder of deeds in the county in which the property is located not less than five days prior to the intended date of closing stated in a notice of intended sale as contemplated in these provisions. A claimant who is correctly identified in a previously recorded notice of rights recorded as to the property is relieved of his or her duty to record a notice of rights. Any claimant failing to record a notice of rights will be deemed to waive and forfeit any right to assert a mechanic's lien against the property but will retain the rights and remedies allowed by law to collect payment for any work, labor, and materials;

(2) Requires a notice of rights to comply with the provisions of Section 59.310, RSMo, and to be in a form as specified in the bill;

(3) Requires the title owner of residential real property who has contracted with a claimant for the performance or provision of work, labor, or materials for the improvement of the property in order to facilitate the sale of the property to record with the recorder of deeds for the county in which the property is located a notice of intended sale not less than 45 days prior to the earliest date the owner intends to close on the sale of the property. The notice must state the date on which the owner intends to close. Recording the notice is a condition precedent to a claimant's obligation to record a notice of rights as to the subject property in order to retain a claimant's mechanic's lien rights as to the property. The owner or designated agent must provide a copy of the notice to any claimant within five days after receiving a written request from the claimant and must post a copy of the notice on the subject property, at an entrance to the subject property, or at any jobsite office located at or near the subject property. If the owner or agent fails to comply with these provisions, the claimant will be entitled to receive his or her actual and reasonable costs, excluding attorney fees, to obtain the necessary legal description for the claimant to record his or her notice of rights. The owner or agent's failure to post, mail, or transmit the required information will not relieve the claimant from his or her obligation to record a notice of rights in order to retain his or her mechanic's lien rights as to the property. The owner or agent will not be liable to any claimant or other person for an error, omission, or inaccuracy in the content of the information provided and disclosed by the owner or agent with certain specified exceptions;

(4) Specifies that a claimant satisfies the just and true account requirement in Section 429.080 by providing the following information and documentation as part of the mechanic's lien claim filed with the clerk of the circuit court:

(a) A photocopy of the file-stamped notice of rights and any renewals of notice of rights recorded by or identifying the claimant;

(b) The name and address of the person the claimant contracted with to perform the work;

(c) A copy of any contract, purchase order, or proposal and any agreed change order or modification to the agreement;

(d) A general description of the scope of work agreed to be performed in the absence of any written agreement;

(e) All invoices submitted by a claimant for work on the property;

(f) An accurate statement of account showing all payments or credits against the amount due for work performed and the calculation or basis for the amount claimed; and

(g) The last date that work or labor was performed or any materials or equipment provided;

(5) Allows any person having interest in a residential real property against which a mechanic's lien has been filed to release the property from lien by depositing in the office of the circuit clerk a sum of money in cash or certified check; an irrevocable letter of credit issued by a federally or state-chartered bank, savings and loan association, or savings bank authorized to and doing business in Missouri; or a surety bond of at least 150% of the amount of the mechanic's lien being released and by recording with the recorder of deeds and filing with the circuit clerk the amount of the deposit including the claimant's name and the amount being released on the property;

(6) Specifies that a deposit of substitute collateral and release of a claimant's mechanic's lien claim will not modify any aspect of the priority of the claimant's interest or obligations regarding enforcement of a mechanic's lien claim nor will it relieve any claimant of potential liability for slander of title or otherwise due to the filing of a claimant's mechanic's lien;

(7) Allows a claimant to waive his or her right to assert a mechanic's lien by executing a partial or full waiver of mechanic's lien rights, but this waiver will not be deemed to waive or release a mechanic's lien rights in exchange for a lesser payment unless the mechanic's lien waiver is an unconditional, final mechanic's lien waiver in compliance with these provisions;

(8) Specifies that an unconditional, final mechanic's lien waiver will only be valid if it is on a form as specified in the bill; and

(9) Requires any claimant who has recorded a notice of rights and who has been paid in full for the work performed to timely execute an unconditional, final mechanic's lien waiver; to not unreasonably withhold the waiver when circumstances require prompt execution; and to in no event fail to provide a waiver any later than five days after the claimant's receipt of a written request to do so by any person or entity. A claimant who fails or refuses to timely execute an unconditional, final lien waiver when he or she has been paid in full will be presumed liable for slander of title and for any damages sustained as a result, together with a statutory penalty of \$500.

The provisions of the bill will apply to any residential real property conveyance closing on or after November 1, 2010.

#### **CCS HCS HB 2070 — JOINT CENTRAL FIRE AND EMERGENCY DISPATCHING SERVICES TAXES**

Currently, funds collected from a central fire and emergency dispatching services tax must be used solely for establishing and providing the joint service except in St. Louis County where the funds are used for equipment and services by cities, towns, villages, counties, or fire protection districts which contract with the joint central fire and emergency dispatching service except for salaries, wages, and benefits. This bill specifies that all funds derived from the tax, including any existing surplus funds, may be used by any city, town, village, county, or fire protection district or a central fire and emergency service board for these purposes.

Fire protection districts in Jefferson County that have levied property taxes under Section 321.243, RSMo, and imposed any communications tax for central fire and emergency dispatching services are authorized to use, upon voter approval, the property tax revenue for general revenue purposes.

The bill specifies that the sales tax that St. Louis County is authorized to impose, upon voter approval, to establish, operate, and maintain an emergency communications system will not apply to sales of food as defined in Section 144.014 and that the tax will become effective on the first day of the second calendar quarter after the Director of the Department of Revenue receives notification of the adoption of the local sales tax by the voters.

#### **HCS HB 2081 — USE OF FORCE IN DEFENSE OF AN UNBORN CHILD**

This bill specifies that a pregnant woman may use deadly force upon another person if she reasonably believes that deadly force is necessary to protect her unborn child against death, serious physical injury, or any forcible felony.

#### **HCS HB 2147 & 2261 — A+ SCHOOLS PROGRAM**

Currently, a student who is an active-duty military dependent is exempt from the requirement that he or she must have attended a state high school for at least three years prior to graduation in order to be eligible for a grant under the A+ Schools Program. This bill also exempts from the three-year attendance requirement a student who is a dependent of a retired military member who relocates to Missouri within one year of the date of his or her parent's retirement from active duty.

#### **HCS HB 2161 — DRIVER'S LICENSE APPLICATION INFORMATION**

Currently, the sale of driver's license application information to other organizations or states for commercial purposes is prohibited except for certain specified exceptions. This bill specifies that "commercial purposes" will not include driver's license application information used, compiled, or obtained solely for purposes expressly allowed under the Missouri or federal Drivers Privacy Protection Act.

#### **HB 2182 — AGRITOURISM**

This bill specifies that, as used in Missouri statutes, "agritourism" means the act of visiting a working farm or any agricultural operation for the purpose of enjoyment, education, training, or active involvement in the activities of the agricultural operation.

#### **SS SCS HCS HB 2198 — MOTOR VEHICLE FRANCHISE PRACTICES ACT**

This bill changes the laws regarding the Motor Vehicle Franchise Practices Act. In its main provisions, the bill:

(1) Specifies that the public policy of the state is to provide for fair and impartial regulation of individuals engaged in the manufacturing, distribution, importation, or selling of motor vehicles and to protect the public interest in the purchase and trade of motor vehicles;



(2) Requires all franchise licenses and license renewals after August 28, 2010, to be bound by the provisions of the act and prohibits any franchise agreement made, entered, modified, or renewed after that date from avoiding or violating the provisions of the act;

(3) Requires the provisions of the act to apply to each franchise that a franchisor, manufacturer, importer, or distributor has with a franchisee and all agreements between a franchisee and a common entity or any person controlled by a franchisor;

(4) Increases the distance requirements of a relevant market area when locating or relocating a dealership. A franchisor must give written notice to a franchisee of the opening of any new dealership or the reopening of a previously existing franchise in the relevant market area selling vehicles of the same line-make. A franchisee may bring an action before the Administrative Hearing Commission within 30 days of the notice to determine if there is good cause to allow the competition. The bill revises the circumstances that the commission will take into consideration when determining good cause;

(5) Requires a reopened or replaced franchise to be offered to the former owner if a dealership reopens within two miles of the closed established place of business;

(6) Requires a franchisor to be licensed and to annually renew his or her license with the Department of Revenue;

(7) Regulates the offering of a franchise by a successor manufacturer and specifies certain criteria that must be met before a new franchise may be offered or sold if a manufacturer previously canceled or otherwise ended a franchise agreement;

(8) Allows for the filing of a complaint instead of an application for a hearing before the commission regarding a violation of the act. When a proceeding is pending before the commission, a demand for mediation must be filed which will stay further action by the commission. If mediation is unsuccessful, the commission must issue its order terminating the stay;

(9) Specifies that the actions listed in Section 407.825, RSMo, whether committed directly or indirectly through an agent, employee, affiliate, common entity, representative, or franchisor-controlled entity will be considered an unlawful practice;

(10) Revises existing unlawful practices and establishes additional unlawful practice violations including:

(a) Engaging in certain specified restraint of trade actions such as conditioning the offer of a franchise

on a site control agreement or agreement for exclusive use;

(b) Terminating a franchise agreement without specified notice regarding unsatisfactory sales or service performance;

(c) Conditioning the retention of a franchise agreement on certain specified control requirements over the franchisee's business;

(d) Failing to perform or cause to be performed any written warranties;

(e) Interfering with or withholding contracted services;

(f) Requiring installment financing with a particular financial institution;

(g) Requiring changes in a franchisee's location without good cause;

(h) Allowing an unauthorized person to perform warranty service with certain exceptions;

(i) Discriminating in the models of the same line-make offered to a franchisee;

(j) Failing to make available the offering of bonuses or rebates;

(k) Conditioning a franchise agreement on facility improvements unless reasonably required by the technology of a motor vehicle;

(l) Entering into a site control agreement unless voluntarily accepted by the franchisee;

(m) Failing to offer rebates, dealer incentives, interest rate reductions, finance terms for the same line-make, and various cash incentives and promotional items;

(n) Discriminating unreasonably among franchisees in any program providing assistance including Internet listings, sales leads, warranty policy adjustments, marketing programs, and dealer recognition programs;

(o) Failing to include in any franchise with a franchisee specific language regarding the conformance of the provisions of the act when a provision is in conflict with the laws or regulations of any state or other jurisdiction;

(p) Interfering with the delivery of motor vehicle parts;

(q) Using data concerning a franchisee to discriminate against it in various specified ways;

(r) Refusing to sell or deliver motor vehicles;

(s) Requiring the use of customer information obtained from the franchisee with certain exceptions and requiring a franchisee to make a customer purchase additional products from the franchisor;

(t) Establishing unfair performance standards for a franchisee;

(u) Implementing any plan for delivery of parts that is inequitable; and

(v) Violating any other provision of the act that adversely impacts a franchisee;

(11) Establishes the deadline and other rules for submitting a claim after a franchisee completes the preparation, delivery, or warranty service authorized under Section 407.828;

(12) Requires a franchisor to indemnify and hold harmless a franchisee for damage to a vehicle occurring prior to delivery to the franchisee that was not disclosed in writing to the franchisee prior to the delivery of the vehicle;

(13) Requires a franchisor to give 90 days' notice of any modification that substantially and adversely affects the franchisee's rights, obligations, investments, or return on investments unless the modification is required by law or court order; and

(14) Specifies that a person has the right to appeal a judgment of the Administrative Hearing Commission in court and allows actual damages, court costs, and punitive damages to be recovered for a violation of the provisions of the act. Mediation is non-binding, and Missouri law will govern all disputes brought pursuant to the act.

#### **SS SCS HCS HB 2201 — RESIDENTIAL MORTGAGE PROFESSIONALS AND CONSERVATOR INVESTMENTS**

This bill renames the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act to the Missouri Secure and Fair Enforcement for Mortgage Licensing Act. Any exempt entity as defined by Section 443.803, RSMo, on July 7, 2009, will be exempt from the licensing requirements of the Nationwide Mortgage Licensing System and Registry under the Secure and Fair Enforcement (SAFE) for Mortgage Licensing Act provisions of the federal Housing and Recovery Act of 2008 until June 1, 2010. Any exempt entity licensed between July 8, 2009, and June 1, 2010, will not be eligible for any refund of licensure fees.

The probate code is revised to allow a conservator of an estate of a protectee to invest liquid assets in financial institutions insured by the National Credit Union Share Insurance Fund. Currently, a conservator may only invest the assets in an institution insured by the Federal Deposit Insurance Corporation.

The bill contains an emergency clause for the provisions regarding the renaming of the Missouri Secure and Fair Enforcement for Mortgage Licensing Act.

#### **CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 — REGULATION AND LICENSING OF CERTAIN PROFESSIONS**

This bill changes the laws regarding the Oversight Division of the Joint Committee on Legislative Research; MO HealthNet reimbursements; certain professions regulated by the Department of Insurance, Financial Institutions and Professional Registration; and hospital premises licenses.

#### **OVERSIGHT DIVISION OF THE JOINT COMMITTEE ON LEGISLATIVE RESEARCH (Section 23.156, RSMo)**

Each employee of the Oversight Division of the Joint Committee on Legislative Research before entering upon his or her duties is required to take and file with the Chief Clerk of the House of Representatives and the Secretary of the Senate an oath to support the Missouri Constitution, to faithfully demean himself or herself in office, not to disclose specified information to unauthorized persons, and not to accept any pay for the discharge of his or her duties other than that fixed and accorded to the employee by law. Anyone violating this provision will be guilty of a class A misdemeanor.

#### **PAYMENTS FROM THIRD-PARTY PAYERS TO THE MO HEALTHNET DIVISION (Section 208.215)**

The bill changes the laws regarding the authority of the MO HealthNet Division within the Department of Social Services to collect payments from third-party payers. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers are required to process and pay properly submitted medical assistance or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms for a period of three years from the date services were provided by an entity. The entity cannot be required to reimburse for items or services not covered under MO HealthNet; cannot deny a claim based solely on the date of submission, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; cannot be required to reimburse for items or services previously submitted to the third-party payer by the provider or the participant and the claim was properly denied for procedural reasons; and cannot be required to reimburse for items or services which are not covered under the plan offered by the entity against which a claim for subrogation has been filed. An entity must reimburse for items or services to the same extent that the entity would have been liable if it had been properly billed at the point of sale and the amount due is limited to what the entity would

have paid if it had been properly billed at the point of sale. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers must also pay a subrogation claim if the state enforces its right to a claim within six years of the submission of the claim.

The computerized records of the division, if certified by the division director or his designee, will be prima facie evidence of proof of moneys expended and the amount of the debt due the state.

#### ENDOWED CARE CEMETERIES (Sections 214.160 - 214.550)

The bill:

(1) Allows a county commission that serves as the trustee of a trust fund for a cemetery to invest moneys in the fund in certificates of deposit;

(2) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against a cemetery operator upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal action occurred or in the county in which the operator resides;

(3) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, crypts, and other burial receptacles to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;

(4) Requires any person, entity, association, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;

(5) Exempts cemetery operators from the provisions of Chapter 436 regarding prearranged funeral contracts for the sale of cemetery services or for graves, cemetery markers, crypts, and other burial receptacles but prohibits them from adjusting or establishing the price of items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price of certain products are revised;

(6) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(7) Requires a cemetery operator to notify the division in writing at least 30 days prior to selling a majority of the business assets of a cemetery or a majority of its stock. If the division does not disapprove, the operator may complete the transaction;

(8) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded with certain exceptions;

(9) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund or escrow account if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency. The cemetery operator may appeal the suspension; and

(10) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership. Currently, this applies only to a cemetery in St. Louis City.

#### LICENSURE OF PRIVATE INVESTIGATORS (Sections 324.1100 - 324.1147)

The bill:

(1) Requires each member of the Board of Private Investigators Examiners within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration to be a resident of the state for at least one year prior to his or her appointment and to be a registered voter;

(2) Increases, from two to five years, the term of a board member and allows him or her to serve consecutive terms;

(3) Repeals conflicting statutes created by the passage of House Bill 780 and Senate Bill 308 in 2007 regarding the licensing exemption for employees of a not-for-profit organization who make and request criminal background information on behalf of health care providers and facilities and clarifies that the exemption for licensure as a private investigator applies to employees of profit and non-profit organizations making employee background checks;

(4) Requires the division to employ board personnel, exercise all administrative functions, and deposit all fees collected into the Board of Private Investigators Examiners Fund;

(5) Specifies that a licensed certified public accountant and his or her employees are not to be

deemed to be engaged in the private investigator business when performing their duties;

(6) Removes the exemption for licensure as a private investigator if an employer-employee relationship exists;

(7) Clarifies that the exemption for licensure as a private investigator will apply to any person who does not hold himself or herself out to the public as a private investigator and is exclusively employed by or under an exclusive contract with a state agency or political subdivision;

(8) Clarifies the exemption for licensure as a private investigator when a legal process server is conducting process-serving activities;

(9) Requires the board, instead of the department, to be responsible for the background investigation and review of an applicant but the division, instead of the board, must determine the form of the license;

(10) Specifies that an applicant can be denied a license if he or she has received a suspended imposition of sentence following a guilty plea to a misdemeanor offense involving moral turpitude or has been refused a license or had a license revoked or denied in the state or any other state and prohibits a private investigator agency from hiring an individual who has received a suspended imposition of sentence following a plea of guilty to a misdemeanor offense involving moral turpitude;

(11) Removes a provision regarding the fee for an individual, an agency, or an employee of an agency that is issued a license for less than a year;

(12) Specifies the procedures for renewing a license;

(13) Allows the board to establish all fees;

(14) Requires a licensee to maintain records containing information relative to his or her employees and copies of contracts or court orders requiring the destruction, sealing, or return of certain records; and

(15) Requires the board to license a private investigator trainer. Currently, the board must certify these individuals.

#### ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS (Sections 327.031 - 327.411)

The bill:

(1) Increases the membership of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration from 14 to 15 by adding one more professional engineer;

(2) Allows a landscape architect to serve as the chairperson of the board;

(3) Gives all rights, powers, and duties available to the members of the architectural and professional engineering divisions of the board to the members of the professional land surveying and landscape architectural divisions of the board;

(4) Allows certain faculty members of an accredited school of landscape architecture to serve on the board;

(5) Repeals the requirement that the board cannot summon or subpoena a witness or documents on a matter under a hearing or investigation without the advice of the Attorney General;

(6) Establishes a sequential rotation for the appointment of a chairperson to the board;

(7) Limits a chairperson to one, four-year term;

(8) Authorizes the President of the Missouri Association of Landscape Architects to fill a board vacancy for a landscape architect as other state associations are allowed to do for their professions;

(9) Allows a person holding an inactive license as a professional land surveyor to use that title or the initials "PLS" after his or her name; and

(10) Requires a licensee to prepare or personally supervise the preparation of all documents containing his or her personal seal and to perform services only when he or she is qualified by education, training, and experience in the specific technical areas involved.

#### EXPANDED-FUNCTIONS PERMITS FOR CERTAIN DENTAL ASSISTANTS AND DENTAL HYGIENISTS (Sections 332.011 and 332.098)

All dental assistants and dental hygienists must obtain a permit from the Missouri Dental Board within the Department of Insurance, Financial Institutions and Professional Registration in order to perform expanded-functions duties. "Expanded-functions duties" are defined as reversible acts that would be considered the practice of dentistry under Section 332.071 that the board specifies, by rule, may be delegated to a dental assistant or dental hygienist who possesses an expanded-functions permit.

Nothing in the bill will be construed as making it unlawful for a licensed dentist to perform any dental services that would be considered expanded-functions duties or for dental assistants, certified dental assistants, or expanded-functions dental assistants to polish teeth. The board is prohibited from establishing any rule allowing the delegation of acts to a dental assistant which would conflict with the practice of dental hygiene in Section 332.091. An expanded-functions permit must be renewed every five years, and the board is authorized to establish rules regarding the issuance and renewal of a permit.



**PHYSICAL THERAPISTS (Sections 334.100, 334.506, and 334.613)**

A physical therapist is authorized to accept a prescription for treatment from a licensed advanced practice registered nurse.

**SUPERVISION REQUIREMENTS FOR PHYSICIAN ASSISTANTS (Section 334.735)**

The State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration is prohibited from requiring additional supervision requirements for a physician and physician assistant team prior to working in a rural health clinic as defined by the federal Rural Health Clinic Services Act if a waiver has been granted by the board and the minimum federal supervision standards are met.

A physician assistant cannot prescribe or dispense any drug, medicine, therapy, or device unless he or she is in a collaborative agreement with a supervising physician. Currently, a physician assistant must consult with his or her supervising physician.

**LICENSURE OF NURSES (Sections 335.075 and 335.081)**

An employer of nurses is required to have a system in place for verifying that the applicant for a position as a registered, licensed practical, or advanced practice registered nurse has a current, valid license and for verifying the licensure status at the time of the nurse's license renewal.

The bill also exempts a person from licensure as a nurse in Missouri if he or she holds an out-of-state license and is transporting a patient into, out of, or through the state and the transport does not exceed 48 hours in the state.

**COMPLAINTS AGAINST CERTAIN LICENSED PROFESSIONAL COUNSELORS (Section 337.528)**

The State Committee for Professional Counselors within the Department of Insurance, Financial Institutions and Professional Registration is allowed to remove unsubstantiated complaints made against licensed professional counselors by offenders who have been ordered into custody, detained, or held by the Department of Mental Health as sexually violent predators. Upon the written request of a licensed professional counselor subject to a complaint by these offenders prior to August 28, 2010, that did not result in disciplinary action, the committee and the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must destroy all documentation regarding the complaint, notify any other licensing board that was previously notified of the complaint of its actions, and send a letter to the licensee clearly stating that the complaint was unsubstantiated.

