

MISSOURI HOUSE OF REPRESENTATIVES

STEVEN TILLEY, SPEAKER

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

MISSOURI GENERAL ASSEMBLY

96th GENERAL ASSEMBLY

SECOND REGULAR SESSION

2012

Prepared by House Research

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Jefferson City, Missouri 65101

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DATE: May 18, 2011

TO: Members of the House of Representatives

FROM: Speaker Steven Tilley

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

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

## **HB 1029 -- PROGRAM EVALUATIONS BY THE OVERSIGHT DIVISION**

This bill requires the Oversight Division of the Committee on Legislative Research to conduct program evaluations of state agencies, including budget transparency and accountability evaluations, instead of the current management audits and program audits.

When evaluating a program, the division must determine whether or not the objectives and intended benefits of the program are being achieved and in the absence of the achievements suggest the need for corrective action or additional legislation. Progress reports on program evaluations must be made quarterly to the committee. Currently, the reports must be made monthly.

The division director must present all program evaluations completed during the previous legislative interim to the appropriate committee of each chamber during early hearings of those committees at the next regular session. The division director must present a report on programs scheduled to sunset to the House Budget Committee and Senate Appropriations Committee at the request of the chairs of the committees in addition to presenting that information to the Governor and the General Assembly at the beginning of each regular session of the General Assembly.

## **SCS HB 1036 -- ELECTIONS**

This bill changes the laws regarding elections. The bill:

- (1) Removes the first Tuesday after the first Monday in June as a public election day;
- (2) Allows a bond election to be held on the first Tuesday after the first Monday in February but not to include any other issue with specified exceptions including a tax election necessitated by a decline of 5% or more in per-pupil state revenue from the previous year;
- (3) Changes the date for an election for a presidential primary from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in February and repeals a conflicting provision setting the presidential primary election on the first Tuesday after the first Monday in March; and

(4) Repeals the provision that requires a political party's emblem to be printed on an election ballot above the party caption.

### **HB 1037 -- COMPENSATION FOR COMMISSIONERS OF ROAD DISTRICTS**

This bill authorizes commissioners of road districts organized under Sections 233.170 - 233.315, RSMo, upon majority vote, to provide compensation for their services of up to \$100 per month plus all expenses incurred in transacting the business of the district, including reasonable attorney fees. The compensation of a commissioner cannot change during the time of his or her term of office. Currently, only compensation for incurred expenses is authorized.

### **HB 1039 -- MISSOURI LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM**

This bill allows a retiree of the Missouri Local Government Employees' Retirement System to have health insurance or long-term care insurance premiums deducted from his or her retirement allowance.

### **SCS HCS HB 1042 -- HIGHER EDUCATION**

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

(1) Requires the Coordinating Board for Higher Education within the Department of Higher Education to require all two- and four-year public higher education institutions to identify and use best practices in remediation identified by the board and other institutions and organizations and to eliminate practices that have been found to be ineffective in preparing or which delay students from enrollment in college-level courses;

(2) Requires the board with the assistance of the Committee on Transfer and Articulation to require all two- and four-year public higher education institutions to create by July 1, 2014, a statewide core transfer library of at least 25 lower division courses

that are transferable among all public higher education institutions;

(3) Requires the board to develop a policy to foster reverse transfer so that any student who has accumulated sufficient hours in combination from more than one public institution that grants an associate degree to be awarded a degree. The department must maintain the alignment of the statewide assessments for entry-level courses in English, mathematics, foreign languages, sciences, and social sciences associated with an institution's general education core with previously established competencies;

(4) Allows the board to charge and collect fees from out-of-state public institutions for the costs of reviewing and assuring the quality of programs they offer;

(5) Requires the board to include in its annual report to the Governor and General Assembly campus-level data on student persistence and progress toward implementing revised remediation, transfer, and retention practices;

(6) Changes the laws regarding the coordinating board's responsibility for proprietary schools to:

(a) Allow a proprietary school that has been in continuous operation for at least five years to apply to the board for a two-year certificate of approval;

(b) Allow the board to increase the base fee charged by the board for an annual certificate of approval from one-tenth of a cent to thirteen one-hundredths of a cent per \$1 of net tuition and fees income with a maximum fee of \$5,000 and a minimum fee of \$500 per school. Currently, the minimum fee is \$250 with a maximum of \$2,500. The fee for a certificate of approval to recruit students is raised from \$250 to \$500, with a maximum of \$5,000. The board may increase the base annual fee and the minimum and maximum amounts by administrative rule every five years, beginning in Fiscal Year 2013, to no more than the federal Consumer Price Index since the last fee increase;

(c) Allow the board to establish additional appropriate fees through administrative rule for generating sufficient funding to cover the costs associated with the certification program, with the advice of the Proprietary School Advisory Committee; and

(d) Allow the board to review a new program proposal within 90 days from the date that a certified school submits the proposal and within 60 days from the submission of a revised program. If the review has not occurred in that period, the program may be offered until the department completes its review and identifies a substantive issue for

correction. The school will have 90 days after notification of the deficiency to correct the deficiency without having to cease offering the program;

(7) Creates the Proprietary School Certification Fund for the deposit of all fees regarding proprietary schools to fund the costs associated with the operation of the program;

(8) Increases the maximum bond amount that the board may require for a proprietary school from \$25,000 to 100,000;

(9) Requires the department to collect only that data needed to administer, supervise, and enforce the provisions of the proprietary school program and, subject to appropriations, to provide a system for the electronic submission of all data;

(10) Changes the responsibility for the appointment of the members of the Proprietary School Advisory Committee from the coordinating board to the Commissioner of Higher Education within the department and requires that at least three of the seven members of the committee represent degree-granting schools and at least one of the three represents a school that confers a bachelor's degree or higher;

(11) Allows the department to take action against any violation of the proprietary school laws that is authorized in Section 407.020, RSMo, relating to unlawful merchandising practices;

(12) Specifies that not more than two voting members of the Northwest Missouri State University Board of Regents may be residents of the same county; and

(13) Revises the term lengths for the appointments to fill the six expired terms on the Missouri State University Board of Governors so that the term of no more than three board members will expire in any given year. The term of three members will expire on January 1, 2013, three on January 1, 2015, and three on January 1, 2017. The terms of six of the nine members of the Missouri State University Board of Governors expired in 2011. Current law requires that no more than three terms expire in any given year but does not provide for the staggered term lengths necessary to accomplish this.

## **SS SCS HCS HB 1094 -- ELECTRONIC PAYMENT SYSTEMS**

This bill requires the Commissioner of the Office of Administration to develop and implement within six months of August 28, 2012, a statewide system or to contract with a third party to allow all state agencies and departments to accept electronic payments as designated by the commissioner. State agencies and departments cannot incur any additional fees for utilizing the payment methods.

Currently, funds received by a county health center can only be paid out on a warrant ordered drawn by the treasurer of the board of trustees upon properly authenticated vouchers of the board of health center trustees. The bill allows the funds to also be paid through an electronic funds transfer system in an amount approved by its trustees.

## **HB 1103 -- REAL ESTATE**

This bill changes the laws regarding the maintenance of private roads and real estate appraisers and appraisal management companies.

### **MAINTENANCE OF PRIVATE ROADS**

The bill specifies that when adjoining homeowners who have an easement or benefitted homeowners for any private road subject to the use of more than one homeowner, in the absence of a prior order or written agreement for the maintenance of the road, are unable to agree in writing upon a plan for the maintenance, repair, or improvement of the private road, one or more of the homeowners may petition the circuit court for an order establishing a plan of maintenance. The cost of the plan must be apportioned among the homeowners according to the use and benefit to the residential property benefitted by the access as mutually agreed by the homeowners or as ordered by the court. The court may order a plan or may appoint disinterested commissioners to determine a plan and the apportionment of costs. Any agreement executed by all owners for, or final order approving, a plan of maintenance must be recorded with the county recorder of deeds. One or more adjoining landowners or holders of an easement to use a private road may bring an action to enforce the maintenance plan, whether as mutually agreed or as ordered by the court. A private road does not include any road that is owned by the United States; the State of Missouri; or any political entity, instrumentality, or agency of the state. The provisions of the bill do not apply to any road created by or included in any recorded plat referencing or referenced in an



indenture or declaration creating an owner's association and to any land or property owned or operated by a railroad regulated by the Federal Railroad Administration.

## REAL ESTATE APPRAISERS AND APPRAISAL MANAGEMENT COMPANIES

The bill changes the laws regarding real estate appraisers and appraisal management companies. The bill:

- (1) Renames the Missouri Certified and Licensed Real Estate Appraisers Act the Missouri Certified and Licensed Real Estate Appraisers and Appraisal Management Company Regulation Act;
- (2) Prohibits a person from engaging in the business as an appraisal management company, engaging to perform appraisal management services, or holding himself or herself out as being an appraisal management company without first obtaining a registration issued by the Missouri Real Estate Appraisers Commission within the Department of Insurance, Financial Institutions and Professional Registration;
- (3) Creates the classifications of licensure for appraiser trainees of state-certified general appraiser trainee, state-certified residential appraiser trainee, and state-licensed appraiser trainee. The commission is required to adopt rules and procedures for the issuing and regulating of appraiser trainee licenses;
- (4) Requires state-certified and state-licensed trainees to comply with the Uniform Standards of Professional Appraisal Practice established by the Appraisal Standards Board of the Appraisal Foundation;
- (5) Requires the commission to maintain a registry of the names and addresses of appraisal management companies and to establish by rule the requirements for obtaining a license as an appraisal management company;
- (6) Renames the Missouri Real Estate Appraisers Fund to the Missouri Real Estate Appraisers and Appraisal Management Company Fund;
- (7) Exempts an appraisal management company from specified licensing and examination requirements;
- (8) Removes the provision requiring the signature of the chairman of the commission and a certificate or assigned license number to be on each certificate or license;

- (9) Requires each appraisal management company to disclose its license number on every engagement letter utilized in assigning an appraisal request for assignments within the state;
- (10) Exempts an appraisal management company from the requirement that a certificate or license can only be issued to a natural person;
- (11) Requires an appraisal management company to notify the commission within 30 days of any change in its controlling person, agent of record, ownership composition, or address;
- (12) Authorizes the commission to cause complaints to be filed with the Administrative Hearing Commission against a state-licensed appraisal management company that is a legal entity other than a natural person and against a person influencing or attempting to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, instruction, inducement, intimidation, or bribery;
- (13) Requires all appraisal management company records to be retained for five years and to be made promptly available to the commission for inspection and copying;
- (14) Specifies that it will be a class B misdemeanor for any company or controlling person to practice any deception or fraud in its identity in connection with an application or holding out to the public or representation as a licensed appraisal management company when it is not;
- (15) Requires the commission to take all action necessary to be able to issue licenses to qualified applicants seeking a license as an appraisal management company; and
- (16) Repeals Sections 339.1100 to 339.1240, RSMo, regarding the Missouri Appraisal Management Company Registration and Regulation Act.