**LICENSURE OF SOCIAL WORKERS (Sections 337.600, 337.603, 337.615, 337.618, and 337.643)**

The bill:

(1) Limits the time period that a practitioner of master social work, if supervised, may engage in practices reserved to a clinical social worker or an advanced macro social worker to no more than 48 consecutive months for the purpose of obtaining a license as a clinical social worker or an advanced macro social worker;

(2) Repeals the provisional license for clinical social workers; and

(3) Revises the definition of "qualified advanced macro supervisor," "qualified baccalaureate supervisor," and "qualified clinical supervisor" to be a licensed social worker who has supervised in the field of social work for at least five years. Currently, supervision is required for at least five uninterrupted years.

**MARITAL AND FAMILY THERAPISTS (Sections 337.700, 337.703, 337.705, 337.706, 337.715, 337.718, 337.727, and 337.739)**

The State Committee for Marital and Family Therapists within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a provisional license to a person who is a graduate of a specified acceptable higher education institution with at least a master's degree in marital and family therapy, or its equivalent, and meets all requirements of a licensed marital and family therapist other than the specified required supervised clinical experience if he or she is supervised by a qualified person as defined by rule of the committee.

Any official, employee, board, commission, or agency of the state and any county, municipality, school district, or other political subdivision of the state is prohibited from discriminating between persons licensed as marital and family therapists when establishing rules or when requiring or recommending services that legally may be performed by these therapists.

**LICENSURE OF WHOLESALE DRUG DISTRIBUTORS (Sections 338.333, 338.355, and 338.337)**

A wholesale drug distributor who distributes drug-related devices in this state is not required to obtain a license from the State Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration for out-of-state distribution sites owned by the distributor if:

(1) The distributor has one or more distribution sites in Missouri and these sites are licensed as a distributor;



(2) The distributor's out-of-state distribution sites are in compliance with their respective state's licensing laws; and

(3) The distributor's out-of-state distribution sites deliver the devices only to the licensed distributor's in-state distribution site.

A Missouri wholesale drug distributor receiving shipments of devices from a licensure-exempt, out-of-state facility will be responsible for all shipments received.

#### RESIDENTIAL CARE FACILITIES (Sections 344.010 and 344.020)

The Missouri Board of Nursing Home Administrators within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a separate license to the administrator of a residential care facility which was licensed as a residential care facility II on or before August 27, 2006, if it continues to meet all licensure standards for a residential care facility II in effect as of that date.

Anyone licensed to operate a residential care facility is not authorized to operate an intermediate care or skilled nursing facility.

#### DISCIPLINARY ACTIONS AGAINST CERTAIN HEALTH CARE PROFESSIONALS (Sections 383.130 and 383.133)

Home health agencies, nursing homes or facilities, or certain entities employing or contracting with licensed health care professionals are added to the list of health care providers that must report to the appropriate health care professional licensing authority any disciplinary action against a health care professional or the voluntary resignation of a professional against whom any complaints or reports have been made which might have led to disciplinary action.

#### HOSPITAL PREMISES LICENSES (Section 1)

The bill allows an applicant for or a holder of a hospital license to define or revise the premises of a hospital campus to include tracts of property which are adjacent except for a common street or highway and its accompanying public right-of-way.

#### HCS HB 2231 — DISPOSITION OF CREMATED HUMAN REMAINS

This bill allows a licensed funeral establishment to dispose of cremated human remains in accordance with a cremation contract except if otherwise prohibited by law.

Currently, a licensed funeral establishment is required to send written notice by certified mail,

returned receipt requested, to the licensed funeral establishment or person who contracted for the cremation stating that the remains will be scattered or interred unless the remains are claimed and removed within 90 days. The bill removes the certified mail requirement and allows the written notice to be sent by regular mail, with confirmation of delivery, to the last known address of the person or funeral establishment that contracted for the cremation. The provision is also repealed which requires the notification of a scattering or interment of cremated remains to be published in a local newspaper at least 30 days prior to the scattering or interment if the mailed written notice cannot be delivered.

#### HCS HB 2262 & 2264 — MISSOURI YOUTH CHALLENGE ACADEMY

This bill allows the Adjutant General to establish the Missouri Youth Challenge Academy to provide positive interventions for at-risk high school age youth. The academy will utilize residential military-based training and supervised work experience to build life skills of high school dropouts and training in responsible citizenship, life-coping and academic skills, and other personal development skills. The Missouri Youth Challenge Foundation Fund is created consisting of gifts, donations, appropriations, transfers, and bequests. The Adjutant General is authorized to make grants from the fund to support the academy.

The bill contains an emergency clause.

#### HB 2270 — SAFE CARE PROVIDERS

This bill allows child abuse medical resource centers and providers receiving training from the Sexual Assault Forensic Examination Child Abuse Resource Education (SAFE CARE) network to collaborate with each other directly or through the use of technology to promote improved services to children who are suspected victims of abuse and need a forensic medical evaluation by providing specialized training for forensic medical evaluations for children in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the resource center and a SAFE CARE provider. The SAFE CARE network must develop recommendations for medically based screening processes and forensic evidence collection for emergency examinations of children who are alleged victims of sexual assault and provide those recommendations to SAFE CARE providers, child advocacy centers, hospitals, and licensed practitioners who provide these emergency examinations.

**SCS HB 2285 — KEYS TO THE CAPITOL DOME AND CONVEYANCES OF STATE PROPERTY**

This bill requires the Commissioner of the Office of Administration to provide each member of the General Assembly with a key which accesses the State Capitol dome. The President Pro Tem of the Senate and the Speaker of the House of Representatives must provide a training program, in consultation with the Office of Administration and the Department of Public Safety, regarding access to secured areas of the State Capitol Building.

The bill also authorizes the Governor to convey:

(1) State property and easements located in Nodaway County to the City of Maryville. The property is a state-owned airplane hanger located at the Maryville Airport and used by the Missouri National Guard;

(2) State property located at the Veterans Home in Cape Girardeau County to the City of Cape Girardeau, as well as a permanent easement and temporary construction easements over, on, and under the property;

(3) State property located at the Missouri Lottery Headquarters in Jefferson City in Cole County to owners of certain private property for the purpose of vacating an easement;

(4) State property located in Cole County known as the Church Farm Bottoms;

(5) State property located at the Western Missouri Mental Health Center in Kansas City in Jackson County;

(6) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County;

(7) State property located at the New Ballwin Mental Health Group Home in St. Louis County;

(8) State property located at the Warden's Residence at the Boonville Correctional Center in the City of Boonville in Cooper County;

(9) State property located in Franklin County;

(10) State property located at the Sunrise State School in the City of Marshfield in Webster County; and

(11) State property located at the Nevada Habilitation Center in the City of Nevada in Vernon County. A lease-purchase option for a portion of the property is authorized.

**SS HB 2290 — CHILD CARE ASSISTANCE**

This bill requires the Children's Division within the Department of Social Services to establish rules to become effective by July 1, 2011, to modify the income eligibility criteria for any person receiving state-

funded child care assistance, through vouchers or direct reimbursement to child care providers. Subject to appropriations, an eligible child care recipient may pay a fee based on his or her adjusted gross income and family size unit on a child care sliding fee scale established by the division. An individual receiving state-funded child care assistance whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the division, at which time the person will have assumed the full cost of the maximum base child care subsidy rate and will no longer be eligible for child care subsidy benefits. The sliding scale may be waived by the division for a child with special needs. The maximum payment by the division will be the applicable rate minus the applicable fee.

**CCS SCS HCS HB 2297 — KANSAS CITY ZOOLOGICAL DISTRICT**

This bill authorizes the establishment of the Kansas City Zoological District. The voters of the counties of Cass, Clay, Jackson, and Platte may choose to have their county be a part of the district. Each member county may impose, upon voter approval, a sales tax of up to 0.25% for the financial support of zoological activities within the district. However, the tax will not be effective in the counties of Cass, Clay, or Platte unless Jackson County also collects the tax.

The district will be governed by a commission of up to 10 members including:

(1) One member of the governing body of each eligible county that is a part of the district;

(2) One member of the Kansas City, Missouri Board of Parks and Recreation;

(3) The Executive Director of the Kansas City Zoo; and

(4) One member appointed by the governing body of each eligible county from a list of candidates provided by the Friends of the Zoo, Inc. The Friends of the Zoo, Inc., will provide a list of three names to the governing body of each eligible county. Each candidate must be at least 21 years of age and a resident and registered voter of the county which will be appointing him or her. Jackson County must appoint its member by a simple majority vote. The counties of Cass, Clay, and Platte must appoint a member with a unanimous vote.

The administrative expenses of the district incurred during the first six months after its creation must be appropriated to the commission by the member counties; thereafter, the district will be financed by the sales tax revenues collected and deposited into the newly created Kansas City Zoological District Sales

Tax Trust Fund. At any time after five years from its creation, the commission is authorized to borrow money for the planning, construction, equipping, operation, improvement, and maintenance of any zoological facility. The commission must submit an annual report to the governing body of each member county; the Kansas City, Missouri Board of Parks and Recreation; and the executive board of the Friends of the Zoo, Inc., detailing the commission's operations and transactions and must publish the report in the county newspaper of each member county.

(11) State property located at the Nevada Habilitation Center in the City of Nevada in Vernon County. A lease-purchase option for a portion of the property is included.

**SS SCS HB 2317 — KEYS TO THE CAPITOL DOME AND CONVEYANCES OF STATE PROPERTY**

*(Vetoed by the Governor)*

This bill requires the Commissioner of the Office of Administration to provide each member of the General Assembly with a key which accesses the State Capitol dome and authorizes the Governor to convey:

(1) State property located at the Veterans Home in Cape Girardeau County to the City of Cape Girardeau, as well as a permanent easement and temporary construction easements over, on, and under the property;

(2) State property located at the Missouri Lottery Headquarters in Jefferson City in Cole County to owners of certain private property for the purpose of vacating an easement;

(3) State property located in Cole County known as the Church Farm Bottoms;

(4) State property located at the Western Missouri Mental Health Center in Kansas City in Jackson County;

(5) State property and easements located in Nodaway County to the City of Maryville. The property is a state-owned airplane hanger located at the Maryville Airport and used by the Missouri National Guard;

(6) State property located at the South East Missouri Mental Health Center in the City of Farmington in St. Francois County;

(7) State property located at the New Ballwin Mental Health Group Home in St. Louis County;

(8) State property located at the Warden's Residence at the Boonville Correctional Center in the City of Boonville in Cooper County;

(9) State property located in Franklin County;

(10) State property located at the Sunrise State School in the City of Marshfield in Webster County; and

**TRULY AGREED TO AND FINALLY PASSED**

# **SENATE BILLS**

**REGULAR SESSION**





**SS SB 578 — PORT AUTHORITIES**

This bill changes the laws regarding port authorities and establishes the Port Improvement District Act. In its main provisions, the bill:

(1) Authorizes every local and regional port authority, except those located in Clay County, to:

- (a) Establish a port improvement district;
- (b) Carry out certain specified projects;

(c) Levy, upon voter approval, a sales and use tax, a real property tax, or both within the boundaries of the district for the purpose of paying project costs. Railroad property cannot be taxed unless the property's owner agrees to the levy in writing. The sales tax must be levied in increments of one-eighth of 1% but cannot exceed 1%; and

(d) Pledge all revenues generated by any district and any other port authority revenue source to the repayment of any outstanding obligations;

(2) Requires any matching grants awarded by the Highways and Transportation Commission within the Department of Transportation under the Port Capital Improvement Program to be transportation related;

(3) Authorizes a local and regional port authority that is a political subdivision to issue revenue bonds or notes to finance port improvement projects;

(4) Requires any expenditure, including professional service contracts, that is more than \$25,000 to be competitively bid by the port authority;

(5) Allows a local or regional port authority to dissolve if it has no outstanding obligations;

(6) Establishes the Port Improvement District Act which allows a port authority to establish one or more port improvement districts within its boundaries to fund qualified project costs associated with an approved port authority improvement project;

(7) Specifies the procedures for forming or changing an existing district, the notification process of public hearings, and the procedures for terminating a district; and

(8) Requires the board of a port authority to submit an annual report regarding the services the district provided, revenues collected and expended during the fiscal year, and copies of approved written resolutions. The report must be submitted to the municipal or county clerk and the department within 120 days after the port authority's fiscal year ends; and an annual report must be submitted to the State Auditor in accordance with Section 105.145, RSMo, if the voters of the district have approved a real property tax, sales and use tax, or both.

**HCS SCS SB 583 — INSURANCE REGULATION**

This bill changes the laws regarding the regulation of insurance.

**PAYMENTS FROM THIRD-PARTY PAYERS TO THE MO HEALTHNET DIVISION**

(Section 208.215, RSMo)

The bill changes the laws regarding the authority of the MO HealthNet Division within the Department of Social Services to collect payments from third-party payers. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers are required to process and pay properly submitted medical assistance or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms for a period of three years from the date services were provided by an entity. The entity cannot be required to reimburse for items or services not covered under MO HealthNet; cannot deny a claim based solely on the date of submission, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; cannot be required to reimburse for items or services previously submitted to the third-party payer by the provider or the participant and the claim was properly denied for procedural reasons; and cannot be required to reimburse for items or services which are not covered under the plan offered by the entity against which a claim for subrogation has been filed. An entity must reimburse for items or services to the same extent that the entity would have been liable if it had been properly billed at the point of sale and the amount due is limited to what the entity would have paid if it had been properly billed at the point of sale. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers must also pay a subrogation claim if the state enforces its right to a claim within six years of the submission of the claim.

The computerized records of the division, if certified by the division director or his designee, will be prima facie evidence of proof of moneys expended and the amount of the debt due the state.

**TRAILER DEALER LIABILITY INSURANCE**

(Section 301.560)

Currently, a trailer dealer is required to provide a copy of a current dealer garage liability insurance policy when submitting his or her licensure application. The bill removes this requirement.

#### NONRESIDENT MOTORIST FINANCIAL RESPONSIBILITY (Sections 303.025 and 303.040)

A nonresident motorist is prohibited from operating or allowing another motorist to operate a vehicle within the state unless he or she maintains financial responsibility that meets the requirements of his or her state. If a nonresident motorist is found guilty of not maintaining financial responsibility, he or she will have his or her driving privileges suspended in Missouri and the Director of the Department of Revenue must notify the appropriate official in the state where the nonresident resides.

An uninsured nonresident motorist involved in an accident in this state and the responding law enforcement agency must notify the department director of the accident, and any resident motorist involved in an accident with an uninsured nonresident motorist may report it to the department director.

#### DISCLOSURE OF HEALTH INSURANCE INFORMATION (Sections 354.442 and 376.1450)

The bill allows an insurer and a health maintenance organization to provide certain health insurance information regarding an enrollee's health benefit plan online unless a paper copy is requested by the enrollee by written, oral, or electronic means. Requests for a paper copy must be provided to the enrollee within 15 business days of the request.

#### LIFE INSURANCE PRODUCER LICENSE EXAMINATIONS (Section 375.024)

The Director of the Department of Insurance, Financial Institutions and Professional Registration or a vendor under contract with the department is required to review life insurance producer license examinations if, during any 12-month period beginning on September 1, the overall pass rate of first-time examinees is less than 70%. The department must collect certain specified demographic information, in conformance with the appropriate privacy laws, from examinees and compile an annual report based on the review. The report must indicate if there was any disparity in the pass rate based on the demographic information. The department director may establish procedures by rule to collect the necessary information to implement these provisions. By December 1, 2011, the department director must deliver the initial annual report on the review to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate and must submit an annual report thereafter no later than December 1.

#### REGULATORY ACTIONS AGAINST INSURANCE COMPANIES OPERATING IN HAZARDOUS FINANCIAL CONDITIONS (Sections 375.539 and 375.1255)

The Director of the Department of Insurance, Financial Institutions and Professional Registration is authorized to determine that an insurance company is in a hazardous financial condition. The department director may deem any property or casualty insurance company or any property and casualty insurance company which has any policy in force with a single net retained risk that exceeds 10% of the company's capital and surplus as of the preceding December 31 to be in a hazardous financial condition. The bill specifies the factors for the department director to consider when determining whether a company may be in a hazardous financial condition. The department director may consider adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports, or summaries when determining whether the continued operation of the insurer may be hazardous to Missouri's policyholders, creditors, or the general public. If the department director determines that the continued operation of an insurer may be hazardous, he or she may issue an order requiring the insurer to take various actions including requiring the insurer to reduce its total amount of present and potential liability for policy benefits by reinsurance, reduce its volume of business, increase its capital and surplus, or document the adequacy of premium rates in relation to the risks insured. Any insurer subject to an order from the department director can request a hearing to be conducted in private unless the insurer requests a public hearing.

Risk-based capital (RBC) reporting requirements for property and casualty insurance companies are revised to allow the department to require a property and casualty insurance company to take action if its risk-based capital fails the National Association of Insurance Commissioners (NAIC) RBC trend test. The RBC trend test for a property and casualty insurance company is specified as a company action level event where the insurer has total adjusted capital which is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0 triggers the trend test determined in accordance with the trend test calculation included in the Property and Casualty RBC report instructions.

#### INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION ACT (Sections 375.1152, 375.1155, and 375.1191)

The bill changes the laws regarding the Insurers Supervision, Rehabilitation and Liquidation Act

to provide for the treatment of qualified financial contracts in insurance insolvency proceedings. In its main provisions, the bill:

(1) Defines “netting agreement” as a contract or agreement that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration, or close out under or in connection with one or more qualified financial contracts or present or future payment or delivery obligations or payment of delivery entitlements thereunder among the parties to the netting agreement and “qualified financial contract” as a commodity contract, forward contract, repurchase agreement, securities contract, swap agreement, and any similar agreement that the department director determines by rule to be a qualified financial contract;

(2) Allows for the enforcement and recognition of the contractual rights of the insurer’s counterparties under qualified financial contracts, netting agreements, and related security agreements to terminate, liquidate, accelerate, or close out contracts; to offset and net off obligations owed under contracts; and to enforce any security rights under the agreements, free of any stay or prohibition that might otherwise apply under a delinquency proceeding;

(3) Requires any net or settlement amount owed under a qualified financial contract by the nondefaulting party to an insurer to be transferred to or on the order of the receiver for the insurer;

(4) Requires a receiver to transfer to one party other than the insurer all netting agreements and qualified financial contracts between an insurer and a single counterparty and its affiliates together if a bulk transfer of insurer liabilities or contracts is made by the receiver;

(5) Prohibits a receiver from avoiding a transfer of money or property under a netting agreement or qualified financial contract made prior to the commencement of a formal delinquency proceeding unless the transfer was made with the actual intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors; and

(6) Requires the receiver for the insurer to disaffirm or repudiate all contracts if the receiver disaffirms or repudiates any qualified financial contract or netting agreement with a counterparty and establishes the amount of the counterparty’s claim in the event of disaffirmance or repudiation. The amount of a claim for damages must be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract.

#### LIQUIDATION OF CERTAIN DOMESTIC INSURANCE COMPANIES (Section 375.1175)

A domestic insurer organized as a stock insurance company is allowed to voluntarily dissolve and liquidate as a corporation if the Director of the Department of Insurance, Financial Institutions and Professional Registration approves the articles of dissolution prior to filing the articles with the Secretary of State and the insurer files a copy of the department director’s approval along with the articles of dissolution with the Secretary of State.

In determining whether to approve a dissolution, the department director must consider, among other factors, whether the insurer’s annual financial statements show no written insurance premiums for five years, the insurer has demonstrated that all policyholder claims have been satisfied or transferred to another insurer, and an examination pursuant to Sections 374.202 - 374.207 has been completed within the last five years.

#### MISSOURI LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT (Sections 376.717 - 376.758)

The laws regarding the Missouri Life and Health Insurance Guaranty Association Act are revised to make them consistent with the model act adopted by the National Association of Insurance Commissioners. The bill:

(1) Clarifies that structured settlement annuities are covered by the guaranty association and specifies the rules for determining how the responsibility for coverage of these types of annuities is allocated among state guaranty associations;

(2) Expands the list of areas in which the guaranty association will not provide coverage including:

(a) Any portion of a policy or contract to the extent that the required assessments are preempted by federal or state law;

(b) An obligation that does not arise under the express written terms of the policy or contract issued by the insolvent insurer;

(c) Certain contracts which establish benefits by reference to a portfolio of assets that is not owned by the insurer;

(d) An unallocated annuity contract;

(e) Certain types of indexed policies; and

(f) A policy providing any hospital, medical, prescription drug, or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code, commonly known as Medicare Part C & D, or any of its regulations;

(3) Defines the “principal place of business” of a corporation for the purpose of applying the residency

test that determines which state guaranty association has coverage responsibility;

(4) Makes several technical changes regarding:

(a) The guaranty association's options in providing coverage;

(b) The handling of terminated policies;

(c) The guaranty association's standing to appear or intervene in litigation;

(d) The guaranty association's assignment and subrogation rights;

(e) The guaranty association's general powers and the handling of reinsurance contracts;

(f) The handling of assessments of insurers to fund the guaranty association's operations; and

(g) Additional requirements for the association's plan of operation; and

(5) Exempts any member insurer who is impaired or insolvent prior to August 28, 2010, from these provisions.