## **HB 1105 -- STATE MILITIA AGE REQUIREMENT**

This bill allows the Adjutant General to waive the maximum age requirement for a member of the state militia on a case-by-case basis. Currently, the maximum age for service is 64 years.

## **SS HCS HB 1106 -- PUBLIC OFFICIALS**

This bill changes the laws regarding certain public officials. In its main provisions, the bill:

(1) Allows, upon the approval of the county governing body, a county officer in a first, second, third, or fourth classification county or in Jefferson County to contract with the governing body of any municipality in the county to perform similar duties for the municipality. Currently, a county officer in any county except for first classification counties with a charter form of government may enter into this type of contract (Section 50.332, RSMo);

(2) Requires a county collector or collector-treasurer to reside in the county from which he or she is elected throughout his or her term of office (Sections 52.010.1 and 54.330.1);

(3) Requires, except in a county with a charter form of government, a candidate for county collector or collector-treasurer to be at least 21 years of age, a resident of the county for at least one year prior to the date of filing, and a registered voter and to have paid all state income taxes and personal and real property taxes (Sections 52.010.2 and 54.330.1);

(4) Allows the Jefferson County collector to enter into a contract with a city in the county for the collection of municipal taxes. Currently, only first classification counties not having a charter form of government are allowed to do this (Section 52.320);

(5) Exempts a county commission with a township form of government and an office of collector-treasurer from the requirement that it appoint a deputy treasurer or a qualified person to serve as an interim treasurer in the event of a vacancy (Section 54.033);

(6) Requires all county collector-treasurers to give bonds as other county collectors under the general revenue law. Currently, only a county collector-treasurer in a county having township organization has this requirement. The bill specifies that the county collector-treasurer must have the sole authority to appoint deputies as other county collectors under Section 52.300 (Section 54.330.2);

(7) Specifies that in the event of a vacancy in the office of collector-treasurer in a township organization county, the county clerk must follow the same procedures that apply to a vacancy in the office of collector in other non-township organization counties

(Section 54.330.4); and

(8) Requires any person who files as a candidate for election to a public office to sign an affidavit indicating that he or she is not aware of any information which would prohibit him or her from fulfilling any bonding requirements for the office for which he or she is filing (Section 115.342).

### **HCS HB 1108 -- EMERGENCY CALL LOCATION INFORMATION**

This bill requires a telecommunications carrier and certain commercial mobile service providers to provide, upon request, call location information concerning the user of a telecommunications service or a wireless communications service to a law enforcement official or agency in order to respond to a call for emergency service or to provide caller location information in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to an emergency is required without delay. There can be no cause of action in any court against any telecommunications carrier or telecommunications service or commercial mobile service provider as well as telecommunications service or wireless communications service or its officers, employees, agents, or other specified persons for providing any information, facilities, or assistance to a law enforcement official or agency.

These provisions cannot prohibit a telecommunications carrier or commercial mobile service provider from establishing protocols by which it can voluntarily disclose call location information.

### **SCS HB 1112 -- INSURANCE COMPANIES**

This bill allows 13 or more persons to form a company to issue life insurance policies outside of the United States for coverage of nonlife risks that are attached as riders to individual life insurance policies if the aggregate premium assumed on an annual basis under the nonlife risks does not exceed 3% of the capital and surplus of the company as of December 31 of the preceding year.

A Missouri-domiciled insurance company is allowed to write or assume involuntary

unemployment insurance in connection with a group life insurance business as well as a credit insurance business, but only to the extent that the business is written or assumed outside of the United States.

## **SS HB 1128 -- DESIGNATED VETERANS DAY AND NATIONAL GUARD RIBBONS AND AWARDS**

This bill designates March 30 of each year as "Vietnam Veterans Day" in recognition of the courage and patriotism of those who served during the Vietnam Conflict.

March 26 of each year is designated as "Veterans of Operation Iraq/Enduring Freedom Day" in Missouri when citizens are encouraged to observe the day with appropriate events, activities, and remembrances in honor of the veterans who served during military operations in Iraq and Afghanistan.

The Adjutant General is authorized to present a Missouri National Guard Overseas Training Ribbon to individual members of the Missouri National Guard who have participated in training outside the United States for 10 or more cumulative days and a Missouri National Guard State Partnership Program Ribbon to a member of the Missouri National Guard who has participated on a state partnership program mission to a country with which Missouri has a federally recognized partnership.

The Governor, upon the recommendation of the Adjutant General, is authorized to present the Order of the Minuteman Award to a military or civilian individual who has distinguished himself or herself by exceptionally meritorious service and achievement to the state or to the Missouri National Guard. No more than one award can be presented to any person and no more than five awards can be issued in a year. In the event of the death of an individual who is entitled to the award, it may be presented to his or her next of kin.

## **HB 1131 -- WITHHOLDING FORM INFORMATION**

This bill requires that the date services for remuneration were first performed by a newly-hired employee to be included on his or her federal W-4 withholding form.

## **CCS SCS HB 1135 -- STATE ADMINISTRATIVE RULES REVIEW**

Upon the request by a state agency to the Joint Committee on Administrative Rules and the Secretary of State and after publication in the Missouri Register, this bill authorizes the Secretary of State to make non-substantive changes to the Code of State Regulations to update the agency's name, address, phone, or website information which are needed because of statutory changes or executive orders.

Within 60 days after receipt by an agency of a written petition filed by an individual requesting it to adopt, amend, or repeal a rule, the bill requires the agency to submit a written response to the petitioner and a copy of the response to the joint committee and the Commissioner of Administration containing its determination, along with a concise summary of the basis for its determination. If the agency determines that the rule merits amendment or rescission, it must initiate the applicable proceedings. The joint committee may refer comments or recommendations regarding the rule to the General Assembly for further action.

Each state agency must periodically review all of its rules according to the following review schedule:

- (1) Rules contained in titles 1 through 6 of the code of state regulations must begin the review process no later than July 1, 2015, and every five years thereafter;
- (2) Rules contained in titles 7 through 10 of the code of state regulations must begin the review process no later than July 1, 2016, and every five years thereafter;
- (3) Rules contained in titles 11 through 14 of the code of state regulations must begin the review process no later than July 1, 2017, and every five years thereafter;
- (4) Rules contained in titles 15 through 19 of the code of state regulations must begin the review process no later than July 1, 2018, and every five years thereafter; and
- (5) Rules contained in titles 20 and higher of the code of state regulations must begin the review process no later than July 1, 2019, and every five years thereafter.

The joint committee must cause a notification of agency review to be published in the Missouri Register indicating rules being reviewed. Each agency with rules subject to review must prepare and file a report containing the results of its periodic rule review

with the joint committee and the Small Business Regulatory Fairness Board by June 13 of the year after publication of agency review in the Missouri Register. If a state agency does not file the report as required for any rule, in the absence of an extension for good cause, the joint committee must notify the Secretary of State to publish a notice as soon as practicable in the Missouri Register on the rules which are delinquent. The rule must be void and of no further effect after the first 60 legislative days of the next Regular Session of the General Assembly unless the agency corrects the delinquency by providing the required review within 90 days after publication.

The requirement that every agency with rules that affect small business submit a list of the rules and a report to the General Assembly and the Small Business Regulatory Fairness Board every two years is repealed because that same information is required as part of the periodic review of all administrative rules.

#### **HB 1141 -- "DON'T TREAD ON ME" SPECIAL LICENSE PLATE**

This bill changes the laws regarding the "Don't Tread on Me" special license plate. The bill requires a person applying for the plate to pay a \$15 fee in addition to the regular registration fees and to present any documents required by law. No additional fee can be charged for the personalization of the license plates. The bill specifies the detailed design of the plate.

#### **SS SCS HCS HB 1150 -- SALVAGE MOTOR VEHICLES, SCRAP METAL OPERATORS, AND STATUTORY LIENS**

This bill changes the laws regarding salvage motor vehicle titles, scrap metal operators, and statutory liens.

##### **SALVAGE MOTOR VEHICLE TITLES**

An owner presenting a motor vehicle, which is at least 10 years old and has been issued a salvage title, to a vehicle examination in order to obtain a certificate of ownership with the prior salvage motor vehicle designation cannot be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination.

The bill establishes a procedure by which an insurer who purchases a vehicle through the claims adjustments process can obtain a salvage title or junking certificate when an insurer is unable to obtain a negotiable title by making an application to the Department of Revenue. The application must declare that the insurer has made at least two written attempts to obtain the certificate of ownership, transfer documents, or other acceptable evidence of title and be accompanied by proof of claims payment from the insurer, proof of delivery of the letters to the vehicle owner, a statement indicating how the vehicle came into the insurer's possession, a description of the vehicle, the current location of the vehicle, and the \$8.50 fee. Thirty days prior to making application for title, an insurer must notify any owners or lienholders of record for the vehicle that the owner intends to apply for a certificate of title for the vehicle. Upon receipt of the application and supporting documents, the department director must search the records of the department or initiate an inquiry with another state if the vehicle was registered or titled in another state to verify the name and address of any owners and any lienholders. Any lienholder will have 30 days to notify the department before it issues a salvage title or junking certificate to the insurer.

#### SCRAP METAL OPERATORS

A scrap metal operator is allowed to purchase or acquire an inoperable motor vehicle, or the parts from a vehicle, that is at least 10 model years old without receiving the original title if the scrap metal operator verifies with the Department of Revenue, via the department's online record access, that the motor vehicle is not subject to any recorded security interest or lien. The scrap metal operator must also forward a copy of the seller's state identification, along with a bill of sale, to the department. The bill of sale form, which must be designed by the department director, must include a certification that the motor vehicle is at least 10 model years old, is inoperable, and is not subject to any recorded security interest or lien and a certification by the seller that he or she has the legal authority to sell the vehicle. Upon receipt of this information, the department must cancel any certificate of title and registration for the motor vehicle. If the motor vehicle is inoperable and at least 20 model years old, the scrap metal operator cannot be required to verify whether the motor vehicle is subject to any recorded security interests or liens.

"Inoperable" means a motor vehicle that is in a rusted, wrecked, discarded, worn out, extensively damaged, dismantled, and mechanically inoperative condition and the vehicle's highest and best use is for scrap purposes.

#### WATERCRAFT, VEHICLE, AND TRAILER LIENS



Currently, on a refinance of a loan secured by a watercraft, motor vehicle, or trailer, a lien is perfected by delivering the notice of lien to the Director of the Department of Revenue. The bill specifies that this provision only applies to a refinance by a different lender on a prior loan.

## **AIRCRAFT LIENS**

Currently, an aircraft lien is required to be filed 30 days after surrendering the property. The bill increases that time period to 180 days. The bill allows the written memorandum of the work or material furnished to be signed by the authorized agent of the owner or the person in lawful possession of the property and allows a person who furnishes labor or parts or aircraft equipment to place a lien on the item if he or she obtained a signed memorandum of the work or material furnished or to be furnished.

## **HCS HB 1171 -- COURTS**

This bill authorizes Franklin County to prosecute and punish violations of their county orders in the circuit court or in a county municipal court if the creation of a county municipal court is approved by an order of the county commission. The Franklin County Commission must appoint the first judges for the county municipal court for a term of four years, and thereafter the judges must be elected for a term of four years. The commission must establish by order the number of judges to be appointed and the qualifications for their appointment.

The bill changes the age when the juvenile court will have jurisdiction over a child involving a state or local traffic violation from a child up to 15 1/2 years of age to a child up to 15 years of age.

## **HB 1172 -- RESIDENTIAL CARE PROVIDER DONATIONS**

Currently, a residential treatment agency is prohibited from applying for a residential treatment agency tax credit in an amount greater than 40% of the payments made by the Department of Social Services to the agency in the preceding 12 months for eligible donations made by taxpayers. This bill allows an agency to apply for the credit in an amount that does not exceed the total payments in the preceding 12 months. The bill

extends the expiration date of the tax credit program from August 28, 2012, to December 31, 2015.

The bill also establishes the Developmental Disability Care Provider Tax Credit Program which authorizes a tax credit to a taxpayer for 50% of an eligible donation to a qualified developmental disability care provider that is used solely to provide direct care services to residents of the state with development disabilities. The credit is non-refundable, may be carried forward for four years, and is transferable.

The provisions of the bill regarding the Developmental Disability Care Provider Tax Credit Program expire December 31, 2016.

### **HB 1179 -- MAJOR WATER USERS**

This bill prohibits any major water user from conveying water withdrawn or diverted from within the Southeast Missouri Regional Water District to a location outside of the water district if it interferes with the reasonable and customary activities of another registered major water user within the district. If a conveyance occurs, the Attorney General or the party or parties affected may file an action for an injunction. In no case can the injunction be issued if it would be detrimental to public health or safety. A major water user is a person, firm, corporation, or an entity of the state with a water source and equipment necessary to withdraw or divert 100,000 gallons or more of water per day from any water source.

### **HB 1188 -- SCHOOL NURSE ADMINISTRATION OF ASTHMA RESCUE MEDICATION**

This bill establishes procedures under which a school nurse may administer asthma-related rescue medications. A school board may authorize a licensed nurse employee to maintain a supply of medication and to determine the quantity of medication that should be maintained. To obtain medications for a school district, a prescription written by a licensed physician, physician's assistant, or nurse practitioner is required. For prescription purposes, the district must be designated as the patient, the nurse's name must be required, and the prescription must be filled at a licensed pharmacy. The nurse or another employee trained and supervised by the nurse must

have the discretion to administer the medication to any student whom the nurse or employee believes is having a life-threatening asthma episode. Existing law providing immunity from civil liability for trained employees administering lifesaving methods must apply to the employee administering an asthma medication under these provisions.

## **HB 1219 -- UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES**

**(Vetoed by the Governor)**

This bill changes the laws regarding unlawful discriminatory employment practices under the Missouri Human Rights Law and establishes the Whistleblower Protection Act.

### **UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES UNDER THE MISSOURI HUMAN RIGHTS LAW**

The bill:

- (1) Defines the term "because of" or "because", as it relates to a decision or action, to mean the protected criterion was a motivating factor unless the decision or action has an adverse impact on the protected criterion, in which case courts must rely on judicial interpretation of federal civil rights and employment discrimination laws;
- (2) Revises the term "employer" by specifying that it is a person engaged in an industry affecting commerce who has six or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year and does not include an individual employed by an employer; certain tax-exempt private membership clubs, excluding labor organizations; or corporations and associations owned and operated by religious or sectarian groups;
- (3) Specifies that any party to certain unlawful discriminatory practice actions may demand a trial by jury;
- (4) Specifies that an award of damages may include all future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and punitive damages awarded;

(5) Specifies that the amount of damages awarded for each plaintiff cannot exceed the amount of the actual back pay plus interest, court costs, reasonable attorney fees, and other damages of up to \$50,000 in the case of an employer with six to 100 employees in each of 20 or more weeks in the current or preceding calendar year; up to \$100,000 for an employer with 101 to 200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$300,000 for an employer with more than 500 employees;

(6) Prohibits punitive damages from being awarded against the state or any of its political subdivisions except for claims for discriminatory housing practices authorized in Section 213.040, RSMo; and

(7) Specifies that the provisions regarding damage awards do not apply to an alleged violation of Section 213.040, RSMo, unlawful housing practices; Section 213.045, discrimination in commercial real estate loans; and Section 213.050, discrimination in real estate sales and rental organizations, but the provisions will apply to an alleged violation of Section 213.070, other specified unlawful discriminatory practices, by an employer.

## WHISTLEBLOWER PROTECTION ACT

The Whistleblower Protection Act is established which places in statute existing common law exceptions to the at-will employment doctrine making it an unlawful employment practice for an employer to discharge or retaliate against an individual who is a protected person. The bill:

(1) Defines the term "because of" or "because", as it relates to a decision or action, to mean the protected criterion was a motivating factor;

(2) Defines "proper authorities" as a governmental or law enforcement agency or an officer or the employee's human resources representative employed by the employer;

(3) Defines "protected person" as a person who has reported to the proper authorities an unlawful act of the employer or its agent or serious misconduct of the employer or its agent that violates a state law or regulation or a rule of a governmental entity; a person who has refused to carry out a directive issued by the employer or its agent that if completed would be a violation of the law; or a person who engages in conduct otherwise protected by statute or regulation;

(4) Specifies that the provisions of the act will provide the exclusive remedy for any and

all unlawful employment practices described in the act and voids any common law causes of action to the contrary;

(5) Specifies that a protected person aggrieved by a violation will have a private right of action for damages in a circuit court. The Missouri Human Rights Commission will not have jurisdiction to review or adjudicate claims brought under these provisions. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order and may award to the plaintiff actual and punitive damages;

(6) Specifies that any party to an action under these provisions may demand a trial by jury; and

(7) Specifies that the court may award the plaintiff actual and punitive damages. An award of damages may include all future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, and punitive damages awarded. The amount of all damages awarded for each complainant cannot exceed the amount of the actual back pay plus interest, other equitable relief, and other damages of up to \$50,000 in the case of an employer with six to 100 employees in each of 20 or more weeks in the current or preceding calendar year; up to \$100,000 for an employer with 101 to 200 employees; up to \$200,000 for an employer with 201 to 500 employees; and up to \$300,000 for an employer with more than 500 employees.

## **HB 1231 -- PREFERENCE FOR MISSOURI PRODUCTS**

Currently, any agricultural product that has been processed or otherwise had value added to it in this state must be given preference by the Commissioner of Administration or any state agent with purchasing power whenever competing bids are comparable. This bill requires forest products and bricks that have been processed or had value added to them in this state to also receive the preference.

## **HB 1236 -- THIRD-PARTY CANDIDATES**

This bill changes the laws regarding the Fair Ballot Access Act by repealing the

provision which requires, if presidential electors are to be nominated by petition, a petition to form a new political party to contain the name of a qualified resident of each Congressional district to serve as a nominee for presidential elector and requiring the information to be provided at the time a candidate files a declaration of candidacy.

## **HB 1250 -- ELECTIONS**

This bill changes the laws regarding elections. The bill:

(1) Allows the City of Farmington to enact an ordinance prohibiting smoking in certain areas and establishments in the city by a petition of the voters for the ordinance. The procedures for the petition process are specified in the bill. If a petition containing the signatures of at least 25% of the eligible voters who cast votes for all mayor candidates in the last preceding election is submitted requesting that the ordinance be submitted to a vote of the people if not passed by the council, the city council may adopt the smoking ordinance within 20 days or submit the question to the voters at the next municipal election. If the smoking ordinance is adopted by a majority of the voters, it may only be repealed or amended in the same manner;

(2) Allows certain third class cities organized under Sections 78.010 - 78.400, RSMo, to cancel, by order or ordinance, any primary election for the office of mayor and councilman that is currently held in February. A person wishing to become a candidate for these offices must file a signed statement of candidacy with the city clerk in order to be placed on the ballot in the next municipal election; and

(3) Removes the first Tuesday after the first Monday in June as a public election day, allows a bond election to be held on the first Tuesday after the first Monday in February but not to include any other issue with specified exceptions including a tax election necessitated by a decline of 5% or more in per-pupil state revenue from the previous year, and changes the date for an election for a presidential primary from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in February.