#### HEALTH INSURANCE FOR ADOPTED CHILDREN (Section 376.816)

All health carriers or health benefit plans, except Missouri Medicaid plans, which are issued, delivered, continued, or renewed to a Missouri resident on or after January 1, 2011, are required to include coverage for adopted children on the same basis as other dependents of the enrollee.

#### MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE POLICIES (Sections 376.882 and 376.1109)

When any federal Medicare supplement or long-term care insurance policy issued, delivered, or renewed in Missouri on or after January 1, 2011, is canceled for any reason, the insurer must refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund must be returned to the policyholder within 20 days from the date that the insurer receives notice of the cancellation. A policyholder may cancel a federal Medicare supplement or long-term care insurance policy by sending a written or electronic notification.

A long-term care insurance policy must contain a notice which informs an applicant that he or she is entitled to a refund of unearned premiums if the policy is canceled for any reason.

#### CHILDREN'S INSURANCE ELIGIBILITY (Section 1)

For each school year beginning July 1, 2010, the Department of Social Services is required to provide all state-licensed child-care providers who receive federal or state funds under Section 210.027 and all public school districts with written information regarding the eligibility criteria and application procedures for obtaining health insurance coverage

through the State Children's Health Insurance Program (SCHIP). This information is to be distributed to the parents at the time of their child's enrollment in child care or school. The Department of Elementary and Secondary Education must add an attachment to the application for the free and reduced-price lunch program which will require the parent or guardian to check a box indicating whether the child has or does not have health insurance. If the child does not have health insurance and the parent or guardian's income does not exceed the highest level established by federal law, the school district must provide a notice to the parent or guardian that the uninsured child may qualify for health insurance coverage under SCHIP. The Department of Elementary and Secondary Education, in collaboration with the Department of Social Services, must submit an annual report to the Governor and the committee chairs of the House of Representatives Budget Committee and the Senate Appropriations Committee on the number of families in each district receiving free or reduced-price lunches, the number of families who indicated the absence of health insurance coverage on the forms, the number of families who received information on SCHIP, and the number of families who applied for coverage under SCHIP because of the receipt of the information.

The bill contains an emergency clause for the provisions regarding health insurance coverage through SCHIP.

#### **HCS SS SCS SB 586 & 617 — SEXUALLY ORIENTED BUSINESSES**

This bill regulates sexually oriented businesses by limiting their geographic location, ownership interests, state of dress and actions of employees within the sexually oriented business, employee's proximity to patrons, minimum age of patrons, use or sale of alcohol on site, hours of operation, and location of private viewing booths within the sexually oriented business and specifies the penalties for violations of these restrictions. The bill prohibits anyone younger than 18 years of age from being on the premises of a sexually oriented business at any time, restricts semi-nude activities, and prohibits nude activities. A sexually oriented business is required to be at least 1,000 feet from a pre-existing school, house of worship, public library, public park, licensed daycare facility, residence, and any other sexually oriented business and must close between the hours of midnight and 6:00 a.m. The use, sale, or consumption of alcohol on the premises of the business is prohibited; and no individual may establish a sexually oriented business if a person with an influential interest has been convicted of or pled



guilty or nolo contendere to certain crimes. Nothing in the bill will be construed as preempting or preventing any political subdivision from maintaining, enacting, or enforcing a local provision which is stricter than but not inconsistent with these provisions.

### **SS SCS SB 588 — PROPERTY TAX ASSESSMENT NOTICES**

Currently, assessors in counties without a charter form of government must give taxpayers a projected tax liability notice with the notice of increased assessed valuation beginning January 1, 2011. This bill extends the effective date for the projected tax liability notice requirements for assessors in these counties and Jefferson County to January 1 of the year following receipt of the necessary software from the State Tax Commission for the implementation of the requirement and requires all assessors in these counties and Jefferson County to provide property owners additional information with the notice of increased assessed valuation. The notice must include the previous assessed value and any increase, a statement indicating that the change in assessed value may impact the record owner's tax liability, and information regarding the processes and deadlines for appealing determinations of the assessed valuation.

Beginning January 1, 2011, the assessor in St. Louis County must provide taxpayers with a notice that information regarding the assessment method and computation of the value for real property is available on the assessor's web site, the web site address, and the assessor's contact information so taxpayers without Internet access can request and receive the information.

### **SCS SB 630 — MANUFACTURED HOMES**

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

(1) Specifies that a manufactured home is permanently affixed if it is anchored to real estate by attachment to a permanent foundation and connected to residential utilities, requires a manufactured home to be permanently affixed to qualify as real property, and requires an affidavit of affixation to contain certain specified information and to be filed with the recorder of deeds of the county in which the real estate is located;

(2) Allows a manufactured home once deemed to be real estate to be governed by the laws applicable to real estate;

(3) Requires a certified copy of an affidavit of severance to be filed with the Director of the

Department of Revenue when a manufactured home is removed from its permanent foundation stating the name, residence, and mailing address of the owner as well as the property description and any information that could affect the validity of the title of the manufactured home or the existence of a security interest or lien;

(4) Prohibits the department director from issuing a certificate of title to a manufactured home when an affidavit of affixation has been recorded. The issuance is only allowed upon the recording of an affidavit of severance. The department director must maintain a record of each affidavit of affixation and each affidavit of severance which has been filed with the department;

(5) Requires the department to establish standard affidavit of affixation forms, affidavit of severance forms, and confirmation of conversion forms that comply with the provisions of Section 700.111, RSMo;

(6) Authorizes the Missouri Public Service Commission to suspend, revoke, or place on probation the license of a manufactured home dealer for failure to obtain a written notice signed and dated by the purchaser of a used manufactured home or modular unit which states that the commission does not regulate the setup of used manufactured homes and modular units sold by the dealer;

(7) Requires a lienholder to notify the department director within 10 business days of any release of a lien if an electronic certificate of ownership is being held by the department director;

(8) Requires the holder of any security interest in a manufactured home to verify to the department that he or she has paid all past due rent which the holder is obligated to pay to the landowner if the home was repossessed;

(9) Specifies the conditions which will deem a rented manufactured home to be abandoned when located on another person's property;

(10) Changes the process for enforcing liens for unpaid rent against a manufactured home. Landowners must provide the homeowner with written notice prior to enforcing the lien and give him or her the opportunity to pay any rent owed. The notice must advise the homeowner of his or her legal rights including the right to contest the lien; and if the homeowner does not redeem the home within 30 days from the date of mailing the notice and no petition has been filed in circuit court to contest the lien within 10 days of the receipt of the notice, the landowner may apply for a certificate of title;

(11) Authorizes the landowner to begin proceedings to sell a home within 30 days of receipt of the lien title;



(12) Requires the homeowner to be given at least 20 days' notice of the sale of a home;

(13) Specifies how the proceeds of a sale are to be distributed;

(14) Allows an owner of an abandoned manufactured home to contest a lien brought by the landowner by filing a petition within 10 days of the mailing of the notice in the appropriate circuit court; and

(15) Prohibits the perfected lienholder or owner of an abandoned manufactured home located on property which is being leased from removing the home until the landlord is paid any rent owed.

The provisions regarding a manufactured home as real property become effective March 1, 2011.

### **SCS SB 644 — LOCAL TOURISM TAXES**

This bill changes the laws regarding taxes for tourism, convention and exhibition facilities, and recreational facility districts. In its main provisions, the bill:

(1) Authorizes the City of Jefferson City to impose, upon voter approval, a transient guest tax of up to 7% per occupied room per night for funding a convention and visitors bureau to promote the city as a convention, visitor, and tourist center. Currently, the city is allowed to impose a tax of up to 5% per occupied room per night;

(2) Authorizes the City of Excelsior Springs to impose, upon voter approval, a transient guest tax of up to 5% per occupied room per night for the promotion of tourism;

(3) Authorizes Montgomery County to impose, upon voter approval, a transient guest tax of between 2% and 5% per occupied room per night for the promotion of tourism;

(4) Allows the City of St. Joseph and Buchanan County to use transient guest tax revenue for capital expenditures related to the promotion of tourism and convention facilities. Currently, the tax revenue may only be used for the promotion of tourism and convention facilities;

(5) Authorizes real property owners located in the counties of Caldwell, Clinton, Daviess, and DeKalb to petition the governing body of their county to seek voter approval for the creation of an exhibition center and recreational facility district in their county and to impose a 0.25% sales tax for a period of up to 25 years to fund the district; and

(6) Authorizes the City of St. Joseph to contract with Buchanan County to share transient guest tax revenues to promote tourism and for the construction, maintenance, and improvement of a convention center and recreational facilities.

### **SB 649 — GIRL SCOUT DAY**

This bill requires the Governor to issue an annual proclamation designating March 12 as "Girl Scout Day."

### **CCS HCS SCS SB 733 — HIGHER EDUCATION**

This bill changes the laws regarding the Higher Education Academic Scholarship Program, commonly known as the Bright Flight Scholarship Program; the Access Missouri Financial Assistance Program; and higher education research technology transfer.

#### **BRIGHT FLIGHT SCHOLARSHIP PROGRAM**

Eligibility for a Bright Flight scholarship is expanded to include a Missouri resident who has received a General Education Development (GED) diploma or who has completed a homeschooling program, secondary coursework through a virtual public school, or other academic instruction program that satisfies the compulsory school attendance law. A student's qualifying score for the scholarship will be determined at the beginning of his or her last year of secondary coursework. Currently, a student scoring in the top 4% and 5% of Missouri ACT or SAT test-takers receives an annual \$1,000 award. The bill clarifies that all students in the top 3% will receive their awards of up to \$3,000 per year before any student in the top fourth or fifth percentiles receives an award of up to \$1,000 per year.

Currently, a student is allowed to receive a renewal scholarship for three years. The bill allows a student's scholarship to be renewed for as long as he or she is in compliance with the program's renewal requirements. If a scholarship recipient cannot attend an approved institution because of military service in any branch of the Armed Forces of the United States, the student will be offered the scholarship if he or she returns to full-time status within six months after ending the military service and verifying to the Coordinating Board for Higher Education within the Department of Higher Education that the service was satisfactorily completed.

#### **ACCESS MISSOURI FINANCIAL ASSISTANCE PROGRAM**

Currently, a student at a public four-year institution, including Linn State Technical College, receives a maximum financial assistance award of \$2,150 and a student at a private institution receives a maximum of \$4,600 from the Access Missouri Financial Assistance Program. Beginning with the 2014-2015 academic year, the bill combines the categories for these schools into one with a \$2,850 maximum and a

\$1,500 minimum award and increases the maximum award for a community college from \$1,000 to \$1,300.

The bill also repeals the expiration date of the program and specifies that any provisions regarding a termination date will not apply to the program.

#### **HIGHER EDUCATION RESEARCH TECHNOLOGY TRANSFER**

The bill specifies that an entity in which an institution of higher education holds an ownership or membership interest will not be deemed to be a public governmental or quasi-public governmental body as it relates to the Open Meetings and Records Law, commonly known as the Sunshine Law, if the entity is engaged primarily in activities involving commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources and the institution maintains as an open record an annual report, available no later than October 1, identifying specified information. Meetings, records, and votes may be closed to the extent that they relate to records or information submitted in connection with a proposal or agreement to license intellectual property or perform sponsored research involving students, faculty, or staff or to promote or pursue economic development and which contain sales projections or other business plans, financial information, or trade secrets of which the disclosure may endanger the competitiveness of a business.

The bill contains an emergency clause for the provisions regarding higher education research technology transfer.

#### **HCS SB 739 — FIRE DEPARTMENT EMPLOYEE RESIDENCY REQUIREMENTS**

Currently, upon approval of the board of aldermen, a fire department employee of the City of St. Louis is not required to live within the fire department's geographical boundaries if the only public school district in the area has been unaccredited or provisionally accredited in the last five years of the person's employment, and any fire department employee who lives outside the city limits must forfeit 1% of his or her salary to offset any lost revenue for the city unless the voters of the city vote to prevent the enforcement of the 1% forfeiture.

This bill removes the provisions regarding the salary forfeiture and the required approval of the board of alderman regarding residency and specifies that any employee who has worked seven years for a fire department cannot be required to comply with the residency requirement but must reside within a

one-hour response time if the only school district in the area is or has been unaccredited or provisionally accredited in the last five years of the person's employment.

#### **SB 753 — INVESTMENT OF CERTAIN CEMETERY TRUST FUNDS**

This bill allows a county commission that serves as the trustee of a trust fund for a cemetery to invest moneys in the fund in certificates of deposit.

#### **CCS#2 HCS SCS SB 754 — PROFESSIONS, CEMETERIES, AND THE MISSOURI EATING DISORDER COUNCIL**

This bill changes the laws regarding the electronic death registration system; an asset exemption for certain prearranged funeral and burial contracts; supply of prescriptions; physician reimbursement rates; endowed care cemeteries; regulations of the Department of Insurance, Financial Institutions and Professional Registration; and residential care facilities and establishes the Missouri Eating Disorder Council.

#### **ELECTRONIC DEATH REGISTRATION SYSTEM (Sections 193.145 and 193.265, RSMo)**

All data providers in the death registration process, including the State Registrar, local registrars, medical examiners, coroners, funeral directors, embalmers, sheriffs, physicians, chief medical officers of licensed health care facilities, and other institutions providing medical care, are required to use an electronic death registration system within six months of it being certified by the Director of the Department of Health and Senior Services or his or her designee to be operational and available to all data providers.

The State Registrar may adopt pilot programs or voluntary electronic death registration programs until the system can be certified. However, no pilot or voluntary program can prevent the filing of a death certificate with the local registrar or the ability to obtain a certified copy of a death certificate under current law until six months after the system is certified as operational.

#### **DISPENSING OF PRESCRIPTIONS (Section 195.080)**

The bill specifies that the current limitation on the number of days of supply that a prescription can be dispensed based on which schedule of controlled substances the drug is listed will not apply if the prescription is dispensed directly to a member of the United States armed forces serving outside the United States.

#### ASSET EXEMPTION FOR CERTAIN PREARRANGED FUNERAL AND BURIAL CONTRACTS (Section 208.010)

The bill specifies that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, the value of any life insurance policy where a seller or provider is made the beneficiary or the policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under Chapter 436, will not be taken into account or considered an asset of the beneficiary named in the irrevocable prearranged funeral contract.

#### PHYSICIAN REIMBURSEMENT RATES (Section 208.198)

Subject to appropriations, the Department of Social Services must establish a reimbursement rate for services rendered by physicians and optometrists to MO HealthNet Program participants which provides equal reimbursement for the same or similar services.

#### ENDOWED CARE CEMETERIES (Sections 214.160 - 214.550)

The bill:

(1) Allows a county commission that serves as the trustee of a trust fund for a cemetery to invest moneys in the fund in certificates of deposit;

(2) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against a cemetery operator upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal action occurred or in the county in which the operator resides;

(3) Requires all contracts sold by cemetery operators for cemetery services or for graves, cemetery markers, crypts, and other burial receptacles to meet certain requirements. If these requirements are not met, all payments will be recoverable by the purchaser plus 10% interest and any reasonable collection costs including attorney fees;

(4) Requires any person, entity, association, or political subdivision that purchases, receives, or holds real estate used for the burial of human remains, excluding a family burial ground, to notify the Office of Endowed Care Cemeteries within the department of the name, location, and address of the real estate before October 1, 2010, or within 30 days of acquiring the land;

(5) Exempts cemetery operators from the provisions of Chapter 436 regarding prearranged funeral contracts for the sale of cemetery services

or for graves, cemetery markers, crypts, and other burial receptacles but prohibits them from adjusting or establishing the price of items with the intent of evading the trust or escrow provisions of the chapter. Provisions related to deposits into endowed care trust funds based on the sales price of certain products are revised;

(6) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;

(7) Requires a cemetery operator to notify the division in writing at least 30 days prior to selling a majority of the business assets of a cemetery or a majority of its stock. If the division does not disapprove, the operator may complete the transaction;

(8) Allows, for agreements entered into after August 28, 2010, a cemetery prearranged merchandise products contract to be canceled within 30 days of receipt of the executed contract and requires all payments to be fully refunded with certain exceptions;

(9) Allows the division to direct a trustee, financial institution, or escrow agent to suspend the distribution of money from an endowed care trust fund or escrow account if the cemetery operator is not licensed, has failed to file an annual report, or has failed to file a corrective action plan after an audit has revealed a deficiency. The cemetery operator may appeal the suspension; and

(10) Exempts, if a cemetery was owned by a city, any subsequent cemetery owner from liability for any deficiency existing prior to the city's ownership. Currently, this applies only to a cemetery in St. Louis City.

#### AUTHORIZATION FOR DISABLED LICENSE PLATES (Section 301.142)

Physician assistants are added to the list of health care professionals who are authorized to furnish a physician's statement to a person in order to obtain a disabled license plate or placard.

#### SUPERVISION REQUIREMENTS FOR PHYSICIAN ASSISTANTS (Section 334.735)

The State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration is prohibited from requiring additional supervision requirements for a physician and physician assistant team prior to working in a rural health clinic as defined by the federal Rural Health Clinic Services Act if a waiver has been granted by the board and the minimum federal supervision standards are met.

A physician assistant cannot prescribe or dispense any drug, medicine, therapy, or device unless he or she is in a collaborative agreement with a supervising physician. Currently, a physician assistant must consult with his or her supervising physician.

#### COMPLAINTS AGAINST CERTAIN LICENSED PROFESSIONALS (Section 337.528)

The State Committee for Professional Counselors within the Department of Insurance, Financial Institutions and Professional Registration is allowed to remove unsubstantiated complaints made against licensed professional counselors by offenders who have been ordered into custody, detained, or held by the Department of Mental Health as sexually violent predators. Upon the written request of a licensed professional counselor subject to a complaint by these offenders prior to August 28, 2010, that did not result in disciplinary action, the committee and the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must destroy all documentation regarding the complaint, notify any other licensing board that was previously notified of the complaint of its actions, and send a letter to the licensee clearly stating that the complaint was unsubstantiated.

#### PHARMACY RECORD KEEPING (Section 338.100)

A licensed pharmacy is allowed to keep its records through a suitable electronic record-keeping system if the original written and faxed prescriptions are physically maintained on file at the pharmacy as required by state and federal controlled substance laws. All electronic records must be readily retrievable, and pharmacies may electronically maintain the original prescription and may electronically show an annotation reflecting any change to a prescription record.

#### REAL ESTATE BROKERS (Sections 339.010 - 339.845)

The bill changes the laws regarding the regulation of real estate brokers and salespersons to include a limited partnership, limited liability company, or professional corporation and specifies that “real estate broker” will include these types of companies and “real estate salesperson” will include a limited liability company, partnership, limited partnership, association, professional corporation, or corporation. The bill creates a new category of license for a real estate broker-salesperson and prohibits a real estate broker-salesperson from also operating as a real estate broker.

The Missouri Real Estate Commission within the Department of Insurance, Financial Institutions and Professional Registration is required upon receiving notice from the Director of the Department of Revenue that a licensee is delinquent in paying his or her taxes to immediately send a copy of the notice to the real estate broker with whom the licensee is associated.

#### RESIDENTIAL CARE FACILITIES (Sections 344.010 and 344.020)

The Missouri Board of Nursing Home Administrators within the Department of Insurance, Financial Institutions and Professional Registration is authorized to issue a separate license to the administrator of a residential care facility which was licensed as a residential care facility II on or before August 27, 2006, if it continues to meet all licensure standards for a residential care facility II in effect as of that date.

Anyone licensed to operate a residential care facility is not authorized to operate an intermediate care or skilled nursing facility.

#### EATING DISORDER COUNCIL (Sections 630.575 and 630.580)

The Missouri Eating Disorder Council is established within the Department of Mental Health. The department, in collaboration with the departments of Health and Senior Services, Elementary and Secondary Education, and Higher Education and in consultation with the council, is required to develop and implement certain specified educational and awareness programs regarding eating disorders.

#### **SB 758 — BONDS ISSUED BY THE BI-STATE DEVELOPMENT AGENCY**

This bill extends from 30 to 40 years the time period in which notes, bonds, and other instruments in writing issued by the Bi-State Development Agency must mature.

#### **SB 771 — DEPOSITARIES FOR COUNTY FUNDS**

This bill clarifies that the amount of the certified check which must accompany a bid from a banking corporation or association to be the depository of county funds must be no less than the proportion of 1.5% of the county general revenue, instead of all county revenue, for the preceding year as the sum of the part of funds bid for bears to the whole number of the parts.



### **SCS SB 772 — HIGHER EDUCATION SAVINGS AND DEPOSIT PROGRAMS**

Currently, the minimum time period for holding contributions and earnings in the Missouri Higher Education Savings Program is 12 months. This bill removes the 12-month minimum holding requirement and the expiration date for the provisions regarding the Missouri Higher Education Deposit Program.

### **SCS SB 774 — DEPARTMENT OF MENTAL HEALTH**

This bill changes the laws regarding Department of Mental Health protection measures and overdue patient accounts for mental health services.

#### **DEPARTMENT OF MENTAL HEALTH PROTECTION MEASURES**

The crime of endangering a department employee, a visitor or other person at a secure facility, or another offender is created. A person committed to the department for treatment after a court determination that he or she is a sexually violent predator who attempts to cause or knowingly causes one of these individuals to come into contact with blood, seminal fluid, urine, feces, or saliva will be guilty of a class D felony unless the substance is unidentified in which case it will be a class A misdemeanor. If the person committing the crime is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and exposes another person to the illness in the commission of the crime, he or she will be guilty of a class C felony.