## **SS SCS HB 1251 -- NATURAL RESOURCES**

The bill changes the laws regarding audits of solid waste districts, the Land Survey Program, county drinking water supply lake authorities, the State Oil and Gas Council, solid waste landfill fees, environmental control rules, transportation of radioactive materials, collection of hazardous waste fees, recreational off-highway vehicles, commercial thoroughfares in municipalities, Missouri Propane Education and Research Council, the use of state park facilities, the administrative hearing commission, judicial review of environmental permits, time frames for issuing environmental permits, Safe Drinking Water Act fees, asbestos abatement, water pollution control, pressure vessel inspection limits, anemometer towers, and recycling targets for newspapers.

### **AUDITS OF SOLID WASTE DISTRICTS (Section 29.380, RSMo)**

The State Auditor is authorized to audit, as he or she deems necessary, solid waste management districts in the same manner as he or she may audit any state agency.

### **LAND SURVEY PROGRAM (Sections 59.319, 60.510, 60.530, 60.640, 60.560, 60.570, 60.580, 60.590, 60.595, 60.610, and 60.620)**

The bill changes the laws regarding the Land Survey Program within the Department of Natural Resources. The bill:

- (1) Dissolves the State Land Survey Authority and the Land Survey Advisory Committee and establishes the Land Survey Program and the Land Survey Commission within the Department of Natural Resources;
- (2) Revises the membership, terms, and duties of the commission;
- (3) Creates the Missouri Land Survey Fund for the deposit of \$1 of the \$6 fee collected by every county recorder for recording any instrument which currently is deposited into the General Revenue Fund for use by the department;
- (4) Expands the duties of the department by requiring it to restore, establish, maintain, and preserve Missouri state and county boundary markers and provide the framework for all geodetic positioning activities in the state;
- (5) Requires the commission to recommend to the department a person to be selected and appointed State Land Surveyor. The State Land Surveyor will be the chief administrative officer of the program. He or she must be selected under the State Merit

System on the basis of professional experience and registration; and

(6) Requires the commission to produce, by December 1, 2013, a report to the department and the General Assembly that recommends the appropriate administrative or overhead cost rate that will be charged to the program and includes all indirect services provided by the department, Division of Geology and Land Survey within the department, and Office of Administration.

#### COUNTY DRINKING WATER SUPPLY LAKE AUTHORITIES (Section 67.4505)

A county drinking water supply lake authority in Christian County is created to promote the general welfare and a safe drinking water supply through the construction, operation and maintenance of a drinking water supply lake in the county.

#### STATE OIL AND GAS COUNCIL (Sections 259.010 and 259.070)

The composition of the State Oil and Gas Council is revised by adding a representative of the Missouri Independent Oil and Gas Association, specifying that the university member be a professor from Missouri University of Science and Technology Petroleum Engineering Program, and adding two public member, one of which must live in a third or fourth classification county. The bill specifies the specific duties and powers of the council.

#### SOLID WASTE LANDFILL FEES (Section 260.330)

Currently, the Department of Natural Resources cannot make an annual adjustment to the fees charged to solid waste sanitary landfills or transfer stations from October 1, 2005, to October 1, 2014, except for an adjustment in the amount needed to fund the operating costs of the department. The bill extends the prohibition on adjustments to October 1, 2017.

#### ENVIRONMENTAL CONTROL RULES (Section 260.373)

The Hazardous Waste Commission is authorized to establish standards and guidelines through rules and regulations to ensure Missouri is in compliance with the federal Resource Conservation and Recovery Act (RCRA). The guidelines and standards cannot be any stricter than those required under Subtitle C of the RCRA. The commission may develop rules to implement state statutes when they expressly prescribe standards or requirements that are stricter than the federal requirements;



implement requirements prior to any federal requirements; or allow the establishment or collection of fees, costs, or taxes. The commission may retain, modify, or repeal any current rules relating to thresholds for determining the class of a hazardous waste generator, descriptions of applicable registration or reporting periods, reporting of hazardous waste activities to the Department of Natural Resources, requirements that generators display hazard labels on containers and tanks during the time the waste is stored onsite, exclusions for hazardous secondary materials used to make zinc fertilizers or that are burned for fuel or recycled.

By July, 31, 2014, the department must identify specified rules in Title 10, Division 25 of the Code of State Regulations that establish standards or guidelines that are inconsistent with those required under Subtitle C of RCRA and file any necessary amendments with the Secretary of State to ensure that the rules are not inconsistent with these provisions. On July 31, 2016, any rule in specified chapters of Title 10, Division 25 that remains inconsistent with the provisions of Subtitle C of the RCRA will be null and void to the extent it is inconsistent. Upon request, the department must modify, as appropriate, any permit containing requirements no longer in effect. The department is prohibited from selectively excluding any or part of a rule of the commission from any authorization application package or program revision submitted to the United States Environmental Protection Agency under 40 CFR 271.1 and 271.5.

#### TRANSPORTATION OF RADIOACTIVE MATERIALS (Section 260.392)

Currently, a shipper of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quality shipments must pay fees for each cask shipped. The bill assesses the fee per truck transporting rather than per cask.

#### COLLECTION OF HAZARDOUS WASTE FEES (Section 292.606)

Currently, the collection of fees for hazardous waste in the workplace, which fund the Missouri Emergency Response Commission, is authorized until August 28, 2012. The bill extends the authorization until August 28, 2018.

Beginning January 1, 2013, any employer required to report hazardous substances, known as Tier II filers, may request the commission to distribute the report to the local emergency planning committees and fire departments by paying a \$10 fee for each facility listed which cannot be applied to the employer's fee cap. The fee is to be deposited into the Chemical Emergency Preparedness Fund.

## RECREATIONAL OFF-HIGHWAY VEHICLE USE (Sections 301.010 and 304.033)

The bill changes the laws regarding the use of recreational off-highway vehicles. The bill:

- (1) Revises the definition of "recreational off-highway vehicle." The width of a recreational off-highway vehicle is increased from 60 inches to 64 inches and the unladen dry weight of the vehicle is increased from 1,850 pounds to 2,000 pounds;
- (2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:
  - (a) Vehicles owned and operated by a governmental entity for official use;
  - (b) Vehicles operated for agricultural purposes or industrial on-premise purposes between sunrise and sunset;
  - (c) Vehicles operated within three miles of the operator's primary residence;
  - (d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset; and
  - (e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;
- (3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing;
- (4) Requires a person operating a recreational off-highway vehicle on a highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover. A violation of these provisions will be a class C misdemeanor. In addition to other legal remedies, the Attorney General or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief and for the assessment of a civil penalty of up

to \$1,000 per day of violation; and

(5) Prohibits a person from operating a recreational off-highway vehicle in a careless way so as to endanger the person or property of another or while under the influence of alcohol or a controlled substance.

#### COMMERCIAL THOROUGHFARES IN MUNICIPALITIES (Section 304.120)

A municipality must allow at least one street, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. No ordinance can deny the use of commercial vehicles on all streets within the municipality.

#### MISSOURI PROPANE EDUCATION AND RESEARCH COUNCIL (Sections 414.530 to 414.570)

The bill changes the laws regarding the Missouri Propane Education and Research Council. The bill:

(1) Removes the provision allowing the director of the council to initiate a referendum on the abolishment of the council and the fee for odorized propane;

(2) Removes the director's authority to:

(a) Fill council vacancies and requires appointments to be made by the council following a public nomination process. The director may reject council appointments;

(b) Approve or modify council budgets. The council will approve or modify the budget after a 30-day public comment period prior to the beginning of each fiscal period. The director may reject the budget plan or modifications;

(c) Require additional reports from the council;

(d) Establish alternative means to collect the odorized propane fee and establish late payment charges. The council will have this authority; and

(3) Removes the provision allowing the National Propane Education and Research Council to establish a program coordinating its operation with the Missouri council and authorizing the Missouri council to keep funds from a federal rebate on propane fees

collected by the national council.

#### USE OF STATE PARK FACILITIES (Section 577.073)

The bill exempts the normal and customary use of state park roads by commercial and noncommercial organizations to transport persons or vehicles from the prohibition on the use of the roads without written permission from the Department of Natural Resources.

#### ADMINISTRATIVE HEARING COMMISSION (Section 621.250)

Currently, the Administrative Hearing Commission is required make a recommended decision within 60 days of the filing date of an appeal of a decision made by an environmental commission. The bill extends the timeframe to 90 days and changes the requirement that the commission must hold hearings and must make a recommended decision to allow the commission discretion as whether it holds hearings or issues a recommended decision.

Currently, an environmental commission must issue its final decision with regard to an appeal that went to the commission within 90 days of the date the appeal was filed. The bill extends this timeframe to 180 days.

#### ISSUANCE OF ENVIRONMENTAL PERMITS (Section 640.018)

Currently, if state law requires the Department of Natural Resources to issue an environmental permit within a certain timeframe and the department fails to do so, it must issue the permit on the first day following the expiration of the timeframe. The bill revises this provision so that the requirement to automatically issue the permit only applies at the request of the permit applicant.

#### SAFE DRINKING WATER ACT FEES (Section 640.100)

The provisions authorizing the Department of Natural Resources to impose fees for the implementation, administration, and enforcement of the federal Safe Drinking Water Act are extended from September 1, 2012, to September 1, 2017.

#### JUDICIAL REVIEW OF ENVIRONMENTAL PERMITS (Sections 643.130 and 644.071)

The bill limits the requirement that all actions filed in a court of law seeking judicial

review of final decisions made by the Air Conservation Commission must be made in the court of appeals rather than in the circuit court to actions related to certain types of permits.