#### **OVERDUE PATIENT ACCOUNTS FOR MENTAL HEALTH SERVICES**

Currently, an overdue patient account of a residential facility or day program under the control of the department which is submitted to a court for collection must be certified by the head of the residential facility or day program, with the seal of the institution attached, in order to constitute prima facie evidence of the amount due. The bill requires the certification to be completed by the department director or his or her designee instead of the head of the facility or program.

### **HCS SCS SB 777 — BOAT SLIPS, AUTOMATED TELLER MACHINES, INSURANCE COMPANIES, AND LOANS**

*(Vetoed by the Governor)*

This bill changes the laws regarding boat and watercraft slips, automatic teller machine fees, regulation of insurance companies, and financial products associated with certain loan transactions.

### **BOAT AND WATERCRAFT SLIPS**

(Section 339.503, RSMo)

The bill defines “boat slip” or “watercraft slip” for the purposes of the Real Estate Appraisers Act as a defined area of water which is a part of a boat dock serving a common interest community and is to be considered real property. The rights of a real estate owner in a slip are to be included as collateral in any deed of trust and uniform commercial code filing of a lender taking a security interest in the owner’s real estate.

### **AUTOMATED TELLER MACHINE FEES**

(Section 362.111)

An agreement to operate or share an automated teller machine (ATM) cannot prohibit the owner or operator from charging an access fee or surcharge to an individual conducting a transaction using a foreign bank account. Currently, foreign banks may charge fees, but domestic banks cannot.

### **REGULATORY ACTIONS AGAINST INSURANCE COMPANIES OPERATING IN HAZARDOUS FINANCIAL CONDITIONS**

(Sections 375.539 and 375.1255)

The Director of the Department of Insurance, Financial Institutions and Professional Registration is authorized to determine that an insurance company is in a hazardous financial condition. The department director may deem any property or casualty insurance company or any property and casualty insurance company which has any policy in force with a single net retained risk that exceeds 10% of the company’s capital and surplus as of the preceding December 31 to be in a hazardous financial condition. The bill specifies the factors for the department director to consider when determining whether a company may be in a hazardous financial condition. The department director may consider adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports, or summaries when determining whether the continued operation of the insurer may be hazardous to Missouri’s policyholders, creditors, or the general public. If the department director determines that the continued operation of an insurer may be hazardous, he or she may issue an order requiring the insurer to take various actions including requiring the insurer to reduce its total amount of present and potential liability for policy benefits by reinsurance, reduce its volume of business, increase its capital and surplus, or document the adequacy of premium rates in relation to the risks insured. Any insurer subject to an order from the department director can request a hearing to be conducted in private unless the insurer requests a public hearing.



Risk-based capital (RBC) reporting requirements for property and casualty insurance companies are revised to allow the department to require a property and casualty insurance company to take action if its risk-based capital fails the National Association of Insurance Commissioners (NAIC) RBC trend test. The RBC trend test for a property and casualty insurance company is specified as a company action level event where the insurer has total adjusted capital which is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0 triggers the trend test determined in accordance with the trend test calculation included in the Property and Casualty RBC report instructions.

#### INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION ACT

(Sections 375.1152, 375.1155, and 375.1191)

The bill changes the laws regarding the Insurers Supervision, Rehabilitation and Liquidation Act to provide for the treatment of qualified financial contracts in insurance insolvency proceedings. The bill:

(1) Defines “netting agreement” as a contract or agreement that documents one or more transactions between the parties to the agreement for or involving one or more qualified financial contracts and that provides for the netting, liquidation, setoff, termination, acceleration, or close out under or in connection with one or more qualified financial contracts or present or future payment or delivery obligations or payment of delivery entitlements thereunder among the parties to the netting agreement and “qualified financial contract” as a commodity contract, forward contract, repurchase agreement, securities contract, swap agreement, and any similar agreement that the department director determines by regulation, resolution, or order to be a qualified financial contract;

(2) Allows for the enforcement and recognition of the contractual rights of the insurer’s counterparties under qualified financial contracts, netting agreements, and related security agreements to terminate, liquidate, accelerate, or close out contracts; to offset and net off obligations owed under contracts; and to enforce any security rights under the agreements, free of any stay or prohibition that might otherwise apply under a delinquency proceeding;

(3) Requires any net or settlement amount owed under a qualified financial contract by the nondefaulting party to an insurer to be transferred to or on the order of the receiver for the insurer;

(4) Requires a receiver to transfer to one party other than the insurer all netting agreements and

qualified financial contracts between an insurer and a single counterparty and its affiliates together if a bulk transfer of insurer liabilities or contracts is made by the receiver;

(5) Prohibits a receiver from avoiding a transfer of money or property under a netting agreement or qualified financial contract made prior to the commencement of a formal delinquency proceeding unless the transfer was made with the actual intent to hinder, delay, or defraud the insurer, a receiver appointed for the insurer, or existing or future creditors; and

(6) Requires the receiver for the insurer to disaffirm or repudiate all contracts if the receiver disaffirms or repudiates any qualified financial contract or netting agreement with a counterparty and establishes the amount of the counterparty’s claim in the event of disaffirmance or repudiation. The amount of a claim for damages must be the actual direct compensatory damages determined as of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract.

#### SALE OF CERTAIN FINANCIAL PRODUCTS AND PLANS ASSOCIATED WITH LOAN

TRANSACTIONS (Sections 408.052, 408.140, 408.233, and 408.300)

A lending institution is allowed to offer, sell, and finance automobile club memberships, certain service contracts, certain vehicle protection devices issued by providers, and other plans and services providing a benefit to the borrower if the cost is disclosed separately from the loan contract, the lender does not require the purchase of the plan as a condition for the approval of the loan, the plan can be canceled within 30 days and a refund received, and the plan has a separate written acknowledgment of the intent to purchase the plan by the customer. However, no plan may include reimbursement for a deductible on a property insurance claim, and all optional products must be clearly identified as optional.

The sale of a deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower’s consent is authorized if the cost of the product is disclosed in the loan contract, is reasonable, and meets specified requirements. A debtor may cancel an addendum, protection, or other similar product within 15 days of its purchase and receive a full refund or a credit of the premium. If the product is terminated before the scheduled maturity date, the refund must be promptly paid and adjusted by the pro rata method.

## **CCS HCS SB 791 — COMMON SEWER DISTRICTS AND WATER AND SEWER SYSTEMS**

This bill changes the laws regarding common sewer districts and water and sewer systems.

### **COMMON SEWER DISTRICTS**

The bill:

(1) Allows a majority of the remaining members in office of the board of trustees of a common sewer district to fill a vacancy on the board if the county governing body fails to fill it within 60 days of receiving written notice of the vacancy. The trustees of a common sewer district may also appoint a member to a sewer subdistrict's advisory board if a vacancy is not filled by a county or political subdivision within 60 days of receiving a written request (Sections 204.300.1 and 204.571, RSMo);

(2) Increases, from eight to 10, the number of members on the sewer district boards of trustees in the counties of Cass and Jackson. Each board will consist of the county executive, mayors of the five largest-user cities, mayors of three other cities who are members of the sewer district advisory board, and one member of the county legislature. In the event the district extends its boundaries into a bordering county, the presiding commissioner or county executive of the bordering county will become the eleventh member of the board (Section 204.300.2);

(3) Authorizes a sewer district in a third classification county to develop an agreement with a city to provide sewer service in annexed areas of the district that were not receiving sewer service at the time of annexation. Currently, the City of Poplar Bluff and sewer districts in Butler County are authorized to develop agreements to provide sewer services (Section 204.472);

(4) Allows a board member to serve in more than one capacity on a common sewer subdistrict advisory board if the board consists of less than three members (Section 204.571); and

(5) Authorizes a sewer district to establish and collect charges for sewer services, including tap-on fees, and requires a private water company or public water supply district to provide water service data at a reasonable charge upon a reasonable request to a sewer district in order to calculate the rates for service. Currently, water supply districts are required to provide this data to cities, towns, and villages (Section 250.233).

### **WATER AND SEWER SYSTEMS (Section 393.320)**

The bill:

(1) Requires a small utility whenever it decides to sell or otherwise dispose of its water or sewer system

to a large public utility to authorize an appraisal of the system and set a date that the appraisal is due by ordinance, resolution, or board action;

(2) Requires the appraisal to be performed by three disinterested individuals who are certified general appraisers under Chapter 339. One will be appointed by the small utility, one by the large public utility, and one by the two appraisers appointed by the utilities;

(3) Requires the appraisers to jointly prepare an appraisal of the fair market value of the system and return the appraisal, in writing, to the small and large public utilities in a reasonable and timely manner. If all three appraisers cannot agree on the appraised value, an appraisal signed by two of them will constitute a good and valid appraisal. These provisions cannot prohibit either utility from declining to proceed with an acquisition or be deemed as establishing the final purchase price of an acquisition; and

(4) Specifies that the purchase price or the appraised value of the system, whichever is less, and the transaction, closing, and transition costs incurred by the large public utility will be the ratemaking rate base for the small utility as incorporated into the ratemaking rate base of the district designated by the large public utility. If the small utility is governed by the Missouri Public Service Commission, the commission may establish a rate base in its order authorizing the acquisition of the small utility. The criteria for selecting a rate base are specified in the bill. A large public water utility will bear responsibility for any past due fees to the state of the small utility that it acquires. The commission will provide a plan to resolve all outstanding compliance issues when a large and small water utility merge. The provisions relating to the merger of large and small water utilities will not be interpreted to apply to other utilities regulated by the commission.

## **SS SCS SB 793 — ABORTIONS**

This bill specifies that, except in the case of a medical emergency, an abortion cannot be performed or induced without the voluntary, informed, and uncoerced consent of the woman at least 24 hours prior to the abortion. The physician performing or inducing the abortion must provide orally and in writing:

(1) The physician's name;

(2) Medically accurate information including a description of the proposed abortion method, the immediate and long-term medical risks, alternatives to the abortion, and follow-up care information;

(3) The gestational age of the unborn child; and

(4) The anatomical and physiological characteristics of the unborn child.

The physician performing or inducing the abortion or a qualified professional must:

(1) Provide the pregnant woman with printed materials from the Department of Health and Senior Services that describe the probable anatomical and physiological characteristics of the unborn child including brain and heart functions, presence of extremities and internal organs; various methods of an abortion and the medical risks associated with each method; the possibility of the abortion causing pain to the unborn child; alternatives to the abortion; and that the father of the unborn child is liable to provide child support, even if he has offered to pay for the abortion. The materials must be available from the department by November 30, 2010, and must be legible, objective, unbiased, and scientifically and medically accurate. All information provided to the pregnant woman must be given to her in a private room to ensure privacy, confidentiality, and no fear of coercion. If needed, an interpreter will be provided. All information must be provided at least 24 hours before payment for an abortion can be accepted;

(2) Provide the woman at least 24 hours prior to the abortion with a department-maintained geographically indexed list of health care providers, facilities, and clinics where she would have an opportunity to view an ultrasound and hear the heartbeat of the unborn child. The list is to indicate those that provide the services free of charge;

(3) Explain that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled; and

(4) Prominently display statements encouraging a pregnant woman seeking an abortion to contact agencies that help women carry an unborn child to full term.

The woman must certify in writing on a checklist form provided by the department that she has received all of the required materials; had an opportunity to view an active ultrasound image of the unborn child and hear the heartbeat; and given her voluntary and informed consent, freely and without coercion, to the abortion procedure. No abortion will be performed or induced on an unborn child of 22 weeks gestational age or older unless the mother is given the opportunity to have a pain-alleviating drug administered to the child. If a physician has reason to believe that a woman is being coerced into having an abortion, the physician or qualified professional must inform her that services are available to her and provide her with private access to a telephone and information about the services. The physician

must retain a copy of the form in the patient's medical record.

In the event of a medical emergency that results in an abortion, the physician must clearly certify in writing the nature and circumstances of the emergency; and the certification must be kept in the abortion-performing facility's permanent file for seven years.

The department must maintain a toll-free, 24-hour hotline telephone number for a caller to obtain regional information about abortions, risks, and alternatives to an abortion and make the information available on the department's web site.

Only a licensed physician can perform or induce an abortion. Anyone violating this provision will be guilty of a class B felony.

A health insurance exchange established in Missouri or any exchange administered by the federal government or its agencies is prohibited from offering health insurance contracts, plans, or policies that provide coverage for elective abortions; and no health insurance exchange operating within this state can offer coverage for elective abortions through the purchase of an optional rider.

## **CCS HCS SB 795 — ANIMALS AND AGRICULTURE**

This bill changes the laws regarding animals and agriculture.

### **PESTICIDE FEES AND AGRICULTURE PROTECTION FUND (Sections 196.316, 261.200, 281.260, 311.550, and 322.550, RSMo)**

The bill increases the fee for registering a pesticide which is distributed, sold, offered for sale, held for sale, or delivered for transportation or transported in intrastate commerce within the state from \$15 per year with a late charge of \$5 assessed for any pesticide not registered by January 1 to \$150 per year with a late charge of \$50 assessed for any pesticide not registered by January 1 and requires the fee and late charge to be deposited into the newly created Agriculture Protection Fund. Fees are to be used solely to administer the pest and pesticide programs of the Department of Agriculture. If funding exceeds the reasonable cost of administering the programs for which the fees were collected, the department must reduce the fee for all registrants.

The fund will also consist of any appropriated moneys or fees and all fees collected and assessed by the department which are not already credited to a program-specific purpose. Fees related to egg licenses, the sale of wine, and pesticide registration are specifically directed to the fund. The fund must be used by the department for functions and

responsibilities relating to the programs from which the fees are collected, except for the fees collected for the privilege of selling wine which are to be used solely for agricultural business development and marketing-related functions of the department.

#### DRAINAGE AND LEVEE DISTRICTS (Section 246.310)

The bill specifies that the provisions of Section 262.802 regarding the abeyance of water and sewer district assessments until certain farmland property is connected to the system will not apply to any drainage or levee district established under state law.

#### ANHYDROUS AMMONIA (Section 266.355)

The Department of Agriculture is required to adopt the minimum general safety standards for the storage and handling of anhydrous ammonia in American National Standards Institute's Standard K61.1-1999, except that the department must not adopt the standards prior to December 1, 2012. The provisions of Section 266.355 regarding the storage of anhydrous ammonia will not apply to any storage equipment in use as of August 28, 2010, and which is found by the department to be in substantial compliance with generally accepted standards of safety regarding life and property.

#### WILD AND FERAL SWINE (Sections 270.260, 270.270, and 270.400)

The bill changes the laws regarding wild or feral swine. The Director of the Department of Agriculture must establish rules regarding the fencing and health standards for Russian and European wild boars or wild-caught swine held on private land. Any person holding these swine on private land must annually obtain a permit from the department. The capture and possession of feral hogs on public land and the transport of live Russian and European wild boars or wild-caught swine through or on public land without a permit is prohibited. The transport of live Russian and European wild boars or wild-caught swine for any purpose other than to slaughter or to move to another farm requires a permit from the department unless the transporter is issued an exemption permit by the department. Any person in violation of these provisions will be guilty of a class A misdemeanor. An administrative penalty of up to \$1,000 per occurrence may be assessed in the case of certain multiple violations.

Any person who recklessly or knowingly releases any swine on public or private land without adequate fencing will be guilty of a class A misdemeanor and will be subject to an administrative penalty of \$1,000 for each swine released for the first offense. Anyone who has previously pled guilty to or been found

guilty of violating this provision on two separate occasions within 10 years of the current violation will be guilty of a class D felony and may be assessed an administrative penalty of up to \$1,000 per violation.

The Animal Health Fund is created which will consist of all administrative penalties and fees collected by the department under these provisions. Moneys appropriated from the fund must be used to administer these provisions.

These provisions do not apply to domestic swine.

#### LICENSURE AND REGULATION OF ANIMAL CARE FACILITIES (Sections 273.327 and 273.329)

The bill changes the laws regarding the Animal Care Facilities Act. The bill:

- (1) Removes the exemption for animal shelters from the required annual licensure fee; and
- (2) Prohibits the Department of Agriculture from retaining, contracting with, or otherwise utilizing the services of the personnel of any nonprofit organization for the purpose of inspecting or licensing a shelter, pound, kennel, breeder, or pet shop subject to the provisions of the Animal Care Facilities Act.

#### NONPROFIT COOPERATIVE MARKETING ASSOCIATIONS (Section 274.180)

The bill specifies that a nonprofit cooperative marketing association must pay an annual fee of \$10 in lieu of certain taxes including state sales taxes.

#### BLASTING SAFETY (Sections 319.306 and 319.321)

Individuals using explosives along with a well screen cleaning device for the purpose of unblocking clogged agricultural irrigation well screens located within the Southeast Missouri Regional Water District are added to the list of individuals who are exempt from the requirement of obtaining a blaster's license from the Division of Fire Safety within the Department of Public Safety. These individuals are also exempt from the requirement of calculating the scaled distance to the nearest uncontrolled structure, of complying with ground vibration limits, of using a seismograph to record ground vibration and acoustic levels, of retaining seismograph recordings and the accompanying records for three years, of registering with the division, and of filing an annual report.

#### RENEWABLE ENERGY STANDARD (Sections 393.1025 and 393.1030)

Currently, the Missouri Public Service Commission and the Department of Natural Resources are required to make rules to satisfy the provisions of the Renewable Energy Standard, commonly known as Proposition C, passed by voters in November 2008. The bill revises the definition of "renewable energy resources" to include methane from agricultural operations and thermal depolymerization or



pyrolysis for converting waste material to energy. The commission and the department must include methane generated from the anaerobic digestion of farm animal waste and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for purposes of production requirements of the standard.

#### **LARGE CARNIVORE ACT**

(Sections 578.600 - 578.624 and Section 1)

The Large Carnivore Act is established which prohibits, beginning January 1, 2012, any person from owning or possessing, breeding, transferring or receiving ownership or possession, or transporting a large carnivore unless he or she has a permit from the Division of Animal Health within the Department of Agriculture. "Large carnivore" is defined as any of the following large cats of the Felidae family that are nonnative to this state held in captivity including a tiger, lion, jaguar, leopard, snow leopard, clouded leopard, cheetah, and any hybrid cross with the cat or any nonnative species of bear. The division is required to implement and enforce these provisions. Certain requirements regarding the care and control of a large carnivore are specified. Upon the death of a large carnivore, the owner must notify the department within 10 business days.

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released, intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. The owner is required to maintain liability insurance in an amount of not less than \$250,000 and annually provide verification of the coverage to the department. An application for a permit is to be accompanied by a fee not to exceed \$2,500 for each large carnivore with an annual renewal fee not to exceed \$500 as established by the department to offset the costs to enforce the provisions of the act. The Large Carnivore Fund is created for the deposit of moneys collected under these provisions and any gifts, donations, bequests, or appropriations for the administration of the act.

The specified requirements for large carnivore ownership are in addition to any applicable state or federal law and do not prohibit any local political subdivision from adopting more restrictive laws. Certain entities, law enforcement officers, animal control officers, veterinarians, and department employees are exempt from certain provisions of the act. The act does not apply to circuses, the University of Missouri College of Veterinary Medicine, or to certain zoological parks.

Any person violating these provisions will be guilty of a class A misdemeanor. Any person who intentionally releases a large carnivore will be guilty of a class D felony. Anyone violating a provision of the act may also be required to do community service work not to exceed 500 hours and/or lose the privilege of owning or possessing any animal.

The bill contains an emergency clause for the provisions regarding nonprofit cooperative marketing associations.

#### **SCS SB 808 — CONTINUING EDUCATION REQUIREMENTS FOR CERTAIN PUBLIC ADMINISTRATORS**

This bill specifies that the required continuing instruction for certain public administrators in counties of the first classification without a charter form of government does not have to be classroom instruction in order for them to receive compensation.

A public administrator from a second, third, or fourth classification county or St. Louis City who chooses to receive an annual salary will receive \$2,000 of his or her salary only if he or she has completed at least 20 hours of instruction each year that has been approved by a professional association of the county public administrators of Missouri unless the public administrator is exempted from the training by the association. The association approving the program must provide a certificate of completion for the training program and send a list of certified public administrators to the treasurer of each county. A public administrator will be reimbursed for expenses incurred for attending the training in the same manner as other expenses.

#### **SCS SB 834 — LIQUIDATION OF CERTAIN DOMESTIC INSURANCE COMPANIES**

This bill allows a domestic insurer organized as a stock insurance company to voluntarily dissolve and liquidate as a corporation if the Director of the Department of Insurance, Financial Institutions and Professional Registration approves the articles of dissolution prior to filing the articles with the Secretary of State and the insurer files a copy of the department director's approval along with the articles of dissolution with the Secretary of State.

In determining whether to approve a dissolution, the department director must consider, among other factors, whether the insurer's annual financial statements show no written insurance premiums for five years, the insurer has demonstrated that all policyholder claims have been satisfied or transferred to another insurer, and an examination pursuant to Sections 374.202 - 374.207, RSMo, has been completed within the last five years.



## **CCS HCS SCS SB 842, 799 & 809 — CERTAIN STATE HEALTH CARE PROGRAMS**

This bill changes the laws regarding certain health care programs administered by the departments of Social Services and Health and Senior Services.