#### ASBESTOS ABATEMENT (Section 643.225)

Certain businesses that regularly engage in asbestos abatement at their locations are exempted from certain asbestos-related state requirements if they are subject to specified federal laws relating to construction work and asbestos. The exemption applies to state requirements for the certification of certain individuals for asbestos-related work, accreditation for asbestos-related training programs, registration as an asbestos abatement contractor, and notification of the Department of Natural Resources for certain size asbestos abatement projects.

To receive the exemption, a business must submit to the department director information about its asbestos-related employee training to meet federal requirements and the type of asbestos abatement projects which constitute its normal operations. If the department determines that the entity does not qualify for the exemption, it may deny the exemption but must notify the entity of the denial within 180 days of the receipt of the application. An entity whose exemptions is denied may appeal to the commission within 30 days of the notice of denial.

An exempted entity must submit a one-time fee of \$250 and must submit documentation of any significant changes as they occur in its asbestos-related training program. An entity that is approved for an exemption before August 28, 2012, will be exempt from the fee but must submit any significant changes as they occur in its training program.

A representative of the department must be allowed, without prior notice, to attend, monitor, and evaluate any asbestos-related training program of an exempted entity.

#### WATER POLLUTION CONTROL (Sections 644.016, 644.026, 644.051, and 644.145)

The bill changes the laws regarding water pollution control. The bill:

(1) Requires the Clean Water Commission to provide to anyone who provided written comments or oral testimony on a proposed rule an opportunity to respond to the proposed order of rulemaking or the department's response to comments made during the public meeting or during the public notice comment period at any public meeting to

vote on an order or rulemaking or other commission policy;

(2) Removes the requirements for public input from permit holders and potential applicants when the commission is developing or renewing a general permit or a permit by rule for an aquaculture facility;

(3) Removes the requirement that provides that aquaculture facilities only need a general permit unless the applicant requests a site-specific permit;

(4) Revises the requirement that an application for a renewal of an operating permit be filed at least 180 days before the permit expires to 30 days before the permit expires for general permits, unless otherwise notified by the Director of the Department of Natural Resources;

(5) Specifies that general permits may be applied for and issued electronically once available;

(6) Specifies timeframes for department review and issuance of general permits. When there is no public participation required, the department must issue or deny an initial general permit within 60 days of receipt of the application and must issue or deny a renewal general permit within 60 days of the later of receipt of the application or the finalization of a new general permit. When public participation is required, the department's review time frame is increased to 90 days;

(7) Requires the department, as of January 1, 2013, to comply with certain public participation requirements when issuing a new general permit or when reissuing a general permit for aquaculture, land disturbance, or for a general permit under which 50 or more permits are issued;

(8) Requires the affordability finding to also be made for stormwater sewer systems;

(9) Authorizes an exception to the affordability finding requirement for collection system extension permits, operating permit renewals with no new environmental requirements, and when the permit applicant certifies that the permit requirements are affordable or otherwise waives the affordability requirement; and

(10) Allows the permit applicant the opportunity to review the department's affordability finding and suggest changes. Reasonable time spent on the affordability finding must be considered in addition to the department's required permit review timeframes.

## PRESSURE VESSEL INSPECTION LIMITS (Section 650.230)

The bill revises the provisions regarding the exemptions for certain sized pressure vessels from regulations.

## ANEMOMETER TOWERS (Section 701.550)

The bill requires an anemometer tower, which is a wind speed testing tower, that is located outside of a municipality's boundaries and is 50 feet or more in height and whose appearance is not otherwise mandated by state or federal law to have certain safety markings. The top third of the tower must be painted in equal, alternating bands of aviation orange and white, each outside guy wire must have two attached marker balls, the vegetation around guy wire anchor points must contrast with surrounding vegetation, and guy wires must have safety sleeves. An owner of an anemometer tower in existence as of August 28, 2012, is given until January 1, 2014, to comply with these requirements. A violation of these provisions is a class B misdemeanor.

## RECYCLING TARGETS FOR NEWSPAPER PUBLISHERS (Section 260.255)

Currently, newspaper publishers with an average daily distribution of greater than 15,000 copies are required to meet targeted recycled content usage each year and to report to the Department of Natural Resources the total number of tons of newsprint used during the past year and if it met the recycle target or why it failed to do so. The bill repeals this requirement.

The provisions of the bill regarding the use of state park roads contain an emergency clause.

## **SS SCS HCS HB 1280 -- PEER REVIEW FOR DESIGN PROFESSIONALS**

This bill establishes a peer review process through which design professionals evaluate, maintain, or monitor the quality and utilization of services performed by a licensed architect, landscape architect, professional land surveyor, or professional engineer. The bill specifies how a peer review process may be performed and the participants of a peer review process; authorizes immunity from civil liability for any participant of the process; and specifies the information or materials developed from the peer review process that are privileged and not subject to discovery, subpoena, or

other means of legal compulsion. The provisions of the bill cannot limit the authority of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of the licensing board.

These provisions expire on January 1, 2023 but will continue to apply to peer reviews and lessons learned proceedings performed prior to that date.

### **HCS HB 1308 -- SECURITY OF MONEYS DEPOSITED BY THE STATE TREASURER**

This bill repeals the requirement that an irrevocable standby letter of credit be issued by a Federal Home Loan Bank possessing the highest rating issued by at least one nationally recognized statistical rating agency in order to be an acceptable collateral for public deposits and allows a letter of credit issued by any Federal Home Loan Bank to be an acceptable collateral for public deposits.

### **HB 1315 -- LEAVE OF ABSENCE FOR UNITED STATES COAST GUARD AUXILIARY MEMBERS**

This bill specifies that any state employee who is or may become a member of the United States Coast Guard Auxiliary may be granted a leave of absence without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which the person is otherwise entitled when he or she is performing United States Coast Guard or United States Coast Guard Auxiliary duties, including travel, as authorized by the United States Coast Guard. The leave may not exceed 15 working days in any fiscal year or without regard to length of time when responding to a state or national emergency in Missouri or upon any navigable waterway within or adjacent to the state. The state employee cannot be discharged from state employment due to being a member or his or her service in the United States Coast Guard Auxiliary or otherwise discriminated against or dissuaded from joining or continuing service in the auxiliary. Before any salary is paid for the leave period, the employee must file with the appointing authority or supervisory agency evidence of his or her emergency



participation.

The bill also requires any employee of an employer with 50 or more workers who is or may become a member of the United States Coast Guard Auxiliary to be granted a leave of absence to perform United States Coast Guard or United States Coast Guard Auxiliary duties, including travel. The employee will not lose time, regular leave, or any other rights or benefits to which the employee is otherwise entitled as a result of the leave of absence. The leave cannot be for more than 15 working days in any calendar year or without regard to the length of time when responding to a state or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state. The employer cannot be required to pay a salary to the employee during this leave of absence and has the right to request that the employee be exempted from responding to a specific mission which must be honored by the appropriate United States Coast Guard or United States Coast Guard Auxiliary authority.

The Attorney General is required to enforce these employee rights.

## **SS HB 1318 — EMPLOYEE IDENTITY AND MENTAL HEALTH**

This bill changes the laws regarding the use of a Social Security number as an employee number and the laws regarding mental health.

### **EMPLOYEE IDENTITY (Section 407.1355, RSMo)**

The bill prohibits a person or entity, other than a state or local agency, from requiring an individual to use the last four digits of his or her Social Security number as an employee number for any type of employment-related activity. Currently, no person or entity can require an individual to use his or her entire Social Security number as an employee number.

The provision will only apply after December 31, 2015.

### **MENTAL HEALTH ASSESSMENT PILOT PROGRAM (Section 559.1170)**

The bill authorizes the Director of the Department of Corrections to establish a three-year pilot program regarding a mental health assessment process. A judge in a participating county may, upon a motion filed by the prosecutor, request that a criminal

offender be placed in the department for 120 days for a mental health assessment and for treatment if it appears that the offender has a mental disorder or illness such that he or she may qualify for probation including community psychiatric rehabilitation programs and the probation is appropriate and not inconsistent with public safety. The victim must be given notice and an opportunity to be heard before the judge rules on the motion. Upon the court's recommendation, the department must determine the offender's eligibility for the assessment process. At the end of the 120 days, the department must send an assessment report to the sentencing court which may, if appropriate, release the offender on probation. The offender must be supervised by a state probation and parole officer who must work with the Department of Mental Health to enroll eligible offenders into community psychiatric rehabilitation programs.

An offender is not eligible for probation if he or she has been found guilty of or pled guilty to second-degree murder, forcible or first-degree statutory rape, forcible or first-degree statutory sodomy, first degree child molestation that is classified as a class A felony, or any other offense that does not allow for probation or parole or if he or she has been found to be a predatory sexual offender.

The directors of the Department of Corrections and the Department of Mental Health must jointly submit recommendations to the Governor and the General Assembly by December 31, 2015, on whether to expand the process statewide.

#### DEPARTMENT OF MENTAL HEALTH EMPLOYMENT DISQUALIFICATION REGISTRY (Section 630.170)

The bill changes the laws regarding the Department of Mental Health Employment Disqualification Registry and specifies that a person on the registry or a person who has been convicted of or pled guilty or nolo contendere to a specified felony also must be disqualified from holding any position in any residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status or funded by the Department of Mental Health or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained.

Currently, a person disqualified from employment under the registry may seek an exception to the disqualification through a written request to the Director of the Department of Mental Health, or his or her designee, no more than once every 12 months. The bill allows a person to make a request no more than once every six months.

Any person placed on the registry prior to August 28, 2012, may be removed from the registry by the department director or designee if in the judgment of the department director or designee a clear showing has been made, by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident, or client of a facility, program, or service.

Currently, an applicant for a direct care position in the specified mental health facilities must sign a consent form for a criminal record review and a form to disclose any previous criminal history or employment disqualification. The bill requires an applicant for any position to sign a consent and disclose the information.

A mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained are added to the list of facilities and programs that are required, no later than two working days after hiring a person, to request a criminal background check and to inquire whether the person is listed on the employee disqualification registries of the departments of Mental Health, Health and Senior Services, or Social Services for new employees who will have contact with clients, residents, or patients. Any of these facilities that decline to employ or discharge a person who is disqualified under the provisions of the bill must be immune from suit by that person for the failure to employ or for the discharge of the person due to disqualification.

A provider is guilty of a class A misdemeanor if he or she hires a person to hold any position knowing that the person has been disqualified under these provisions.

Any employer who is required to discharge an employee because the employee was placed on the Department of Mental Health registry after the date of hire cannot be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge.

Currently, the Department of Mental Health may maintain the registry. The bill requires the department to maintain the registry. The bill specifies the procedure for appealing a decision to have a person placed on the registry and how the department determines the length of time the person's name must appear on the registry.

The department must provide the registry to other state and federal agencies upon request and to any of the mental health facilities or programs covered under these provisions. The department may also provide the registry to a recognized school of

nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations are included in the registry.

#### MENTAL HEALTH FACILITY EMPLOYEES (Section 630.945)

The bill specifies that beginning July 1, 2013, no state employee, regardless of job classification, working in a maximum or intermediate security mental health facility or any portion of a mental health facility with maximum or intermediate security can be mandated to work more than 12 hours in any 24-hour period unless the Department of Mental Health declares an emergency workforce shortage.

#### PETITION FOR RELEASE (Section 632.501)

The prosecutor of the jurisdiction into which a committed person is to be released is added to the list of individuals to whom a petition for release from the Department of Mental Health must be served.

### **SCS HCS#2 HB 1323 -- CHILDCARE AND CHILD ABUSE AND NEGLECT INVESTIGATIONS**

This bill establishes the Low-Wage Trap Elimination Act and Sam Pratt's Law and changes the laws regarding child abuse and neglect investigations and unlicensed child care facilities.

#### LOW-WAGE TRAP ELIMINATION ACT (Sections 208.044 and 208.053, RSMo)

The bill establishes the Low-Wage Trap Elimination Act which requires the Children's Division within the Department of Social Services, subject to appropriations, to implement a child care subsidy pilot program in at least one rural county and at least one urban child care center that serves at least 300 families by January 1, 2013, to be known as the Hand-up Program.

The program will allow willing recipients to receive child care subsidy benefits while sharing in the cost of the benefits through a premium payment. The program must be voluntary and must be designed to make sure that a participating recipient will not be faced with a sudden loss of child care benefits should the recipient's income rise above the maximum allowable monthly income for persons to fully receive child care benefits

as of August 28, 2012. If this occurs, the recipient must be permitted to continue to receive benefits if the recipient pays a premium to be applied only to that portion of the recipient's income above the maximum allowable monthly income for the receipt of full child care benefits.

The premium must be 44% of the recipient's excess adjusted gross income over the maximum allowable monthly income for the applicable family size for the receipt of child care benefits. The premium must be paid on a monthly basis by the participating recipient. The division must develop a payroll deduction program in conjunction with the Department of Revenue and must promulgate rules for the payment of premiums owed under the program. A participating recipient who fails to pay the premium owed must be removed permanently from the program after 60 days of non-payment.

Subject to the receipt of federal waivers if necessary, a participating recipient must be eligible to receive child care service benefits at income levels all the way up to the level at which a person's premium equals the value of the child care services received. Only a recipient who currently receives full child care benefits as of joining the program and who had been receiving full benefits continuously since on or before August 28, 2012, and agrees to the terms of the program during a 90-day sign-up period will be eligible to participate in the program. A participant must be allowed to opt out of the program at any time, but the person cannot be allowed to participate in the program a second time.

The division must track the number of participants and information on premiums and taxes paid and issue an annual report to the General Assembly by January 1, 2014, and on every January 1 thereafter detailing the effectiveness of the pilot program in encouraging recipients to increase their income levels above the income maximum applicable to each recipient and other specified information.

The Hand-up Program Premium Fund is created consisting of the premiums collected under the act to pay the costs of administering the program and any required payments to the federal government and the state General Revenue Fund. Child care benefits under the program must continue to be paid under the existing state child care assistance program.

The act contains a nonseverability clause and if any of the specified powers vested with the General Assembly under Chapter 536 are held unconstitutional, rulemaking authority and any rule proposed or adopted After August 28, 2012, must be invalid and void.

## HOTLINE CALLS AND INVESTIGATIONS (Sections 210.135 and 210.145)

In a case involving the death or serious injury of a child after a report has been made, the Children's Division within the Department of Social Services must conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. Any preliminary evaluation must be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it must be completed no later than three days after the child's death.

The division must review a case when three or more calls regarding the same child are made to the hotline within a 72-hour period to determine if the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. The review must include contacting the hotline caller or callers to collect information to determine if the calls meet the criteria for harassment. A hotline worker must instruct an individual making a hotline call to call 911 when a child may be in immediate danger.

A person responding to or investigating a child abuse and neglect report is prohibited from calling prior to a home visit or leaving a business card, pamphlet, or other similar identifying information at a residence if the worker has a reasonable basis to believe that no person is present at the time of home visit and the alleged perpetrator resides in the home or the child's safety may be compromised if the alleged perpetrator becomes aware of the attempted visit; the alleged perpetrator will be alerted regarding the attempted visit; or the family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during the visit, a person responding to or investigating a child abuse and neglect report must provide written material to the alleged perpetrator informing the person of his or her rights regarding the visit, including the right to contact an attorney. The alleged perpetrator must be given a reasonable amount of time, not to exceed five minutes, to read the material or have the material read to him or her by the caseworker before the visit commences. This requirement does not apply in a case where the child faces an immediate threat or danger or if the person responding to investigate the report feels threatened or in danger of physical harm.

## UNLICENSED CHILD CARE FACILITIES (Sections 210.211 and 210.245)

The bill requires any child care facility which is exempt from licensure to disclose to any

parent or guardian of children in its care that the facility is not licensed. Any person who violates this provision a second or subsequent time will be guilty of a class A misdemeanor and must be assessed a fine of \$200 per day up to a maximum of \$10,000.

#### **SAM PRATT'S LAW (Section 544.456)**

Sam Pratt's Law is established which allows any court in a case involving the abuse, neglect, or death of a child to impose as a condition of release of the defendant that he or she be prohibited from providing child care services for compensation pending final disposition of the case.

The provisions of the bill regarding the Hand-up Program expire three years after the effective date.

#### **SS HCS HB 1329 -- MOTOR VEHICLES**

This bill changes the laws regarding motor vehicles.

The bill specifies that the sale of a motor vehicle, trailer, boat, or outboard motor, regardless of whether the sale took place in this state, must be deemed to be consummated at the time of registration with the Department of Revenue at the purchaser's residence and restores, retroactively and prospectively, the application of Missouri's local sales tax law so that local sales taxes must continue to be imposed and collected on all motor vehicles, trailers, boats, or outboard motors upon registration with the department. The bill specifies that it is the intent of the legislature to reject and abrogate the portion of the holding in *Craig A. Street v. Director of Revenue*, No. SC91371 (Mo. banc Jan. 31, 2012) interpreting local sales taxes to be inapplicable to out-of-state purchases of these items.

The Director of the Department of Revenue is authorized to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the temporary operation of a motor vehicle or trailer by a buyer for not more than 30 days from the date of purchase. The temporary permit may be purchased from the central office of the department, an authorized agent of the department, or a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The fee for a temporary permit cannot exceed \$5.

Currently, the fee is set at \$7.50. Motor vehicle dealers and authorized agents must obtain temporary permits from an authorized producer.

The distribution of funds from the temporary permits sold by motor vehicle dealers and license offices is revised. Revenues collected by an authorized producer will not constitute state revenue moneys; only permits sold directly by the department to purchasers must continue to be credited to the State Highway Department Fund.

No state funds can be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits. The permit must be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all of the permit is plainly and clearly visible, reasonably clean, and not impaired in any way.

The department director may reissue a temporary registration permit at his or her discretion for a motor vehicle or trailer while proper title and registration are being obtained. The information associated with issued temporary permits must be made immediately available to law enforcement in this state by the department director.

The provisions of the bill regarding sale taxes on vehicles, trailers, boats, and motors purchased out-of-state contain a nonseverability clause, and if a court of competent jurisdiction finds any provision to be unconstitutional or unenforceable, all of the provisions will be invalid and have no legal effect as of the date of the judgment.

The provisions of the bill regarding temporary permits for a vehicle or trailer become effective on the date that the department or an authorized producer begins producing the permits or on July 1, 2013, whichever occurs first, and expire July 1, 2019.

The provisions of the bill regarding the local sales tax on the purchase of a motor vehicle, trailer, boat, or outboard motor contain an emergency clause.

## **HCS HB 1340 -- INTERIM COUNTY OFFICIALS**

This bill specifies that if there is a vacancy for any reason in the office of county clerk, county collector, or county assessor, the county commission must appoint an interim county official to discharge the duties of the office until the Governor appoints a successor.



## **SS SCS HCS HB 1400 -- FINANCIAL TRANSACTIONS**

This bill changes the laws regarding financial transactions including the investment of certain public funds, Division of Finance examinations, the perfection of security interests, and residential mortgage loan brokers.

### **INVESTMENT OF CERTAIN PUBLIC FUNDS**

Currently, political subdivisions and public entities can invest funds not immediately needed in certificates of deposit. The bill revises the investment options available by removing certificates of deposit and replacing it with deposit accounts.

### **DIVISION OF FINANCE EXAMINATIONS**

The Director of the Division of Finance within the Department of Insurance, Financial Institutions and Professional Registration must establish an internal policy to ensure the professional conduct of division employees who participate in an examination or who may be called upon to make an official decision or determination about the operation of any person or entity under the division director's jurisdiction. The policy must address matters deemed appropriate by the division director including procedures to address and mitigate the conflict of interest presented by offers of employment or negotiations regarding employment between a division employee and any person or entity under the division director's jurisdiction.