### **MO HEALTHNET PROGRAM**

(Sections 208.010, 208.895, and 660.300, RSMo)

The MO HealthNet Program will be exempt from paying Medicare Part B deductible and co-insurance amounts for outpatient hospital services.

The Department of Health and Senior Services may contract with an independent third-party assessor for initial home and community-based assessments including a care plan. The contract must include a requirement that the contractor make a face-to-face assessment of care needed and develop a plan of care within 15 days of the receipt of a referral for service. The contractor must notify the referring entity within five days of receipt of the referral if additional information is needed to process the referral. The contract must also include the same requirements for the assessments as of January 1, 2010, related to the timeliness of assessments and the beginning of service. The contract must be bid under Chapter 34 and cannot be a risk-based contract. Reassessment visits conducted by a nurse must be reviewed and approved by the independent third-party assessor. These provisions will expire three years from the effective date.

Currently, all in-home services clients must be advised of their rights by the department, including the right to report dissatisfaction with a provider or services. The bill specifies that the department's designee can give the notification and that the department may contract for services relating to receiving complaints.

### **PHYSICIAN REIMBURSEMENT RATES**

(Section 208.198)

Subject to appropriations, the Department of Social Services must establish a reimbursement rate for services rendered by physicians and optometrists to MO HealthNet Program participants which provides equal reimbursement for the same or similar services.

### **PAYMENTS FROM THIRD-PARTY PAYERS TO THE MO HEALTHNET DIVISION (Section 208.215)**

The bill changes the laws regarding the authority of the MO HealthNet Division within the Department of Social Services to collect payments from third-party payers. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers are required to process and pay properly submitted medical

assistance or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms for a period of three years from the date services were provided by an entity. The entity cannot be required to reimburse for items or services not covered under MO HealthNet; cannot deny a claim based solely on the date of submission, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; cannot be required to reimburse for items or services previously submitted to the third-party payer by the provider or the participant and the claim was properly denied for procedural reasons; and cannot be required to reimburse for items or services which are not covered under the plan offered by the entity against which a claim for subrogation has been filed. An entity must reimburse for items or services to the same extent that the entity would have been liable if it had been properly billed at the point of sale and the amount due is limited to what the entity would have paid if it had been properly billed at the point of sale. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers must also pay a subrogation claim if the state enforces its right to a claim within six years of the submission of the claim.

The computerized records of the division, if certified by the division director or his designee, will be prima facie evidence of proof of moneys expended and the amount of the debt due the state.

### **HEALTH CARE PROVIDER TAX (Sections 208.453, 660.425 - 660.445, and 660.455 - 660.465)**

Currently, public hospitals which are operated primarily for the care and treatment of mental disorders are exempt from the payment of a federal hospital reimbursement allowance for the privilege of engaging in the business of providing inpatient health care in this state. The bill removes this exemption.

Currently, MO HealthNet in-home services providers are exempt from the in-home services tax assessed by the Department of Social Services. The bill removes this exemption and extends the expiration date for the tax from September 1, 2011, to September 1, 2012.

### **TELEPHONE TRACKING SYSTEM**

(Sections 208.909, 208.918, and 660.023)

By July 1, 2015, all personal care service vendors must have, maintain, and use a telephone tracking system to report and verify the delivery of consumer-directed care services as authorized by the Department of Health and Senior Services or its designee to process payroll and to submit claims for reimbursement to the MO HealthNet Division. The department, in collaboration with other appropriate

agencies including centers for independent living, must establish telephone tracking system pilot projects in an urban and a rural area. The department must submit a report by December 31, 2013, to the Governor and General Assembly detailing the outcomes of these pilot projects.

In order to be a department-contracted vendor, the vendor must be able to provide fiscal conduit services through a telephone tracking system by July 1, 2015.

By July 1, 2015, all in-home services provider agencies must also have, maintain, and use a telephone tracking system to report and verify the delivery of home and community-based services as authorized by the department or its designee to process payroll and to submit claims for reimbursement to the MO HealthNet Division. The department, in collaboration with other appropriate agencies including in-home services providers, must establish telephone tracking system pilot projects in an urban and a rural area. The department must submit a report by December 31, 2013, to the Governor and General Assembly detailing the outcomes of these pilot projects.

### **CCS#3 HCS#2 SB 844 — ETHICS**

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

(1) Requires the Commissioner of the Office of Administration to provide a key that accesses the State Capitol dome to each member of the General Assembly. The President Pro Tem of the Senate and the Speaker of the House of Representatives must provide a training program for the members and General Assembly staff regarding access to secured areas of the State Capitol Building. They may consult with the Office of Administration and the Department of Public Safety when developing the program (Section 8.016, RSMo);

(2) Prohibits the Office of Administration from preventing any state agency, political subdivision, or other state entity from purchasing supplies from an authorized General Services Administrator vendor if the contract does not exceed the competitive bid limits in Section 34.040. A statewide elected official is allowed to request a determination of the lowest and best bidder regarding a contract for purchasing, printing, or services for which he or she has the authority to contract from the Office of Administration which must respond to the elected official within 45 days after the submission of the request. The official must provide the original request for proposal and any pertinent information deemed necessary for the evaluation (Sections 34.048 and 37.900);

(3) Specifies that the crime of bribery of a public servant includes when a statewide elected official, member of the General Assembly, or agent of the official expressly and explicitly makes an offer of paid employment in exchange for an official vote on a public matter by the statewide official or member of the General Assembly. The crime of acceding to corruption under Section 576.020 includes when a statewide elected official or member of the General Assembly accepts an offer of paid employment in exchange for an official vote on a public matter (Section 105.456);

(4) Requires an appointee before being confirmed by the Senate to file a financial interest statement and to request from the Missouri Ethics Commission, within 30 days of the submission of his or her name to the Governor, a list of all his or her political contributions and the name of the candidate or committee to which those contributions were made for the four-year period prior to the appointment. The commission must provide the information to the appointee so that it can be delivered to the President Pro Tem of the Senate (Section 105.463);

(5) Allows a lobbyist to report the total expenditures for an occasion provided to all members of the House of Representatives or Senate and their staff and employees, all members of a joint committee of the General Assembly and their staff, a standing committee of the House of Representatives or the Senate and their staff, the majority or minority caucus of the House of Representatives or the Senate, and all statewide officials and their staff and employees when they are invited in writing (Section 105.473.3);

(6) Specifies that a lobbyist found to knowingly omit, conceal, or falsify information required on the monthly lobbyist report will be guilty of a class A misdemeanor (Section 105.473.8);

(7) Authorizes the commission to conduct investigations (Section 105.955.14);

(8) Requires a complaint to be signed and notarized and to include the facts that are within the commission's jurisdiction before being accepted by the commission. The provision is repealed that requires a separate and distinct standard regarding the frivolous complaint procedure (Section 105.957);

(9) Authorizes the executive director of the commission to conduct an independent investigation without the receipt of a complaint if there are reasonable grounds to believe a violation has occurred and all six voting members of the commission vote to proceed. All investigations by the executive director must be strictly confidential with the exception of notification of the commission and the complainant or the person under investigation (Section 105.959);

(10) Clarifies complaint investigation procedures, investigation time frames, and the appeal process (Sections 105.961 and 105.966);

(11) Sets the late filing fee that the commission may assess for a delinquent report or statement at \$50 for all report types with a maximum of \$3,000 per report (Sections 105.963.1 and 105.963.2);

(12) Authorizes the commission, after receiving a judgment for unpaid late filing fees, to collect the judgment in any manner authorized by law including garnishment of and execution against the committee's official depository account after a 30-day delinquency (Section 105.963.5);

(13) Allows a lobbyist or an individual to file an appeal of a late filing fee as specified in the bill (Section 105.963.7);

(14) Repeals the provision allowing extra time for an investigation if it is assigned to a retired judge and the provision allowing the commission to file a petition to seek extra time (Section 105.966);

(15) Prohibits a party nominating committee from selecting a candidate for an office on the primary election ballot if the candidate had previously been disqualified for the same office on the same primary election ballot or for the same office on the corresponding general election ballot (Section 115.364);

(16) Specifies that a political party committee can include only one Congressional district committee per political party for each Congressional district in the state and one state party committee per political party (Section 130.011(25));

(17) Prohibits a person from forming a new committee or serving as a treasurer or deputy treasurer for a committee until the person or the treasurer of any previously formed committee by the person or who served as treasurer or deputy treasurer has filed all required campaign disclosure reports and statements of limited authority for all prior elections and paid any outstanding fees (Section 130.021.3);

(18) Allows a political action committee to receive contributions from individuals, corporations and other partnerships, unions, and federal political action committees but prohibits the committee from receiving funds from other political action committees, political party committees, candidate committees, campaign committees, exploratory committees, or debt service committees. Donations from candidate, political party, campaign exploratory, or debt service committees may be returned to the donor political action committee. Prohibited transfers between political action committees will not apply to transfers to the state house committee per political party or the state senate committee per political party as

designated by the floor leader of the majority and minority party or the chair of the state party for third parties (Sections 130.031.13 and 130.031.14);

(19) Prohibits a person from transferring committee funds with the intent to conceal the source of the original funds from the commission. A first violation requires the restitution of the misappropriated funds within 10 days of notification by the commission. A second violation will be a class C misdemeanor, and a third or subsequent violation will be a class D felony (Section 130.031.15);

(20) Requires campaign financial disclosure reports to be filed electronically with the commission beginning January 1, 2011 (Section 130.031.16);

(21) Requires the Governor, legislators, and statewide elected officials and candidates for these offices to report any contribution exceeding \$500 within 48 hours during the legislative session and any period in which legislation awaits gubernatorial action (Section 130.044);

(22) Prohibits a successful candidate from taking office until all delinquent reports are filed and assessed fees have been paid by the candidate or the treasurer of the candidate's committee or the successful candidate who also has served as a treasurer or deputy treasurer of any committee defined in Section 130.011. No person may file to run for office or assume office if he or she is a treasurer or deputy treasurer of a committee and has not paid all fees assessed by the commission (Section 130.071); and

(23) Creates the crime of obstruction of an ethics investigation, a class A misdemeanor. A person who knowingly confers anything of benefit to any person or accepts anything of benefit in direct exchange for that person's concealing or withholding any information concerning a violation of the provisions regarding conflicts of interest and lobbying or the provisions regarding campaign finance disclosures, makes or submits a false statement, or submits inaccurate documentation to any commission member or employee or to any investigating official will be guilty of the crime. Retraction of the false statement, writing, or documentation is a defense in certain specified circumstances (Section 575.021).

#### **HCS SB 851 — NOTICE REQUIREMENTS FOR CERTAIN PUBLIC MEETINGS**

This bill requires the governing body of any county, city, town, or village or any entity created by these political subdivisions to give notice at least four business days prior to voting and to hold a public meeting to allow public comment on an issue involving the implementation of a tax increase, a retail development project which utilizes the power



of eminent domain, the creation of a transportation development or community improvement district, or the approval of a redevelopment plan that pledges public funds as financing for the project or plan. No vote may occur until after a public meeting on the matter where interested parties and citizens have had an opportunity to be heard, and no vote can be taken until the proper notice has been given. Any legal action challenging the notice requirements must be filed within 30 days of the date of the meeting or it will be deemed to have been properly noticed and held. These provisions will not apply to any votes or discussions related to proposed ordinances that require a minimum of two separate readings on different days for passage; and a tax increase under these provisions will not include the setting of the annual tax rates under Sections 67.110 and 137.055, RSMo.

#### **SS SCS SB 884 — TOBACCO REGULATIONS**

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

(1) Requires every tobacco product manufacturer whose cigarettes are sold in Missouri to certify to the Director of the Department of Revenue by April 30 of each year that it is in compliance with the Tobacco Master Settlement Agreement. A participating tobacco manufacturer must include in its certification a list of its brand families and update the list 30 days prior to any addition to or modification of its brand families by a supplemental certification. A nonparticipating manufacturer must include in its certification a list of all of its brand families and the number of units sold for each brand family that was sold in the state during the preceding calendar year indicating any brand family that is no longer being sold in the state as of the date of the certification and the name and address of any other manufacturer of the brand families in the preceding or current year. The nonparticipating manufacturer must update the list 30 days prior to any addition to or modification of its brand families by a supplemental certification. A nonparticipating manufacturer must also certify that it is registered to do business in the state or has appointed an agent within the state for the service of process regarding the enforcement of the provisions of the bill, that it is in full compliance with the provisions regarding the master agreement, and that it has established and continues to maintain a qualified escrow fund and other specified information regarding its financial transactions;

(2) Requires, on or after January 1, 2011, the department director to issue, maintain, update when necessary, make available for public inspection, and publish on its web site a list of all tobacco

product manufacturers that have provided current and accurate certifications in compliance with the requirements of the bill and all brand families listed in the certifications with certain specified exceptions;

(3) Requires the department director to disclose to the Attorney General any information received under the provisions of the master agreement that is requested to determine compliance with and to enforce the provisions of the agreement. The department director and the Attorney General must share with each other certain specified information;

(4) Allows the Attorney General, on behalf of the department director, to seek an injunction to restrain a threatened or actual violation of certain provisions;

(5) Requires a stamping agent, who affixes tax stamps to cigarette packages, to submit an electronic mail address to the department director for the receipt of required notifications;

(6) Allows the seizure and forfeiture of cigarettes deemed by a court of competent jurisdiction to have been sold, offered for sale, or possessed for sale in violation of the provisions of the bill. The state may also recover the costs of investigating and litigating a violation; and

(7) Specifies the penalties for a violation of the provisions of the bill including suspension of the license of a stamping agent and a class A misdemeanor offense for a violation of various transactions involving contraband cigarettes. Monetary penalties will be deposited into the newly created Tobacco Control Special Fund to be used to enforce the provisions of the bill.

The bill contains an emergency clause.

#### **SS SB 928 — SALES TAX COLLECTIONS**

This bill changes the laws regarding the collection of sales tax. In its main provisions, the bill:

(1) Clarifies that certain purchases made for resale are not to be considered as retail for sales and use tax purposes when the subsequent sale is taxed in the state or another state, is for resale, is excluded from tax, is subject to tax but is exempt, or is exempt in another state where the subsequent sale occurs;

(2) Clarifies that operators of amusement parks and places of entertainment or recreation, including games or athletic events, must charge sales taxes on the amount of gross receipts charged for admission, but any subsequent sale of the admissions or seating accommodations will not be subject to the taxes if it was an arms length transaction for fair market value with an unaffiliated entity and clarifies that operators of hotels, motels, taverns, restaurants, drugstores, dining cars, tourist camps, or similar businesses must charge sales taxes on the amount of gross receipts

charged for all rooms, meals, and drinks furnished at the establishment, but any subsequent sale of those same rooms, meals, and drinks is exempt from sales and use taxes if it was an arms length transaction for fair market value with an unaffiliated entity; and

(3) Exempts from state and local sales and use taxes the sales of sporting clays, wobble, skeet, and trap targets to a shooting range or similar business for use in the normal course of business as well as moneys received by a shooting range or similar business from patrons which are held for redistribution to patrons at the conclusion of a shooting event.

The bill contains an emergency clause.

### **HCS SB 940 — BINGO**

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

(1) Defines “bingo card monitoring device” as a technology aid which allows a bingo player to enter bingo numbers as they are announced that marks or otherwise conceals those numbers which are electronically stored in and displayed on the device and does not include any device into which currency, coins, tokens, or electronic funds transfer may be inserted or dispensed or is capable of communicating with any other bingo card monitoring device or form of electronic device or computer. A bingo game is allowed to be conducted by a device if it has been approved by the Missouri Gaming Commission;

(2) Allows an organization with an abbreviated bingo license to conduct bingo games up to 15 times annually at which only pull-tab cards may be used. Currently, the limit is up to four times annually;

(3) Requires all organizations licensed to conduct bingo games to pay a \$50 annual license fee. Currently, certain licensed organizations are required to pay a \$10 annual license fee;

(4) Authorizes the commission to establish by regulation the maximum daily prize amount for nonprogressive bingo games. Currently, the aggregate retail value, except for pull-tab cards and progressive bingo games, in a single day of bingo cannot exceed \$3,600 and the prize for any one game, other than a progressive bingo game, cannot exceed \$500; and no more than one \$500 prize, other than prizes in progressive bingo games, can be awarded on any single day of bingo;

(5) Repeals the provision which specifies that the price for a single special game bingo card cannot exceed 50 cents;

(6) Repeals the provision which specifies that a licensee cannot require a player to purchase a minimum number of cards in order to participate in

a bingo game and specifies that a licensee cannot require a player to purchase more than a standard pack of bingo cards in order to participate;

(7) Allows a licensee to conduct bingo games twice a week instead of once a week;

(8) Increases the amount which may be used for advertising from up to 2% to up to 10% of the total amount expended from bingo receipts;

(9) Repeals the provision which prohibits a licensee from referencing the aggregate value of bingo prizes in an advertisement which exceeds the amount authorized by law to be paid out in a single bingo occasion;

(10) Prohibits a bingo game from being conducted between 1:00 a.m. and 7:00 a.m. Currently, a game cannot be conducted between midnight and 10:00 a.m.;

(11) Requires a licensee who conducts bingo games on more than three occasions in any calendar year to make quarterly reports to the commission. Currently, certain licensees are required to report annually;

(12) Changes the record retention requirement of a bingo licensee from three to two years except for those records stipulated for one-year retention by regulation;

(13) Requires the applicant for a supplier's or manufacturer's license to be responsible for the total cost of a criminal history investigation incurred by the commission; and

(14) Increases the one-time application fee for a manufacturer's license from an amount not to exceed \$1,000 to an amount not to exceed \$5,000 and the renewal fee from an amount not to exceed \$500 to an amount not to exceed \$1,000.

### **HCS SCS SB 942 — ANNEXATIONS BY CERTAIN CITIES**

This bill allows the governing body of a municipality to annex a parcel of land within a research, development, or office park project located in an unincorporated area of the county if the parcel is compact and contiguous to the existing boundaries of the municipality and the municipality obtains the written consent of all property owners within the unincorporated area of the parcel.

The City of Byrnes Mill is prohibited from annexing any property adjacent to the city if there are no registered voters residing on the property unless the city has obtained the written consent of all property owners within the adjacent property.



**SB 981 — SALES TAX FOR PUBLIC SAFETY**

This bill authorizes the City of Kansas City to impose, upon voter approval, a sales tax of one-eighth, one-fourth, three-eighths, or one-half of 1% for public safety activities, including operations and capital improvements, and for the retirement of previously authorized bonded indebtedness.

**SS SB 984 — USE OF CHIPS AND TOKENS ON EXCURSION GAMBLING BOATS**

Currently, tokens, chips, and other forms of credit can only be used for wagering or exchanging for money on an excursion gambling boat. This bill allows these items to be used to purchase food or beverages on a gambling boat.

**SB 987 — CERTAIN UNIVERSITY OF MISSOURI RESEARCH GRANTS**

Currently, the maximum amount that the University of Missouri Board of Curators may annually award for an individual research project regarding spinal cord injuries or other specific disease processes is \$50,000. This bill raises the maximum amount to \$250,000 a year.

**CCS HCS SS SB 1007 — CERTAIN STATE PUBLIC ASSISTANCE PROGRAMS**

This bill changes the laws regarding certain public assistance programs administered by the departments of Social Services and Health and Senior Services.

**HOME AND COMMUNITY-BASED SERVICES**  
(Section 198.016, RSMo)

Prior to admission of a MO HealthNet individual into a long-term care facility, a prospective resident or his or her next-of-kin, legally authorized representative, or designee must be informed of the home and community-based services available to him or her. A decline of these services by the prospective resident must be kept on record.

**CARE OF TUBERCULOSIS PATIENTS**  
(Sections 199.010 - 199.260)

Subject to appropriations, the Missouri Rehabilitation Center within the University of Missouri, must provide care for head injury patients but is no longer required to provide treatment for persons with tuberculosis. The Department of Health and Senior Services must provide treatment to tuberculosis patients at the center. An individual granted an ex parte petition for emergency temporary commitment and an individual considered to be a public health danger will be committed to a facility designated

by the department instead of the university. The department may contract with the center to provide treatment to tuberculosis patients, and the contract will be exempt from the competitive bidding requirements of Chapter 34. The state payment for the care and treatment of one of these patients will be available only after benefits from all third-party payers have been exhausted.

**MO HEALTHNET PROGRAM**  
(Sections 208.010, 208.895, and 660.300)

The MO HealthNet Program will be exempt from paying Medicare Part B deductible and co-insurance amounts for outpatient hospital services.

The Department of Health and Senior Services may contract with an independent third-party assessor for initial home and community-based assessments including a care plan. The contract must include a requirement that the contractor make a face-to-face assessment of care needed and develop a plan of care within 15 days of the receipt of a referral for service. The contractor must notify the referring entity within five days of receipt of the referral if additional information is needed to process the referral. The contract must also include the same requirements for the assessments as of January 1, 2010, related to the timeliness of assessments and the beginning of service. The contract must be bid under Chapter 34 and cannot be a risk-based contract. Reassessment visits conducted by a nurse must be reviewed and approved by the independent third-party assessor. These provisions will expire three years from the effective date.

Currently, all in-home services clients must be advised of their rights by the department, including the right to report dissatisfaction with a provider or services. The bill specifies that the department's designee can give the notification and that the department may contract for services relating to receiving complaints.