The disclosure of facts and information obtained in the course of the division's examinations and investigations when undergoing a state audit is allowed when the Director of Finance has entered into an agreement of confidentiality with the State Auditor. The agreement must include provisions for the redaction of records to remove protected information from disclosure including nonpublic personal or proprietary commercial and financial information, trade secrets, information that could prejudice the effective performance or security of the division, information protected under any recognized privilege, and identifying bank information.

### **PERFECTION OF SECURITY INTERESTS**

Currently, a person in the business of selling or leasing goods is not required to file a

statement on property held as inventory to perfect a security interest in the property. The bill removes a person in the business of leasing goods of that kind and requires the person to file the required statement.

#### RESIDENTIAL MORTGAGE LOAN BROKERS

A mortgage broker making a loan on a manufactured home or modular unit is allowed to charge, require, or receive points or other fees except insurance on any residential real estate loan.

The bill contains an emergency clause.

#### **CCS SS SCS HCS HB 1402 -- ROAD USE**

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

The bill changes the Senate membership of the Joint Committee on Transportation Oversight so that Senate membership must be composed, as nearly as may be, of majority and minority party members in the same proportion as the number of majority and minority party members in the Senate as to the total membership of the Senate. The bill requires the annual Department of Transportation report to be submitted no later than December 31 of each year, instead of November 10, requires the hearing on the report to be held no later than February 15 of each year, instead of December 1, and repeals the requirement that the report be submitted to every member of the Senate and the House of Representatives but requires the report to be accessible via the Internet.

#### BI-STATE DEVELOPMENT AGENCY FARES

Any person convicted or pled guilty or nolo contendere for failing to pay the proper fare, fee, or other charge for the use of Bi-State Development Agency facilities and conveyances must also reimburse the costs attributable to the enforcement, investigation, and prosecution of the offense to the agency. The court must direct the reimbursement proceeds to the appropriate agency official.

#### DYED FUEL

This bill allows persons to operate certain motor vehicles engaged in public safety or restoration of utility services on public highways with dyed fuel during any Governor-declared state emergency. Dyed motor fuel is exempt from the state excise tax on motor fuels.

## SALES TAX EXEMPTION FOR CERTAIN VEHICLES

This bill provides a sales tax exemption for motor vehicles registered in excess of 54,000 pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight. The sales tax exemption also extends to the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles.

## ROADWAY SIGNS

The bill requires that on the date the Highways and Transportation Commission within the Department of Transportation approves funding for any phase or portion of construction or reconstruction of any street or highway, the rules in effect for outdoor advertising on August 27, 1999, must be reinstated for that section of highway scheduled for construction and there must immediately be a moratorium imposed on the issuance of state sign permits for new sign structures. The owner of an existing sign which meets the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement and who voluntarily execute a partial waiver and reset agreement may reset the signs on the same or adjoining property. The reset agreement must be contingent upon obtaining any required local approval to reset the sign structure. Any sign which has been reset must still comply with the August 27, 1999, outdoor advertising regulations after it has been reset. The owner of an existing sign who elects to reset qualifying signs must receive compensation representing the actual cost to reset the existing sign. A sign which has been reset under these provisions must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure. A sign owner may elect to reset an existing qualifying sign by executing a partial waiver and reset agreement with the commission. Upon the completion of construction on any section of highway, the moratorium on new permits must be lifted and the rules for outdoor advertising in effect on the date the construction is completed must apply to the section of highway. Local zoning authorities may prohibit the resetting of qualifying signs which fail to comply with local regulations. All signs must be subject to the biennial inspection

fees under Section 226.550, RSMo.

## RECREATIONAL OFF-HIGHWAY VEHICLE DEFINITION

The bill:

- (1) Revises the definition of "recreational off-highway vehicle." The width of a recreational off-highway vehicle is increased from 60 inches to 64 inches and the unladen dry weight of the vehicle is increased from 1,850 pounds to 2,000 pounds;
- (2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:
  - (a) Vehicles owned and operated by a governmental entity for official use;
  - (b) Vehicles operated for agricultural purposes or industrial on-premise purposes between sunrise and sunset;
  - (c) Vehicles operated within three miles of the operator's primary residence;
  - (d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset; and
  - (e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;
- (3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing; and
- (4) Requires a person allowed to operate a recreational off-highway vehicle on a highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

## FLEET VEHICLE LICENSE PLATES

This bill allows a fleet owner of at least 50 fleet vehicles to apply for fleet license plates bearing a company name or logo. Currently, any fleet owner can apply for these plates regardless of how many vehicles he or she owned.

#### DRIVEAWAY LICENSE PLATES

The bill allows driveaway license plates to only be used by owners, corporate officers, or employees of the business to which the plates were issued. An applicant for a driveaway plate must provide specified information including the business name, address, and driver's license number. The applicant must provide proof of financial responsibility and a picture of his or her place of business. The applicant must maintain a landline telephone at his or her place of business during the registration period. Any person who knowingly uses a revoked driveaway license plate must be deemed guilty of a class A misdemeanor.

#### THIRD LICENSE PLATE

A motorist is allowed to purchase an additional temporary license plate that matches an existing or newly issued plate to serve as a visible plate when a bicycle rack or other item obstructs the view of the actual plate. The fee for the additional temporary license plate will be \$7.50. The third plate may only be used on the vehicle with the matching plate, and the additional third plate must be clearly recognizable as a third plate and only used for that purpose.

#### DEPARTMENT INVESTIGATORS

Department investigators licensed as peace officers must be deemed to be peace officers while conducting investigations into matters regarding motor vehicle registrations and any provisions relating to taxes, licenses, or fees.

#### MUNICIPALLY OWNED VEHICLES

The bill exempts a motor vehicle used as an ambulance, patrol wagon, or fire apparatus which is owned by a municipality from the requirement to display two license plates and allows it to display one plate or to display the name of the municipality on each side of the vehicle in letters which are not less than three inches in height and not less than three-eighths of an inch wide.

#### VIN NUMBER/ODOMETER RECORDS

The bill requires a motor vehicle dealer and a public garage operator to maintain a record of a vehicle's VIN number, odometer settings, and other information for a period of five years. Currently, the information must be maintained for three years.

#### FALSE STATEMENTS REGARDING MONTHLY SALES REPORTS

Any person who makes a false statement or omission of a material fact in a monthly sales report to the Department of Revenue will be deemed guilty of a class A misdemeanor.

#### MISUSE OF DEALER PLATES

Any law enforcement officer or agent of the Department of Revenue may seize a dealer license plate or certificate of number if he or she has probable cause to believe that it is being misused in violation of law.

#### PROCEDURE FOR REVOKING OR SUSPENDING A DEALER'S LICENSE

The bill specifies that if a motor vehicle dealer who has his or her license suspended refuses to surrender his license and distinctive number license plates, the Department of Revenue may direct a law enforcement officer to secure possession of the items.

The bill establishes a new administrative procedure for revoking or suspending a motor vehicle dealer license in situations that are deemed to present a clear and present danger to the public welfare. The department director may suspend or revoke a dealer license if the dealer allows a corporate surety bond or irrevocable letter of credit to expire or be revoked without submitting replacement coverage. The failure to maintain a bona fide established place of business constitutes a ground for suspension or revocation. The suspension or revocation of a license under these provisions must be administratively processed by the department through evidentiary hearings held by the department director or his or her designated agent. The administrative procedure and notice requirements for the suspension or revocation of a license are specified.

#### SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE

The Department of Revenue is allowed to issue a special event motor vehicle auction license to an applicant for the purpose of auctioning motor vehicles if 90% or more of the vehicles are at least 10 years old or older. A licensee must auction no more than 3% of the total number of vehicles presented for auction which are owned and titled in

the name of the licensee or its owners. An auction can be held for no more than three consecutive days, but no more than three times in a calendar year by the same licensee. A report must be sent to the Director of the Department of Revenue within 10 days of the conclusion of the special event motor vehicle auction on a department-approved form specifying the make, model, year, and vehicle identification number of every vehicle included in the auction. Anyone violating this provision will be guilty of a class A misdemeanor and will be charged a \$500 administrative fee payable to the department for each vehicle auctioned in violation of this provision. A special event motor vehicle auction will be considered a public motor vehicle auction for the purposes of licensing and inspection of certain documents and odometer readings; however, the licensee will not be required to have a bona fide established place of business. An application to hold a special event motor vehicle auction must be received by the department at least 90 days prior to the event. An applicant must be registered to conduct business in this state, pay a licensing fee of \$1,000, and be bonded or have an irrevocable letter of credit in the amount of \$100,000. The applicant will be responsible for ensuring that a sales tax license or special event sales tax license is obtained if required.

## DRIVER'S TRAINING

The bill allows the parent or legal guardian of a person learning to drive to designate, in writing, an individual who is at least 25 years old and has been a licensed driver for at least three years to escort or accompany the person with a temporary instruction permit.

## CRIMINAL HISTORY CHECKS TO OBTAIN LICENSE OR LIMITED DRIVING PRIVILEGES FOR CERTAIN OFFENDERS

The bill requires certain offenders to undergo criminal history checks in order to have his or her driver's licenses reinstated or to have limited driving privileges granted.

Currently, the Department of Revenue is prohibited from issuing a driver's license to anyone who has more than two driving while intoxicated convictions. However, a person may petition the court after 10 years from the date of the last conviction to have a new license issued. If, after reviewing the person's record, it is found that the petitioner has not been convicted of alcohol-related offenses during the preceding 10 years, then the court may order the director to issue the petitioner a driver's license. This act requires the court to review the results of a criminal history check prior to making that determination.

Under current law, the Department of Revenue is prohibited from issuing a driver's license to anyone convicted twice within a five-year period of violating any driving while intoxicated law or any other intoxication-related traffic offense or to a person who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. Under the terms of this bill, after the expiration of five years from the date of the last conviction, a person may petition the court to have a new license issued. The court must review the petitioner's record, including the results of a criminal background check, to determine whether the petitioner has not been convicted of and has no pending charges for alcohol-related offenses. If satisfied, the court may order the director to issue the petitioner a driver's license.