**CHILD CARE ASSISTANCE** (Section 208.046)

The Children's Division within the Department of Social Services is required to establish rules to become effective by July 1, 2011, to modify the income eligibility criteria for any person receiving state-funded child care assistance through vouchers or direct reimbursement to child care providers. Subject to appropriations, an eligible child care recipient may pay a fee based on his or her adjusted gross income and family size unit on a child care sliding fee scale established by the division. An individual receiving state-funded child care assistance whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the division, at which

time the person will have assumed the full cost of the maximum base child care subsidy rate and will no longer be eligible for child care subsidy benefits. The sliding scale may be waived by the division for a child with special needs. The maximum payment by the division will be the applicable rate minus the applicable fee.

#### PAYMENTS FROM THIRD-PARTY PAYERS TO THE MO HEALTHNET DIVISION (Section 208.215)

The bill changes the laws regarding the authority of the MO HealthNet Division within the Department of Social Services to collect payments from third-party payers. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers are required to process and pay properly submitted medical assistance or MO HealthNet subrogation claims using standard electronic transactions or paper claim forms for a period of three years from the date services were provided by an entity. The entity cannot be required to reimburse for items or services not covered under MO HealthNet; cannot deny a claim based solely on the date of submission, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization; cannot be required to reimburse for items or services previously submitted to the third-party payer by the provider or the participant and the claim was properly denied for procedural reasons; and cannot be required to reimburse for items or services which are not covered under the plan offered by the entity against which a claim for subrogation has been filed. An entity must reimburse for items or services to the same extent that the entity would have been liable if it had been properly billed at the point of sale and the amount due is limited to what the entity would have paid if it had been properly billed at the point of sale. Health benefit plans, third-party administrators, administrative service organizations, and pharmacy benefits managers must also pay a subrogation claim if the state enforces its right to a claim within six years of the submission of the claim.

The computerized records of the division, if certified by the division director or his designee, will be prima facie evidence of proof of moneys expended and the amount of the debt due the state.

#### HEALTH CARE PROVIDER TAX (Sections 208.453, 660.425, and 660.465)

Currently, public hospitals which are operated primarily for the care and treatment of mental disorders are exempt from the payment of a federal hospital reimbursement allowance for the privilege

of engaging in the business of providing inpatient health care in this state. The bill removes this exemption.

In Sections 660.425 and 660.465, MO HealthNet in-home services providers will no longer be exempt from the in-home provider tax assessed by the Department of Social Services. The expiration date for the tax is extended from September 1, 2011, to September 1, 2012.

#### TELEPHONE TRACKING SYSTEM (Sections 208.909, 208.918, and 660.023)

By July 1, 2015, all personal care service vendors must have, maintain, and use a telephone tracking system to report and verify the delivery of consumer-directed care services as authorized by the Department of Health and Senior Services or its designee to process payroll and to submit claims for reimbursement to the MO HealthNet Division. The department, in collaboration with other appropriate agencies including centers for independent living, must establish telephone tracking system pilot projects in an urban and a rural area. The department must submit a report by December 31, 2013, to the Governor and General Assembly detailing the outcomes of these pilot projects.

In order to be a department-contracted vendor, the vendor must be able to provide fiscal conduit services through a telephone tracking system by July 1, 2015.

By July 1, 2015, all in-home services provider agencies must also have, maintain, and use a telephone tracking system to report and verify the delivery of home and community-based services as authorized by the department or its designee to process payroll and to submit claims for reimbursement to the MO HealthNet Division. The department, in collaboration with other appropriate agencies including in-home services providers, must establish telephone tracking system pilot projects in an urban and a rural area. The department must submit a report by December 31, 2013, to the Governor and General Assembly detailing the outcomes of these pilot projects.

**TRULY AGREED TO AND FINALLY PASSED**

# **HOUSE BILLS**

**EXTRAORDINARY SESSION**



**CCS SCS HCS HB 1 -- STATE EMPLOYEE RETIREMENT SYSTEMS**

This bill changes the laws regarding state employee retirement systems. In its main provisions, the bill:

(1) Specifies that any person who first becomes a state employee on or after January 1, 2011, will be a member of the Missouri State Employees' Retirement System (MOSERS) Year 2000 Plan. To be eligible for normal retirement under this plan, an employee must be at least 67 years of age and have completed at least 10 years of credited service or be at least 55 years of age with the sum of the employee's age and credited service equaling at least 90. A uniformed member of the State Highway Patrol who is subject to the mandatory retirement provisions of Section 104.081, RSMo, must be at least 60 years of age or at least 55 years of age with 10 years of credited service. A member of the General Assembly must be at least 62 years of age and have completed at least three full biennial assemblies or be at least 55 years of age with the sum of the member's age and credited service equaling at least 90. A statewide elected official must be at least 62 years of age and have completed at least four years of credited service or be at least 55 years of age with the sum of the official's age and credited service equaling at least 90. A vested former member must be at least 67 years of age and have completed at least 10 years of credited service. An employee, except for a uniformed member of the patrol who is subject to the mandatory retirement provisions, will be eligible for early retirement upon reaching 62 years of age with at least 10 years of credited service. A vested former member will not be eligible for early retirement. An employee must work for the state for 10 years in order to be vested in the system. A member of this plan is required to contribute 4% of his or her pay to his or her individual account with the system. A member will not be able to purchase credit in the system for his or her previous non-federal, full-time public employment or military service or to transfer credit from another public retirement system. The employee contribution rate, the benefits under the Year 2000 Plan, and any other provision of the Year 2000 Plan may be altered, amended, increased, decreased, or repealed, but the change will only apply to service or interest credits after the effective date of the change. An employee under the plan will not be eligible for the backdrop option;

(2) Requires any person who first becomes a judge on or after January 1, 2011, to be at least 67 years of age and have at least 12 years of service as a judge or be at least 62 years of age and have at least 20 years of service as a judge before he or she is eligible for normal retirement benefits under

the Judicial Plan with MOSERS. If a judge retires at 67 years of age with less than 12 years of service or at 62 years of age with less than 20 years of service, his or her retirement compensation will be reduced proportionately. A judge in this plan will be required to contribute 4% of his or her compensation to his or her individual account with the system. A judge will not be able to purchase credit in the plan for his or her previous non-federal, full-time public employment or military service. A judge under this plan who continues to work after his or her normal retirement date will not have cost-of-living increases added to his or her retirement compensation for the period of time between his or her eligibility for retirement and the actual retirement date. When a retired judge under this plan dies, his or her beneficiary will not receive an amount equal to 50% of the judge's retirement compensation. Instead, at the time of retirement, a judge will choose one of four payment options for his or her beneficiary. The employee contribution rate, the benefits under the plan, and any other provision of the plan may be altered, amended, increased, decreased, or repealed, but the change will only apply to service or interest credits after the effective date of the change; and

(3) Prohibits a judge retiring under the provisions of the bill who is hired as an employee eligible to participate in the MOSERS Closed Plan or in the Year 2000 Plan from receiving judicial retirement benefits while employed, and any judge who serves as a judge while receiving judicial retirement under these provisions is prohibited from receiving judicial retirement while serving as a judge. A judge who serves as a senior judge or senior commissioner while receiving judicial retirement may continue to receive judicial retirement and additional credit and salary for the service.

**SCS HCS HB 2 -- MANUFACTURING JOBS ACT**

This bill establishes the Manufacturing Jobs Act which provides incentives for qualified manufacturing companies and qualified suppliers that create or retain Missouri jobs. In its main provisions, the bill:

(1) Defines "qualified manufacturing company" as a business with a National American Industry Classification System (NAICS) code of 33611 that:

(a) Manufactures goods at a facility in Missouri;

(b) Makes a capital investment of at least \$75,000 per retained job at the facility for the manufacture of a new product within two years of beginning to retain withholding taxes or commits to make a capital investment of at least \$50,000 per retained job at the facility for the modification or expansion of the manufacture of an existing product within two years of beginning to retain withholding taxes;



(c) Manufactures a new product or has commenced making capital improvements to the facility to manufacture a new product or modifies or expands the manufacture of an existing product or has commenced making capital improvements to the facility for the manufacture of an existing product; and

(d) Continues to manufacture these goods at the facility for the withholding period in which the company receives benefits under the act;

(2) Defines “qualified supplier” as a manufacturing company that:

(a) Attests to the Department of Economic Development that it derives more than 10% of its total annual sales revenue from sales to a qualified manufacturing company;

(b) Adds five or more new jobs;

(c) Pays wages for the new jobs that are equal to or exceed the county average wage for Missouri as determined by the department using the NAICS industry classifications but are not less than 60% of the statewide average wage; and

(d) Provides health insurance for all full-time jobs and pays at least 50% of the insurance premiums;

(3) Requires the department to respond with an approval or rejection within 30 days to a qualified manufacturing company or qualified supplier that provides a notice of intent to receive benefits under the act. Failure of the department to respond will result in the notice of intent being deemed approved;

(4) Allows a qualified manufacturing company beginning January 1, 2012, upon approval of a notice of intent by the department, to retain 100% of the withholding taxes from full-time jobs at the facility for 10 years if it manufactures a new product or to retain 50% of withholding taxes from full-time jobs for seven years if it modifies or expands the manufacture of an existing product;

(5) Allows a qualified manufacturing company to remain eligible to participate in the Missouri Quality Jobs Program for any new jobs for which it does not retain withholding taxes if it meets the qualifications for that program but prohibits a qualified manufacturing company from simultaneously receiving benefits from:

(a) Business use incentives for large-scale developments (Sections 100.700 - 100.850, RSMo);

(b) New or expanded business facilities (Sections 135.100 - 135.150);

(c) Enterprise zones (Sections 135.200 - 135.286);

(d) Relocation of a business to a distressed community (Section 135.535); or

(e) Rural empowerment zones (Sections 135.900 - 135.906);

(6) Allows a qualified supplier, upon approval of a notice of intent by the department, to retain 100% of the withholding taxes from new jobs for three years. If the qualified supplier pays wages for the new jobs that are equal to or greater than 120% of the county average wage for Missouri as determined by the department using NAICS industry classifications, it can retain the withholding taxes for five years. A qualified supplier is prohibited from simultaneously receiving benefits from:

(a) Business use incentives for large-scale developments (Sections 100.700 - 100.850);

(b) New or expanded business facilities (Sections 135.100 - 135.150);

(c) Enterprise zones (Sections 135.200 - 135.286);

(d) Relocation of a business to a distressed community (Section 135.535);

(e) Rural empowerment zones (Sections 135.900 - 135.906);

(f) Enhanced enterprise zones (Sections 135.950 - 135.970); or

(g) Missouri Quality Jobs Program (Section 620.1881);

(7) Limits the amount of retained withholding taxes authorized under the act for any one qualified manufacturing company to \$10 million per year and limits the aggregate amount of retained withholding taxes authorized under the act to \$15 million per year;

(8) Specifies that if a qualified manufacturing company is utilizing withholding taxes from jobs at the facility for any other state program, the taxes will first be credited to the other state program before beginning to accrue under the provisions of the act. The other state programs include, but are not limited to:

(a) New Jobs Training Program (Sections 178.892 - 178.896);

(b) Job Retention Program (Sections 178.760 - 178.764);

(c) Real Property Tax Increment Allocation Redevelopment Act (Sections 99.800 - 99.865); or

(d) Missouri Downtown and Rural Economic Stimulus Act (Sections 99.915 - 99.980);

(9) Specifies that any qualified manufacturing company or qualified supplier that is awarded benefits under this act and knowingly hires individuals who are not allowed to work legally in the United States will immediately forfeit these benefits and repay the state an amount equal to any withholding taxes already retained;

(10) Specifies that taxpayers awarded benefits under the act will not be required to obtain affidavits

from subcontractors regarding the employment of illegal immigrants;

(11) Requires a qualified manufacturing company that fails to make the required capital investment within two years to immediately cease retaining any withholding taxes with respect to jobs at the facility, repay all withholding tax previously retained plus interest of 5% per year, and forfeit all rights to retain withholding taxes for the remainder of the withholding period. If the failure to make the capital investment is due to economic conditions beyond the company's control, the department director may suspend the right to retain withholding taxes one time for up to three years at the company's request;

(12) Requires a qualified manufacturing company that discontinues the manufacturing of a new product without replacing it with a subsequent or additional new product manufactured at the facility during the withholding period to immediately cease retaining any withholding taxes with respect to jobs at the facility and will forfeit all rights to retain withholding taxes for the remainder of the withholding period; and

(13) Requires the department to submit an annual report prior to March 1 to the General Assembly with information regarding the participating companies and suppliers, the amount of benefits provided, the estimated net state fiscal impact, and the number of new and retained jobs.

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

The bill becomes effective only upon approval by the Governor of House Bill 1 from the First Extraordinary Session of the Second Regular Session of the 95th General Assembly.



# SUBJECT INDEX OF 2010 TRULY AGREED TO AND FINALLY PASSED HOUSE BILLS AND SENATE BILLS

**ABORTION**

*See also Medical Procedures and Personnel*

SS SCS SB 793 – Abortions

**ACCOUNTANTS**

CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
– Regulation and Licensing of Certain Professions

**ADMINISTRATION, OFFICE OF**

SCS HCS HB 1524 & 2260 – Veterans and Members of the  
Military  
CCS SS#2 SCS HCS#2 HB 1543 – Elementary and  
Secondary Education  
CCS SCS HB 1868 – State Government  
SCS HB 2285 – Keys to the Capitol Dome; Conveyances of  
State Property  
SS SCS HB 2317 – Keys to the Capitol Dome; Conveyances  
of State Property  
CCS#3 HCS#2 SB 844 – Ethics

**ADMINISTRATIVE LAW**

CCS SCS HB 1868 – State Government  
SS SCS HCS HB 2198 – Motor Vehicle Franchise Practices  
Act

**ADVERTISING AND SIGNS**

HCS SS SCS SB 586 & 617 – Sexually Oriented Businesses  
HCS SB 940 – Bingo

**AGRICULTURE AND ANIMALS**

HB 1662 – Diseased Animals  
HCS HB 1840 – Rice Advisory Council  
SS HCS HB 1848 – Joint Committee on Urban Farming  
HB 2182 – Agritourism  
CCS HCS SB 795 – Animals and Agriculture

**AGRICULTURE DEPARTMENT**

HCS HB 1840 – Rice Advisory Council  
SS HCS HB 1848 – Joint Committee on Urban Farming  
CCS HCS SB 795 – Animals and Agriculture

**ALCOHOL**

*See also Drunk Driving/Boating; Licenses-Liquor  
and Beer*

CCS SS#2 SCS HCS#2 HB 1543 – Elementary and  
Secondary Education  
SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related  
Traffic Offenses  
HCS SS SCS SB 586 & 617 – Sexually Oriented Businesses  
CCS HCS SB 795 – Animals and Agriculture

**AMBULANCES AND AMBULANCE DISTRICTS**

*See also Emergencies*

CCS SS SCS HB 1442 – Local Taxes  
HCS HB 1977 – Emergency Services

**ANNEXATION**

SS HCS HB 1806 – Annexations by Certain Cities  
HCS SCS SB 942 – Annexations by Certain Cities

**APPROPRIATIONS**

SCS HCS HB 2001 – Board of Fund Commissioners; Issuing  
and Processing Certain Bonds  
CCS SS SCS HCS HB 2002 – Elementary and Secondary  
Education  
CCS SS SCS HCS HB 2003 – Higher Education  
CCS SCS HCS HB 2004 – Revenue; Transportation  
CCS SCS HCS HB 2005 – Office of Administration  
CCS SCS HCS HB 2006 – Agriculture; Natural Resources;  
Conservation  
CCS SCS HCS HB 2007 – Economic Development;  
Insurance, Financial Institutions and Professional  
Registration; Labor and Industrial Relations  
CCS SCS HCS HB 2008 – Public Safety  
CCS SCS HCS HB 2009 – Corrections  
CCS SCS HCS HB 2010 – Mental Health; Health and Senior  
Services  
CCS SCS HCS HB 2011 – Social Services  
CCS SCS HCS HB 2012 – Statewide Elected Officials;  
Judiciary; Public Defender; General Assembly  
CCS SCS HCS HB 2013 – Real Property Leases and  
Related Services  
SCS HCS HB 2014 – Supplemental Operating Appropriations  
SCS HCS HB 2016 – Reappropriations for Federal Stimulus  
Funds

**ARCHITECTS**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Architects, Engineers, and Surveyors  
CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
– Regulation and Licensing of Certain Professions

**ATHLETICS**

*See Entertainment, Sports, and Amusements*

**ATTORNEY GENERAL, STATE**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Inspection of Certain Pleadings  
SS SCS SB 884 – Tobacco Regulations

**ATTORNEYS**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Exemption of Certain Attorneys from Specified  
Concealed Carry Restrictions

**AUDITOR, STATE**

SS#2 HCS HB 1893 – Gaming Funds

**AUTISM**

CCS SCS HCS HB 1311 & 1341 – Health Insurance  
Coverage for Autism Spectrum Disorders

**BALLOT ISSUES**

SS SCS HCS HB 1764 – Health Insurance

**BANKS AND FINANCIAL INSTITUTIONS**

SB 771 – Depositories for County Funds  
HCS SCS SB 777 – Automated Teller Machines; Loan  
Transactions

**BINGO**

*See also Gambling*  
HCS SB 940 – Bingo

**BOARDS, COMMISSIONS, COMMITTEES, COUNCILS**

CCS SCS HCS HB 1311 & 1341 – Behavior Analyst Advisory  
Board  
HB 1516 – Repeal of Expired Statutes  
SCS HB 1612 – Common Sewer Districts  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Certain Professionals  
HCS HB 1840 – Rice Advisory Council  
SS HCS HB 1848 – Joint Committee on Urban Farming  
CCS SCS HB 1868 – State Government  
HB 1942 – Emergency Service Boards  
CCS SCS HCS HB 1965 – State Government  
CCS SCS HCS HB 2297 – Kansas City Zoological District  
SS SB 578 – Port Authorities  
CCS#2 HCS SCS SB 754 – Certain Professionals; Missouri  
Real Estate Commission; Missouri Eating Disorder  
Council  
CCS HCS SB 791 – Common Sewer Districts and Water and  
Sewer Systems  
CCS#3 HCS#2 SB 844 – Ethics

**BOATS AND WATERCRAFT**

*See also Drunk Driving/Boating; Lakes, Rivers and  
Waterways; Motor Vehicles*  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Outboard Motor Certificates of Title  
HCS SCS SB 777 – Boat Slips

**BONDS - GENERAL OBLIGATION AND REVENUE**

SB 758 – Bonds Issued by the Bi-state Development Agency

**BONDS - SURETY**

*See also Liability*  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Property Assessment Clean Energy Act; Appraisal  
Management Company Registration and Regulation  
Act; Mechanic's Liens; Court Fees

**BUSINESS AND COMMERCE**

*See also Consumer Protection; Merchandising  
Practices*

HCS HB 2161 – Driver's License Application Information  
SS SCS HCS HB 2198 – Motor Vehicle Franchise Practices  
Act  
HCS SS SCS SB 586 & 617 – Sexually Oriented Businesses  
CCS HCS SCS SB 733 – Higher Education

**CAPITAL IMPROVEMENTS**

CCS SS SCS HB 1442 – Local Taxes  
SB 981 – Sales Tax for Public Safety

**CEMETERIES**

CCS SS SCS HB 1442 – Local Taxes  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Endowed Care Cemeteries  
CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
– Endowed Care Cemeteries  
SB 753 – Investment of Certain Cemetery Trust Funds  
CCS#2 HCS SCS SB 754 – Endowed Care Cemeteries

**CHARITIES**

HB 1643 – County Recorders of Deeds

**CHILDREN AND MINORS**

*See also Guardians*  
HB 1270 – Children's Special Health Care Needs Service  
CCS SCS HCS HB 1311 & 1341 – Health Insurance  
Coverage for Autism Spectrum Disorders  
SCS HCS HB 1524 & 2260 – Veterans and Members of the  
Military  
CCS SS#2 SCS HCS#2 HB 1543 – Elementary and  
Secondary Education  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Child Support  
SCS HB 1892 – Student Work Certificates  
SS#2 HCS HB 1893 – Gaming Funds  
HB 2056 – Liens for Failure to Pay Child Support or  
Maintenance  
HCS HB 2081 – Use of Force in Defense of an Unborn Child  
HB 2270 – Safe Care Providers  
SS HB 2290 – Child Care Assistance  
HCS SS SCS SB 586 & 617 – Sexually Oriented Businesses  
CCS HCS SS SB 1007 – Certain State Public Assistance  
Programs

**CITIES, TOWNS, AND VILLAGES**

*See also Political Subdivisions*  
CCS SS SCS HB 1442 – Local Taxes  
SCS HB 1612 – Common Sewer Districts  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Property Assessment Clean Energy Act; Cemeteries  
SS HCS HB 1806 – Annexations by Certain Cities  
CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
– Endowed Care Cemeteries  
SCS SB 644 – Local Tourism Taxes  
CCS#2 HCS SCS SB 754 – Endowed Care Cemeteries  
HCS SCS SB 942 – Annexations by Certain Cities



**CONSUMER PROTECTION***See also Business and Commerce*

HCS HB 2161 – Driver's License Application Information  
 SS SCS HCS HB 2198 – Motor Vehicle Franchise Practices Act

**CONTRACTS AND CONTRACTORS**

SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Licensed Real Estate Salespersons and Brokers; Endowed Care Cemeteries; Mechanic's Liens; Prearranged Funeral Contracts  
 CCS SCS HB 1868 – State Contracts  
 HB 1894 – Mental Health Services  
 CCS SCS HCS HB 1965 – Joint Subcommittee on Recovery Accountability and Transparency  
 SS SCS HCS HB 2058 – Mechanic's Lien  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Endowed Care Cemeteries; Private Investigators  
 HCS HB 2231 – Disposition of Cremated Human Remains  
 SS SB 578 – Port Authorities  
 HCS SCS SB 583 – Insurers Supervision, Rehabilitation and Liquidation Act; Life and Health Insurance Guaranty Association Act  
 CCS#2 HCS SCS SB 754 – Prearranged Funeral and Burial Contracts; Endowed Care Cemeteries  
 HCS SCS SB 777 – Insurers Supervision, Rehabilitation and Liquidation Act; Sale of Certain Financial Products and Plans  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health Care Programs  
 CCS HCS SS SB 1007 – Certain State Public Assistance Programs

**CONVEYANCES AND EASEMENTS***See also Mortgages and Deeds; Property, Real and Personal*

SCS HB 2285 – Conveyances of State Property  
 SS SCS HB 2317 – Conveyances of State Property  
**COOPERATIVES**  
 CCS HCS SB 795 – Animals and Agriculture

**CORPORATIONS**

HB 1595 – Industrial Development Corporations  
 HB 1741 – Board Meetings of Corporations  
 SS SCS HCS HB 1764 – Dissolution of Certain Stock Insurance Companies

**COUNSELING** *See Mental Health***COUNTIES***See also Political Subdivisions*

SCS HCS HB 1316 – Property Taxes and Assessments  
 HB 1340 – Sales Tax for Douglas County Fire Protection Districts

SCS HB 1392 – Property Tax Rates  
 CCS SS SCS HB 1442 – Local Taxes  
 SCS HB 1612 – Common Sewer Districts  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Endowed Care Cemeteries; Court Fees  
 SS HCS HB 1806 – County Classifications  
 HB 1942 – Emergency Service Boards  
 CCS HCS HB 2070 – Joint Central Fire and Emergency Dispatching Services Taxes  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Endowed Care Cemeteries  
 CCS SCS HCS HB 2297 – Kansas City Zoological District  
 SS SCS SB 588 – Property Tax Assessment Notices  
 SCS SB 644 – Local Tourism Taxes  
 CCS#2 HCS SCS SB 754 – Endowed Care Cemeteries  
 CCS HCS SB 791 – Common Sewer Districts and Water and Sewer Systems  
 SCS SB 808 – Continuing Education Requirements for Certain Public Administrators

**COUNTY GOVERNMENT**

SS HCS HB 1806 – County Classifications  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Endowed Care Cemeteries  
 SB 771 – Depositaries for County Funds

**COUNTY OFFICIALS**

SCS HCS HB 1316 – Property Taxes and Assessments  
 HB 1643 – County Recorders of Deeds  
 SCS SB 808 – Continuing Education Requirements for Certain Public Administrators

**COURTS***See also Juries*

HCS HB 1540 – Infractions  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Private Nuisances; Endowed Care Cemeteries; Child Support; Certain Court Pleadings; Court Fees  
 SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related Traffic Offenses  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Endowed Care Cemeteries  
 SS SCS SB 588 – Property Tax Assessment Notices  
 SB 753 – Investment of Certain Cemetery Trust Funds  
 CCS#2 HCS SCS SB 754 – Endowed Care Cemeteries

**CRIMES AND PUNISHMENT***See also Victims of Crime*

HCS#2 HB 1472 – Controlled Substances  
 HCS HB 1540 – Infractions  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Unlawful Use or Possession of Weapons  
 CCS SCS HB 1868 – State Government  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Regulation and Licensing of Certain Professions  
 SCS SB 774 – Department of Mental Health  
 SS SCS SB 793 – Abortions

CCS HCS SB 795 – Animals and Agriculture  
 CCS#3 HCS#2 SB 844 – Ethics  
 SS SCS SB 884 – Tobacco Regulations

### **CRIMINAL PROCEDURE**

*See also Evidence; Search and Seizure; Victims of Crime*

SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related Traffic Offenses  
 HCS HB 2081 – Use of Force in Defense of an Unborn Child

### **DENTISTS**

CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
 – Regulation and Licensing of Certain Professions

### **DISABILITIES**

*See also Guardians*

HB 1270 – Children's Special Health Care Needs Service  
 CCS#2 HCS SCS SB 754 – Disabled License Plates

### **DRAINAGE AND LEVEE DISTRICTS**

*See also Water Resources and Water Districts*

SCS HCS HB 1316 – Property Taxes and Assessments  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
 – Warer and Sewer Assessments  
 CCS HCS SB 795 – Agriculture

### **DRUGS AND CONTROLLED SUBSTANCES**

*See also Pharmacy*

HCS#2 HB 1472 – Controlled Substances  
 CCS SS#2 SCS HCS#2 HB 1543 – School Construction Projects  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
 – Regulation and Licensing of Certain Professions  
 CCS#2 HCS SCS SB 754 – Certain Professions

### **DRUNK DRIVING/BOATING**

*See also Alcohol; Boats and Watercraft; Licenses-Liquor and Beer*

SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related Traffic Offenses

### **ECONOMIC DEVELOPMENT**

*See also Urban Redevelopment*

SCS HCS HB 2 (special session) – Manufacturing Jobs Act  
 HB 1595 – Industrial Development Corporations  
 CCS HCS SCS SB 733 – Higher Education Research Technology Transfer

### **ECONOMIC DEVELOPMENT DEPARTMENT**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
 – Property Assessment Clean Act  
 SS HCS HB 1848 – Urban Farming Advisory Subcommittee  
 CCS SCS HCS HB 1965 – State Government

### **EDUCATION, ELEMENTARY AND SECONDARY**

*See also Teachers*

CCS SCS HCS HB 1311 & 1341 – Applied Behavior Analysis Services for Autism Spectrum Disorders  
 SCS HCS HB 1524 & 2260 – Veterans and Members of the Military

CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
 – School Districts Located in the City of Chesterfield  
 SCS HCS HB 1831 – School District Property  
 SCS HB 1892 – Student Work Certificates  
 SS#2 HCS HB 1893 – Gaming Funds  
 HCS HB 2147 & 2261 – A+ Schools Program  
 HCS HB 2262 & 2264 – Missouri Youth Challenge Academy  
 HCS SCS SB 583 – Children's Insurance Eligibility  
 HCS SS SCS SB 586 & 617 – Sexually Oriented Businesses  
 HCS SB 739 – Fire Department Employee Residency Requirements

### **EDUCATION, HIGHER**

SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 SCS HCS HB 1858 – Administration of Certain Scholarship Programs  
 HCS HB 2147 & 2261 – A+ Schools Program  
 CCS HCS SCS SB 733 – Higher Education  
 SCS SB 772 – Higher Education Savings and Deposit Programs  
 SB 987 – Certain University of Missouri Research Grants

### **ELDERLY**

*See also Guardians*

HCS SCS SB 583 – Medicare Supplement and Long-Term Care Insurance Policies  
 CCS HCS SS SB 1007 – Certain State Public Assistance Programs

### **ELECTIONS**

SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 CCS#3 HCS#2 SB 844 – Ethics

### **ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT**

CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education  
 SCS HCS HB 1858 – Administration of Certain Scholarship Programs  
 SCS HCS HB 1903 – Funds for Deposit of Certain Federal Moneys  
 HCS SCS SB 583 – Children's Insurance Eligibility  
 CCS#2 HCS SCS SB 754 – Missouri Eating Disorder Council

### **EMERGENCIES**

*See also Ambulances and Ambulance Districts*

CCS SS SCS HB 1442 – Local Taxes  
 CCS SS#2 SCS HCS#2 HB 1543 – Civil Liability for Certain School District Employees  
 HB 1942 – Emergency Service Boards  
 HCS HB 1977 – Emergency Services  
 CCS HCS HB 2070 – Joint Central Fire and Emergency Dispatching Services Taxes

**EMINENT DOMAIN AND CONDEMNATION**

SCS HB 1444 – Notice Requirements for Certain Public Meetings

HCS SB 851 – Notice Requirements for Certain Public Meetings

**EMPLOYEES - EMPLOYERS**

SCS HB 1892 – Student Work Certificates

HCS SB 739 – Fire Department Employee Residency Requirements

**EMPLOYMENT SECURITY**

SCS HCS HB 1544 – Unemployment Compensation and Shared Work Benefits

**ENERGY**

*See also Utilities*

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Property Assessment Clean Energy Act

CCS HCS SB 795 – Renewable Energy Standard

**ENGINEERS**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Architects, Engineers, and Surveyors

CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Regulation and Licensing of Certain Professions

**ENTERTAINMENT, SPORTS, AND AMUSEMENTS**

*See also Parks and Recreation*

SCS HCS HB 1316 – Kansas City Zoological District

CCS SS SCS HB 1442 – Local Taxes

SS SB 928 – Sales Tax Collections

**ESTATES, WILLS, AND TRUSTS**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Real Estate; Endowed Care Cemeteries

**ETHICS**

*See also Lobbying*

CCS#3 HCS#2 SB 844 – Ethics

**EVIDENCE**

*See also Criminal Procedure; Search and Seizure*

SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related Traffic Offenses

**FEDERAL - STATE RELATIONS**

SCS HCS HB 1903 – Funds for Deposit of Certain Federal Moneys

**FEES**

SCS HCS HB 1316 – Property Taxes and Assessments

CCS SS#2 SCS HCS#2 HB 1543 – Parents As Teachers

SCS HB 1612 – Common Sewer Districts

HB 1643 – County Recorders of Deeds

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Real Estate; Concealed Carry Endorsements; Court Fees

CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990

– Regulation and Licensing of Certain Professions

SS HB 2290 – Child Care Assistance

HCS SCS SB 777 – Automated Teller Machines

CCS HCS SB 791 – Common Sewer Districts and Water and Sewer Systems

CCS HCS SB 795 – Animals and Agriculture

CCS#3 HCS#2 SB 844 – Ethics

HCS SB 940 – Bingo

CCS HCS SS SB 1007 – Child Care Assistance

**FIRE PROTECTION**

HB 1340 – Sales Tax for Douglas County Fire Protection Districts

SCS HB 1392 – Property Tax Rates

CCS SS SCS HB 1442 – Local Taxes

HCS HB 1977 – Emergency Services

CCS HCS HB 2070 – Joint Central Fire and Emergency Dispatching Services Taxes

HCS SB 739 – Fire Department Employee Residency Requirements

CCS HCS SB 795 – Blasting Safety

**FIREARMS AND FIREWORKS**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811

– Unlawful Use of Weapons

SS SB 928 – Sales Tax Collections

**FUNERALS AND FUNERAL DIRECTORS**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811

– Electronic Death Registration System; Funeral Contracts

HCS HB 2231 – Disposition of Cremated Human Remains

CCS#2 HCS SCS SB 754 – Electronic Death Registration System; Funeral Contracts

**GAMBLING**

*See also Bingo*

SS#2 HCS HB 1893 – Gaming Funds

SS SB 984 – Use of Chips and Tokens on Excursion Gambling Boats

**GENERAL ASSEMBLY**

SS SCS HCS HB 1750 – Telecommunication Company Exchange Access Rates

SS HCS HB 1848 – Joint Committee on Urban Farming

CCS SCS HB 1868 – State Government

CCS SCS HCS HB 1965 – State Government

CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Joint Committee on Legislative Research

SCS HB 2285 – Keys to the Capitol Dome

SS SCS HB 2317 – Keys to the Capitol Dome

CCS#3 HCS#2 SB 844 – Ethics; Keys to the Capitol Dome

**GOVERNOR AND LT. GOVERNOR**

SCS HCS HB 1524 & 2260 – Veterans and Members of the Military

CCS#3 HCS#2 SB 844 – Ethics

**GUARDIANS**

*See also Children and Minors; Disabilities; Elderly*  
 SS SCS HCS HB 2201 – Residential Mortgage Professionals  
 and Conservator Investments

**HEALTH CARE**

*See also Insurance-Medical; Medical Procedures  
 and Personnel*  
 HB 1270 – Children's Special Health Care Needs Service  
 CCS SCS HCS HB 1311 & 1341 – Health Insurance  
 Coverage for Autism Spectrum Disorders  
 HCS HB 1898 – Women's Heart Health Program  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health  
 Care Programs

**HEALTH CARE PROFESSIONALS**

*See also Licenses-Professional; see also individual  
 professions*  
 HCS HB 1498 – Payment of Health Insurance Claims  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
 – Regulation and Licensing of Certain Professions  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health  
 Care Programs  
 CCS HCS SS SB 1007 – Certain State Public Assistance  
 Programs

**HEALTH AND SENIOR SERVICES DEPARTMENT**

HB 1270 – Children's Special Health Care Needs Service  
 SCS HCS HB 1375 – Treatment and Prevention of Certain  
 Sexually Transmitted Diseases  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
 – Electronic Death Registrations  
 SS HCS HB 1848 – Urban Farming Advisory Subcommittee  
 HCS HB 1898 – Women's Heart Health Program  
 HCS HB 1977 – Emergency Services  
 CCS#2 HCS SCS SB 754 – Electronic Death Registration  
 System  
 SS SCS SB 793 – Abortions  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health  
 Care Programs  
 CCS HCS SS SB 1007 – Certain State Public Assistance  
 Programs

**HEALTH, PUBLIC**

SCS HCS HB 1375 – Treatment and Prevention of Certain  
 Sexually Transmitted Diseases  
 HCS HB 1898 – Women's Heart Health Program  
 CCS HCS SS SB 1007 – Certain State Public Assistance  
 Programs

**HIGHER EDUCATION DEPARTMENT**

SCS HCS HB 1858 – Administration of Certain Scholarship  
 Programs  
 CCS HCS SCS SB 733 – Higher Education  
 CCS#2 HCS SCS SB 754 – Missouri Eating Disorder Council

**HIGHWAY PATROL**

*See also Law Enforcement Officers and Agencies;  
 Water Patrol*  
 CCS SCS HB 1868 – Division of Water Patrol

**HIGHWAYS AND ROADS**

HB 1595 – Industrial Development Corporations  
 SCS HB 1941 – Highways, Pedestrian and Bicycle Lane, and  
 Bridge Designations

**HOLIDAYS**

SB 649 – Girl Scout Day

**HOSPITALS**

HB 1894 – Mental Health Services  
 HB 1942 – Emergency Service Boards  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Hospital  
 Premises Licenses  
 HB 2270 – Safe Care Providers  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health  
 Care Programs  
 CCS HCS SS SB 1007 – Certain State Public Assistance  
 Programs

**HOUSING**

*See also Landlords and Tenants; Manufactured  
 Housing*  
 HB 1643 – County Recordors of Deeds

**IDENTITY PROTECTION**

HB 1654 – Garnishments and Writs of Sequestration  
 HCS HB 2161 – Driver's License Application Information

**INSURANCE - AUTOMOBILE**

HCS SCS SB 583 – Insurance Regulation

**INSURANCE, FINANCIAL INSTITUTIONS AND  
 PROFESSIONAL REGISTRATION DEPARTMENT**

CCS SCS HCS HB 1311 & 1341 – Behavior Analyst Advisory  
 Board  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 –  
 Real Estate Commission; Endowed Care Cemeteries;  
 Appraisers  
 SS SCS HCS HB 1764 – Insurance  
 HCS SCS SB 583 – Insurance Regulation  
 CCS#2 HCS SCS SB 754 – Regulations of the Department  
 of Insurance, Financial Institutions and Professional  
 Regulation  
 HCS SCS SB 777 – Insurance Companies; Loans  
 SCS SB 834 – Liquidation of Certain Domestic Insurance  
 Companies

**INSURANCE - GENERAL**

SS SCS HCS HB 1764 – Insurance  
 SCS SB 834 – Liquidation of Certain Domestic Insurance  
 Companies



**INSURANCE - LIFE**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
 – Certain Public Assistance Programs  
 HCS SCS SB 583 – Insurance Regulation  
 CCS#2 HCS SCS SB 754 – Certain Public Assistance Programs

**INSURANCE - MEDICAL**

*See also Health Care; Medicaid*  
 CCS SCS HCS HB 1311 & 1341 – Health Insurance  
 Coverage for Autism Spectrum Disorders  
 HCS HB 1498 – Payment of Health Insurance Claims  
 SS SCS HCS HB 1764 – Insurance  
 HCS SCS SB 583 – Insurance Regulation  
 SS SCS SB 793 – Abortions  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health Care Programs

**INSURANCE - PROPERTY**

HCS SCS SB 583 – Insurance Regulation  
 HCS SCS SB 777 – Insurance Companies; Certain Financial Products and Plans

**INTERNET, WORLD-WIDE WEB, AND E-MAIL**

SCS HCS HB 1316 – Property Taxes and Assessments  
 HCS HB 1498 – Payment of Health Insurance Claims  
 SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Electronic Death Registrations; Architects, Engineers, and Surveyors  
 SS SCS HCS HB 1695, 1742 & 1674 – Search Warrants  
 HB 1741 – Board Meetings of Corporations  
 CCS SCS HB 1868 – State Government  
 CCS SCS HCS HB 1965 – State Government  
 HCS SCS SB 583 – Insurance Regulation  
 SS SCS SB 588 – Property Tax Assessment Notices  
 CCS#2 HCS SCS SB 754 – Electronic Death Registration System; Pharmacy Record Keeping  
 CCS#3 HCS#2 SB 844 – Ethics  
 SS SCS SB 884 – Tobacco Regulations

**JACKSON COUNTY**

SCS HCS HB 1316 – Property Taxes and Assessments  
 SCS HB 1612 – Common Sewer Districts  
 HB 1643 – County Recorders of Deeds  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Court Fees  
 SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related Traffic Offenses  
 CCS SCS HCS HB 2297 – Kansas City Zoological District  
 CCS HCS SB 791 – Common Sewer Districts and Water and Sewer Systems

**JURIES**

*See also Courts*  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Private Nuisances

**KANSAS CITY**

SCS HCS HB 1316 – Kansas City Zoological District  
 CCS SS SCS HB 1442 – Local Taxes  
 CCS SCS HCS HB 2297 – Kansas City Zoological District  
 SB 981 – Sales Tax for Public Safety

**LAKES, RIVERS AND WATERWAYS**

*See also Boats and Watercraft*  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Real Estate Appraisers  
 SS SB 578 – Port Authorities  
 HCS SCS SB 777 – Boat and Watercraft Slips

**LANDLORDS AND TENANTS**

*See also Housing*  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Rent Payments  
 SCS SB 630 – Manufactured Homes

**LAW ENFORCEMENT OFFICERS AND AGENCIES**

*See also Highway Patrol; Water Patrol*  
 CCS SS SCS HB 1442 – Local Taxes

**LIABILITY**

*See also Bonds-Surety*  
 CCS SCS HCS HB 1311 & 1341 – Health Insurance  
 Coverage for Autism Spectrum Disorders  
 SCS HCS HB 1375 – Treatment and Prevention of Certain Sexually Transmitted Diseases  
 CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Cemeteries; Rent Payments; Mechanic's Liens  
 SS SCS HCS HB 2058 – Mechanic's Liens Against Residential Real Property  
 HCS SCS SB 583 – Insurance Regulation  
 CCS#2 HCS SCS SB 754 – Cemeteries  
 CCS HCS SB 795 – Animals

**LIBRARIES AND ARCHIVES**

HB 1559 – Consolidated Public Library District Reports  
 HCS SS SCS SB 586 & 617 – Sexually Oriented Businesses

**LICENSES - DRIVER'S**

*See also Motor Vehicles*  
 HCS HB 2161 – Driver's License Application Information

**LICENSES - LIQUOR AND BEER**

*See also Alcohol; Drunk Driving/Boating*  
 HCS SS SCS SB 586 & 617 – Sexually Oriented Businesses  
 CCS HCS SB 795 – Use of Certain Wine License Fees

**LICENSES - MISCELLANEOUS**

SCS HCS HB 1316 – County-issued Licenses  
 HB 1643 – County Recorders of Deeds  
 SS SCS HCS HB 2198 – Motor Vehicle Franchise Practices Act  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Regulation and Licensing of Certain Professions  
 CCS HCS SB 795 – Agriculture



**LICENSES - MOTOR VEHICLE***See also Motor Vehicles*

SCS HCS HB 1524 &amp; 2260 – Veterans and Members of the Military

CCS#2 HCS SCS SB 754 – Disabled License Plates

**LICENSES - PROFESSIONAL***See also Health Care Professionals; see also names of individual professions*

CCS SCS HCS HB 1311 &amp; 1341 – Health Insurance

Coverage for Autism Spectrum Disorders

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 &amp; 1811

– Certain Professions

CCS SCS HB 2226, HB 1824, HB 1832 &amp; HB 1990

– Regulation and Licensing of Certain Professions

HCS SCS SB 583 – Insurance Regulation

CCS#2 HCS SCS SB 754 – Certain Professions

**LIENS**

SCS HCS HB 1316 – Property Taxes and Assessments

HB 1643 – County Recorders of Deeds

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 &amp; 1811

– Property Assessment Clean Energy Act; Mechanic's Liens; Child Support

HB 2056 – Liens for Failure to Pay Child Support or Maintenance

SS SCS HCS HB 2058 – Mechanic's Liens Against Residential Real Property

SCS SB 630 – Manufactured Homes

**LOBBYING***See also Ethics*

CCS#3 HCS#2 SB 844 – Ethics

**MANUFACTURED HOUSING***See also Housing*

HCS SCS SB 583 – Insurance Regulation

SCS SB 630 – Manufactured Homes

**MARITAL AND FAMILY THERAPISTS***See Mental Health***MARRIAGE AND DIVORCE**

HB 1643 – County Recorders of Deeds

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 &amp; 1811

– Inspection of Certain Pleadings

**MEDICAID***See also Insurance-Medical; Public Assistance*

CCS SCS HB 1868 – State Government

SCS HCS HB 1903 – Funds for Deposit of Certain Federal Moneys

CCS SCS HB 2226, HB 1824, HB 1832 &amp; HB 1990

– Payments from Third-Party Payers

HCS SCS SB 583 – Insurance Regulation

CCS HCS SCS SB 842, 799 &amp; 809 – Certain State Health Care Programs

CCS HCS SS SB 1007 – Certain State Public Assistance Programs

**MEDICAL PROCEDURES AND PERSONNEL***See also Abortion; Health Care*

CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education

HB 2270 – Safe Care Providers

SB 987 – Certain University of Missouri Research Grants

**MENTAL HEALTH***See also Psychologists*

HB 1894 – Mental Health Services

CCS SCS HB 2226, HB 1824, HB 1832 &amp; HB 1990

– Complaints Against Certain Professionals; Marital and Family Therapists

CCS HCS SCS SB 842, 799 &amp; 809 – Certain State Health Care Programs

CCS HCS SS SB 1007 – Certain State Public Assistance Programs

**MENTAL HEALTH DEPARTMENT**

CCS SCS HB 1868 – State Government

HB 1894 – Mental Health Services

CCS#2 HCS SCS SB 754 – Missouri Eating Disorder Council

SCS SB 774 – Department of Mental Health

**MERCHANDISING PRACTICES***See also Business and Commerce*

SS SCS HCS HB 2198 – Motor Vehicle Franchise Practices Act

**MILITARY AFFAIRS***See also National Guard; Veterans*

SCS HCS HB 1524 &amp; 2260 – Veterans and Members of the Military

HCS HB 2147 &amp; 2261 – A+ Schools Program

**MO HEALTHNET** *See Medicaid***MORTGAGES AND DEEDS***See also Conveyances and Easements; Property, Real and Personal*

SCS HCS HB 1316 – Property Taxes and Assessments

HB 1643 – County Recorders of Deeds

SS SCS HCS HB 2201 – Residential Mortgage Professionals and Conservator Investments

**MOTELS AND HOTELS**

CCS SS SCS HB 1442 – Local Taxes

SCS SB 644 – Local Tourism Taxes

SS SB 928 – Sales Tax Collections

**MOTOR VEHICLES***See also Boats and Watercraft; Insurance-Automobile; Licenses-Drivers; Licenses-Motor Vehicle; Transportation*

HCS HB 1540 – Infractions

SS SCS HCS HB 1695, 1742 &amp; 1674 – Intoxication-related Traffic Offenses

SS SCS HCS HB 2198 – Motor Vehicle Franchise Practices Act

HCS SCS SB 583 – Insurance Regulation

**NATIONAL GUARD***See also Military Affairs; Veterans*

SCS HCS HB 1524 &amp; 2260 – Veterans and Members of the Military

HCS HB 2262 &amp; 2264 – Missouri Youth Challenge Academy

**NATURAL RESOURCES DEPARTMENT**SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Real Estate

SS HCS HB 1848 – Urban Farming Advisory Subcommittee

SCS HCS HB 1858 – Administration of Certain Scholarship Programs

CCS HCS SB 795 – Renewable Energy Standard

**NEWSPAPERS AND PUBLICATIONS**SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Real Estate

CCS SCS HCS HB 1965 – Certain Official State Publications

HCS HB 2231 – Disposition of Cremated Human Remains

CCS SCS HCS HB 2297 – Kansas City Zoological District

**NURSES**CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
– Licensure of Nurses

CCS HCS SCS SB 842, 799 &amp; 809 – Certain State Health Care Programs

CCS HCS SS SB 1007 – Certain State Public Assistance Programs

**NURSING AND BOARDING HOMES**CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 –  
Residential Care Facilities; Disciplinary Actions Against  
Certain Health Care Professionals

HCS SCS SB 583 – Insurance Regulation

CCS#2 HCS SCS SB 754 – Residential Care Facilities

CCS HCS SS SB 1007 – Certain State Public Assistance Programs

**OPTOMETRY**

CCS#2 HCS SCS SB 754 – Physician Reimbursement Rates

CCS HCS SCS SB 842, 799 &amp; 809 – Certain State Health Care Programs

**PARKS AND RECREATION***See also Entertainment, Sports and Amusements*

CCS SS SCS HB 1442 – Local Taxes

CCS SCS HCS HB 2297 – Kansas City Zoological District

HCS SS SCS SB 586 &amp; 617 – Sexually Oriented Businesses

SCS SB 644 – Local Tourism Taxes

SS SB 928 – Sales Tax Collections

**PHARMACY***See also Drugs and Controlled Substances*

CCS SCS HB 2226, HB 1824, HB 1832 &amp; HB 1990

– Regulation and Licensing of Certain Professions

CCS#2 HCS SCS SB 754 – Pharmacy Record Keeping

**PHYSICAL THERAPISTS**

SCS SCS HB 2226, HB 1824, HB 1832 &amp; HB 1990

– Regulation and Licensing of Certain Professions

**PHYSICIANS**SCS HCS HB 1375 – Treatment and Prevention of Certain  
Sexually Transmitted DiseasesSS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Electronic Death RegistrationsSS HCS HB 1806 – County Classifications and Annexations  
by Certain Cities

CCS SCS HB 2226, HB 1824, HB 1832 &amp; HB 1990

– Regulation and Licensing of Certain Professions

HB 2270 – Safe Care Providers

CCS#2 HCS SCS SB 754 – Electronic Death Registration  
System; Physician Reimbursement Rates; Supervision  
Requirements for Physician Assistants

SS SCS SB 793 – Abortions

CCS HCS SCS SB 842, 799 & 809 – Certain State Health  
Care ProgramsCCS HCS SS SB 1007 – Certain State Public Assistance  
Programs**PLANNING AND ZONING**SCS HB 1444 – Notice Requirements for Certain Public  
Meetings

HCS SS SCS SB 586 &amp; 617 – Sexually Oriented Businesses

HCS SB 851 – Notice Requirements for Certain Public  
Meetings**POLITICAL PARTIES**

CCS#3 HCS#2 SB 844 – Ethics

**POLITICAL SUBDIVISIONS***See also Cities, Towns, and Villages; Counties*

SCS HCS HB 1316 – Property Taxes and Assessments

HB 1340 – Sales Tax for Douglas County Fire Protection  
Districts

SCS HB 1392 – Property Tax Rates

CCS SS SCS HB 1442 – Local Taxes

SCS HCS HB 1524 & 2260 – Veterans and Members of the  
Military

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 &amp; 1811

– Cemeteries; Property Assessment Clean Energy Act

SS HCS HB 1806 – County Classifications and Annexations  
by Certain CitiesCCS HCS HB 2070 – Joint Central Fire and Emergency  
Dispatching Services Taxes

CCS SCS HB 2226, HB 1824, HB 1832 &amp; HB 1990

– Cemeteries; Marital and Family Therapists

CCS SCS HCS HB 2297 – Kansas City Zoological District

SS SB 578 – Port Authorities

HCS SS SCS SB 586 &amp; 617 – Sexually Oriented Businesses

CCS HCS SB 791 – Common Sewer Districts and Water and  
Sewer Systems

CCS HCS SB 795 – Drainage and Levee Districts

**PROPERTY, REAL AND PERSONAL**

*See also Conveyances and Easements; Mortgages and Deeds; Taxation and Revenue-Property*

SCS HCS HB 1316 – Property Taxes and Assessments  
 CCS SS SCS HB 1442 – Local Taxes  
 SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 HB 1643 – County Recorders of Deeds  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Real Estate; Mechanic's Liens  
 SS HCS HB 1806 – County Classifications and Annexations by Certain Cities  
 SCS HCS HB 1831 – School District Property  
 SS SCS HCS HB 2058 – Mechanic's Liens Against Residential Real Property  
 SS SCS SB 588 – Property Tax Assessment Notices  
 SCS SB 630 – Manufactured Homes  
 HCS SCS SB 777 – Boat and Watercraft Slips

**PSYCHOLOGISTS**

*See also Mental Health*

CCS SCS HCS HB 1311 & 1341 – Health Insurance Coverage for Autism Spectrum Disorders  
 CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Regulation and Licensing of Certain Professions  
 HB 2270 – Safe Care Providers  
 CCS#2 HCS SCS SB 754 – Certain Licensed Professionals

**PUBLIC ASSISTANCE**

*See also Medicaid*

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Value of Life Insurance Policies  
 SS HB 2290 – Child Care Assistance  
 CCS#2 HCS SCS SB 754 – Asset Exemption for Certain Prearranged Funeral and Burial Contracts  
 SS SCS SB 793 – Abortions  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health Care Programs  
 CCS HCS SS SB 1007 – Certain State Public Assistance Programs

**PUBLIC BUILDINGS**

CCS SCS HB 1868 – Keys to the Capitol Dome  
 SCS HB 2285 – Keys to the Capitol Dome  
 SS SCS HB 2317 – Keys to the Capitol Dome  
 CCS#3 HCS#2 SB 844 – Keys to the Capitol Dome

**PUBLIC OFFICERS**

CCS#3 HCS#2 SB 844 – Ethics

**PUBLIC RECORDS, PUBLIC MEETINGS**

*See also Sunshine Law, Meetings and Records*

SCS HB 1444 – Notice Requirements for Certain Public Meetings  
 HB 1643 – County Recorders of Deeds  
 HB 1654 – Garnishments and Writs of Sequestration  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Certain Pleadings

HB 2056 – Liens for Failure to Pay Child Support or Maintenance  
 HCS HB 2161 – Driver's License Application Information  
 CCS HCS SCS SB 733 – Higher Education Research Technology Transfer  
 HCS SB 851 – Notice Requirements for Certain Public Meetings

**PUBLIC SAFETY DEPARTMENT**

SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related Traffic Offenses  
 CCS SCS HB 1868 – State Government  
 SCS HB 2285 – Keys to the Capitol Dome  
 CCS HCS SB 795 – Blasting Safety  
 CCS#3 HCS#2 SB 844 – Keys to the Capitol Dome

**PUBLIC SERVICE COMMISSION**

SCS SB 630 – Manufactured Homes  
 CCS HCS SB 791 – Common Sewer Districts and Water and Sewer Systems  
 CCS HCS SB 795 – Renewable Energy Standard

**RETIREMENT - STATE**

CCS SCS HCS HB 1 (special session) – State Employee Retirement Systems

**REVENUE DEPARTMENT**

SCS HCS HB 1316 – Property Taxes and Assessments  
 CCS SS SCS HB 1442 – Local Taxes  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Outboard Motor Titles  
 HCS SCS SB 583 – Insurance Regulation  
 SCS SB 630 – Manufactured Homes  
 SS SCS SB 884 – Tobacco Regulations

**REVISION BILLS**

SCS HCS HB 1516 – Repeal of Expired Statutes  
 CCS SCS HCS HB 1965 – State Government  
 SAINT LOUIS  
 SCS HCS HB 1316 – Property Taxes and Assessments  
 SCS HB 1392 – Property Tax Rates  
 CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Court Fees  
 HCS SB 739 – Fire Department Employee Residency Requirements  
 SCS SB 808 – Continuing Education Requirements for Certain Public Administrators

**SAINT LOUIS COUNTY**

SCS HCS HB 1316 – Property Taxes and Assessments  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Court Fees  
 CCS HCS HB 2070 – Joint Central Fire and Emergency Dispatching Services Taxes  
 SS SCS SB 588 – Property Tax Assessment Notices

**SALARIES**

SCS SB 808 – Continuing Education Requirements for  
Certain Public Administrators

**SCIENCE AND TECHNOLOGY**

CCS HCS SCS SB 733 – Higher Education Research  
Technology Transfer  
CCS HCS SB 795 – Renewable Energy Standard  
SB 987 – Certain University of Missouri Research Grants

**SEARCH AND SEIZURE**

*See also Criminal Procedure; Evidence*  
SS SCS HCS HB 1695, 1742 & 1674 – Intoxication-related  
Traffic Offenses  
CCS SCS HB 1868 – State Government  
SS SCS SB 884 – Tobacco Regulations

**SECRETARY OF STATE**

SCS HCS HB 1524 & 2260 – Veterans and Members of the  
Military  
SS SCS HCS HB 1764 – Insurance  
CCS SCS HCS HB 1965 – State Government  
HCS SCS SB 583 – Insurance Regulation  
SCS SB 834 – Liquidation of Certain Domestic Insurance  
Companies

**SEWERS AND SEWER DISTRICTS**

SCS HCS HB 1316 – Property Taxes and Assessments  
SCS HB 1612 – Common Sewer Districts  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Abeyance of Water and Sewer Assessments  
CCS HCS SB 791 – Common Sewer Districts and Water and  
Sewer Systems  
CCS HCS SB 795 – Drainage and Levee Districts

**SEXUAL OFFENSES**

HB 2270 – Safe Care Providers  
CCS#2 HCS SCS SB 754 – Complaints Against Certain  
Licensed Professionals

**SOCIAL SERVICES DEPARTMENT**

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Child Support; Certain Pleadings  
CCS SCS HB 1868 – State Government  
CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
– Regulation and Licensing of Certain Professions  
SS HB 2290 – Child Care Assistance  
HCS SCS SB 583 – Insurance Regulation  
CCS#2 HCS SCS SB 754 – Physician Reimbursement Rates  
CCS HCS SCS SB 842, 799 & 809 – Certain State Health  
Care Programs  
CCS HCS SS SB 1007 – Certain State Public Assistance  
Programs

**STATE DEPARTMENTS**

*See also names of individual departments*  
SCS HCS HB 1524 & 2260 – Veterans and Members of the  
Military  
CCS SCS HB 1868 – State Government

**STATE EMPLOYEES**

CCS SCS HB 1868 – State Government  
CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990 – Joint  
Committee on Legislative Research  
CCS SCS HCS HB 1 (special session) – State Employee  
Retirement Systems

**STATE TAX COMMISSION**

SCS HCS HB 1316 – Property Taxes and Assessments  
SCS HB 1392 – Property Tax Rates  
CCS SS SCS HB 1442 – Local Taxes  
SS HCS HB 1806 – County Classifications and Annexations  
by Certain Cities  
SS SCS SB 588 – Property Tax Assessment Notices

**SUNSHINE LAW, MEETINGS AND RECORDS**

*See also Public Records, Public Meetings*  
CCS HCS SCS SB 733 – Higher Education Research  
Technology Transfer

**SURVEYORS**

SCS HCS HB 1316 – Property Taxes and Assessments  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Real Estate; Architects, Engineers, and Surveyors  
CCS SCS HB 2226, HB 1824, HB 1832 & HB 1990  
– Regulation and Licensing of Certain Professions

**TAXATION AND REVENUE - GENERAL**

CCS SS SCS HB 1442 – Local Taxes  
SCS HB 1444 – Notice Requirements for Certain Public  
Meetings  
HB 1942 – Emergency Service Boards  
SCS SB 644 – Local Tourism Taxes  
CCS HCS SCS SB 842, 799 & 809 – Health Care Provider  
Tax  
HCS SB 851 – Notice Requirements for Certain Public  
Meetings  
CCS HCS SS SB 1007 – Health Care Provider Tax

**TAXATION AND REVENUE - INCOME**

CCS SS HCS HB 1408 & 1514 – Interest on Overpayments  
of Income Taxes

**TAXATION AND REVENUE - PROPERTY**

*See also Property, Real and Personal*  
SCS HCS HB 1316 – Property Taxes and Assessments  
SCS HB 1392 – Property Tax Rates  
CCS SS SCS HB 1442 – Local Taxes  
SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811  
– Real Estate; Appraisers  
CCS HCS HB 2070 – Joint Central Fire and Emergency  
Dispatching Services Taxes  
SS SB 578 – Port Authorities  
SS SCS SB 588 – Property Tax Assessment Notices

**TAXATION AND REVENUE - SALES AND USE**

SCS HCS HB 1316 – Kansas City Zoological District  
HB 1340 – Sales Tax for Douglas County Fire Protection  
Districts  
CCS SS SCS HB 1442 – Local Taxes



CCS HCS HB 2070 – Emergency Communications System  
 CCS SCS HCS HB 2297 – Kansas City Zoological District  
 SS SB 578 – Port Authorities  
 SCS SB 644 – Local Tourism Taxes  
 CCS HCS SB 795 – Nonprofit Cooperative Marketing Associations  
 SS SB 928 – Sales Tax Collections  
 SB 981 – Sales Tax for Public Safety

## TEACHERS

*See also Education, Elementary and Secondary*  
 CCS SS#2 SCS HCS#2 HB 1543 – Elementary and Secondary Education

## TELECOMMUNICATIONS

SCS HCS HB 1316 – Property Taxes and Assessments  
 HCS HB 1498 – Payment of Health Insurance Claims  
 SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Electronic Death Registrations  
 SS SCS HCS HB 1750 – Telecommunication Company Exchange Access Rates  
 HB 1942 – Emergency Service Boards  
 CCS#2 HCS SCS SB 754 – Professions, Cemeteries, and the Missouri Eating Disorder Council  
 CCS HCS SCS SB 842, 799 & 809 – Certain State Health Care Programs  
 CCS HCS SS SB 1007 – Certain State Public Assistance Programs

## TOBACCO PRODUCTS

SS SCS SB 884 – Tobacco Regulations

## TOURISM

CCS SS SCS HB 1442 – Local Taxes  
 HB 2182 – Agritourism  
 SCS SB 644 – Local Tourism Taxes

## TRANSPORTATION

*See also Motor Vehicles*  
 SCS HB 1444 – Notice Requirements for Certain Public Meetings  
 SS SB 578 – Port Authorities  
 HCS SB 851 – Notice Requirements for Certain Public Meetings

## TRANSPORTATION DEPARTMENT

SS SB 578 – Port Authorities

## TREASURER, STATE

SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 SCS SB 772 – Higher Education Savings and Deposit Programs

## UNEMPLOYMENT COMPENSATION

SCS HCS HB 1544 – Unemployment Compensation and Shared Work Benefits  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Real Estate Sales and Brokers

## URBAN REDEVELOPMENT

*See also Economic Development*  
 SCS HB 1444 – Notice Requirements for Certain Public Meetings  
 HCS SB 851 – Notice Requirements for Certain Public Meetings

## UTILITIES

*See also Energy*  
 CCS SS SCS HB 1442 – Local Taxes  
 SS SCS HCS HB 1750 – Telecommunication Company Exchange Access Rates  
 CCS HCS SB 791 – Common Sewer Districts and Water and Sewer Systems

## VETERANS

*See also Military Affairs; National Guard*  
 SCS HCS HB 1524 & 2260 – Veterans and Members of the Military  
 CCS SCS HB 1868 – Veterans Commission  
 SS#2 HCS HB 1893 – Gaming Funds  
 HCS HB 2147 & 2261 – A+ Schools Program

## VETERINARIANS

HB 1662 – Diseased Animals

## VETOED BILLS

HB 1741 – Board Meetings of Corporations  
 SCS HCS HB 1831 – School District Property  
 SCS HCS HB 1903 – Funds for Deposit of Certain Federal Moneys  
 SS SCS HB 2317 – Keys to the Capitol Dome; Conveyances of State Property  
 HCS SCS SB 777 – Boat Slips; Automated Teller Machines; Insurance Companies; Loans

## VICTIMS OF CRIME

*See also Crimes and Punishment; Criminal Procedure*  
 HB 2270 – Safe Care Providers

## VITAL STATISTICS

HB 1643 – County Recorders of Deeds  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Electronic Death Registrations  
 CCS#2 HCS SCS SB 754 – Electronic Death Registrations

## WATER PATROL

*See also Highway Patrol; Law Enforcement Officers and Agencies*  
 CCS SCS HB 1868 – Division of Water Patrol

## WATER RESOURCES AND WATER DISTRICTS

*See also Drainage and Levee Districts; Soil Conservation*  
 SCS HCS HB 1316 – Property Taxes and Assessments  
 SCS HB 1612 – Common Sewer Districts  
 SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1535 & 1811 – Drainage and Levee Districts  
 CCS HCS SB 791 – Common Sewer Districts and Water and Sewer Systems  
 CCS HCS SB 795 – Drainage and Levee Districts



# HOUSE RESEARCH STAFF

*Bill Tucker, Director*

*Marc Webb, Assistant Director*

*Angie Bass, Legislative Analyst*

*Rebecca DeNeve, Senior Legislative Analyst*

*Melissa Denton, Legislative Analyst*

*Robert Dominique, Senior Legislative Analyst*

*Sarah Garoutte, Legislative Analyst*

*Jason Glahn, Legislative Analyst*

*Alice Hurley, Legislative Analyst*

*Leslie Korte, Legislative Analyst*

*Julie Jinkens McNitt, Senior Legislative Analyst*

*Karla Strobel, Legislative Analyst*

*Roland Tackett, Senior Legislative Analyst*

*Barbara Mertens, Administrative Staff*

*Patty Pleus, Administrative Staff*

*Jill Schroeder, Administrative Staff*