Persons who petition the court for a reinstatement of his or her driver's license under this act must submit a criminal record review application with the Missouri State Highway Patrol. The petitioner must submit two sets of fingerprints. One set of fingerprints will be used by the highway patrol to search the criminal history repository while the other set will be sent to the Federal Bureau of Investigation for searching the federal criminal history files. The person seeking a reinstatement of his or her license must pay all fees related to the criminal history check.

The bill makes similar provisions for those who apply for limited driving privileges (hardship license). Under the terms of the bill, the court or the director must review the results of a criminal history check prior to granting any limited driving privilege to any person denied a license for a period of 10 years or any person that cannot obtain a license for a period of five years. If the court or director finds that the person applying for the limited driving privileges has been convicted or has pending charges for offenses related to alcohol, controlled substances, or drugs, during the preceding three years (for 10 year denial petitioners) or preceding two years (for five year denial petitioners), then the limited driving privilege must be denied. The person who petitions the court for a limited driving privilege must submit a criminal record review application with the Missouri State Highway Patrol. The petitioner must submit two sets of fingerprints. One set of fingerprints will be used by the highway patrol to search the criminal history repository while the other set will be sent to the Federal Bureau of Investigation for searching the federal criminal history files. The person seeking a reinstatement of his or her license must pay all fees related to the criminal history check.

## FAILURE TO APPEAR IN COURT

Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must



suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record. The bill specifies that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have the suspension removed from his or her driving record.

## UNIFORM COMMERCIAL DRIVER'S LICENSE ACT

The bill requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

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

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

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

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

An applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The bill specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

## USE OF MUNICIPAL STREETS

A municipality must allow at least one route, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. No municipality may pass an ordinance that denies the use of

commercial vehicles on all routes within the municipality.

#### KANSAS CITY COMMERCIAL ZONE

This bill expands the Kansas City commercial zone by including the stretch of State Route 45 from its intersection with Interstate 29 to the city limits of Iatan.

#### YELLOW LIGHT CHANGE INTERVAL TIMES

The bill requires the Department of Transportation to establish minimal yellow light change interval times for traffic-control devices. The interval time must be established in accordance with nationally recognized engineering standards in the Manual on Uniform Traffic Control Devices and cannot be less than the recognized national standard.

#### BOATING SAFETY IDENTIFICATION CARD

Any person or company that rents or sells vessels is allowed to issue temporary boating safety identification cards to non-residents to operate rented vessels or vessels being considered for sale, for a period of up to seven days, if the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant must provide a valid driver's license establishing that he or she is a non-resident and must sign an affidavit stating he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. The patrol must charge a fee of \$9 for the card. A nonresident will not be eligible for more than one card. The provisions authorize the patrol to develop the card and requires businesses that issue the cards to transmit the applicant's information and payment to the highway patrol using an electronic online registration process developed and provided by the highway patrol.

These provisions expire December 31, 2022.

#### MISSOURI AUTO INSURANCE PLAN

The Missouri Auto Insurance Plan is revised so that insurance companies that opt-out from servicing their share of high risk drivers must be assessed a fee based on the insurance company's market share. The plan must contract with an entity to accept and service policies for companies that do not elect to accept and service policies. By October 1 of each year, a company that elects to accept applicants for policies for the

next calendar year must notify the plan. A company that does not elect to service applicants and policies must pay a fee to the plan for providing the services. The fee must be based on the company's market share.

## HOUSEHOLD GOODS MOVERS

The bill exempts a motor carrier transporting household goods in intrastate commerce from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission within the Department of Transportation. Currently, only a household goods motor carrier operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing this information with the commission, a household goods motor carrier engaged in intrastate commerce must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request.

A household goods motor carrier cannot participate in a joint tariff except for a joint tariff relating to joint rates for the transportation of household goods over any through routes or by interline service performed by two or more separate motor carriers. A household goods motor carrier participating in through routes or interline service must publish a joint tariff and evidence of its concurrence or acceptance or individual tariff for each participating carrier.

The bill removes the provision which prohibits a household goods motor carrier from using any schedule of rates or charges that divide the state into territorial rate areas.

The commission must establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and to establish a system for filing, logging, and responding to consumer complaints.

The bill specifies that all rates, tolls, charges, schedules, and joint rates fixed by the commission with reference to the transportation of passengers and household goods by a motor carrier will be in force and will be prima facie lawful and reasonable until found otherwise in a suit brought under Chapter 387.

The bill voids, on August 28, 2012, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate order requires or prescribes any minimum, maximum, or minimum-and-maximum rates for the transportation of the goods.

Beginning August 28, 2012, no certificate or permit to transport household goods in intrastate commerce will be issued or renewed unless the applicant demonstrates compliance with state workers' compensation insurance coverage laws for all of its employees.

The bill removes the provision requiring a contract motor carrier transporting household goods to demonstrate that the proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. An applicant for a household goods moving certificate of authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit must be fit and willing and able to perform the proposed service and must conform to other specified requirements.

The bill voids any geographic restriction or provision limiting a household goods motor carrier's scope of authority to particular routes within this state contained in a certificate, permit, or both which was issued prior to August 28, 2012, and any similar provision contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff schedules are reissued or amended to reflect the carrier's statewide operating authority.

The provisions of the bill regarding temporary motor vehicle permits become effective on the date the Department of Revenue or an authorized producer begins production of the permit or July 1, 2013, whichever occurs first; the provisions regarding the commercial driver medical certification become effective on the date the Director of the Department of Revenue begins accepting commercial driver license medical certifications or on May 1, 2013, whichever occurs first; and the provisions regarding biennial registration for larger vehicles become effective July 1, 2015.

The provisions of the bill regarding commercial driver's license medical certifications become effective on the date that the Director of the Department of Revenue begins accepting certifications or on May 1, 2013, which occurs first.

The provisions of the bill regarding boating safety identification cards contain an emergency clause.

## **HB 1424 -- SALE OF SURPLUS STATE HIGHWAY PATROL PROPERTY**

Currently, the State Highway Patrol is authorized to sell surplus patrol motor vehicles. This bill allows the patrol to also sell surplus watercraft, watercraft motors, and trailers.

The Highway Patrol's Motor Vehicle and Aircraft Revolving Fund is renamed the Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund and allows it to be used to purchase watercraft, watercraft motors, and trailers as well as vehicles.

## **SCS HB 1460 -- STATEWIDE COURT AUTOMATION FUND**

Currently, any unexpended balance remaining in the Statewide Court Automation Fund on September 1, 2013, must be transferred to general revenue. This bill extends that date to September 1, 2018.

Currently, the provisions regarding the fee assessed in certain court cases which is collected and deposited into the fund expire on September 1, 2013. The bill extends the expiration date to September 1, 2018. Currently, the Court Automation Committee is required to complete its duties by September 1, 2015. The bill extends that date to September 1, 2020.

## **HCS#2 HB 1462 -- MISSOURI QUALIFIED BIODIESEL PRODUCER INCENTIVE FUND**

Currently, a producer is eligible to receive payment from the Missouri Qualified Biodiesel Producer Incentive Fund for 60 months unless it fails to receive the full amount due to a lack of appropriations, in which case it is eligible for up to 24 additional months. This bill removes the 24-month limitation and allows a producer's eligibility to continue until the full amount due has been received.

## **SCS HCS HB 1495 -- REPORTING OF INSURANCE FRAUD**

Currently, insurers and others can share information related to insurance fraud investigations without being subject to civil liability for libel. This bill expands the immunity afforded to insurers and others for filing reports and furnishing other information related to an insurance fraud investigation so that they will not be subject to civil liability of any kind, including libel and slander.

Except when a person knowingly and intentionally communicates false information, a civil cause of action of any nature may not arise against a person for information relating to suspected or anticipated fraudulent insurance acts:

- (1) Furnished to or received from law enforcement officials and their agents and employees;
- (2) Furnished to or received from other persons subject to the Fraudulent Insurance Act; and
- (3) Furnished in reports to a federal or state agency or office, the National Association of Insurance Commissioners, the National Insurance Crime Bureau, or any other organization established to detect and prevent fraudulent insurance acts, or their agents, employees, or designees, or a department-recognized database system.

## **SS SCS HCS HB 1498 -- LIQUOR SALES**

This bill changes the laws regarding liquor sales.

The bill repeals the provision requiring certain establishments in St. Louis City or Kansas City have a certain minimum amount of gross receipts in order to obtain a Sunday-by-the-drink license.

For certain licensees in convention trade areas that hold a Sunday-by-the-drink license, the permitted time to open on Sundays is changed from 11:00 a.m. or 8:00 a.m. to 9:00 a.m.

Any person who is licensed to sell intoxicating liquor by the drink at retail in the Lambert St. Louis International Airport is allowed to apply to the Supervisor of Liquor Control

within the Department of Public Safety for a special permit that allows the premises to open at 4:00 a.m. An applicant for this special permit, in addition to all other fees required, must pay an additional \$300 annual fee.

Currently, any restaurant bar without an on-site brewery that serves 45 or more different types of draft beer may sell 32 fluid ounces or more of the beer to customers for consumption off the premises. The bill reduces the number to 20 or more different types of beer.

The bill allows any person licensed to sell liquor at retail by the drink for consumption on the premises where sold to use a table tap dispensing system to allow a patron to dispense beer at a table. The employee of the licensee must first authorize an amount of beer, not to exceed 32 ounces per patron per authorization, to be dispensed by the system. No law, rule, or regulation of the Supervisor of Alcohol and Tobacco Control in the department can be interpreted to allow any wholesaler, distributor, or manufacturer of intoxicating liquor to furnish table tap-dispensing or cooling equipment or provide services for the maintenance, sanitation, or repair of a dispensing system.

Currently, a person with a license to sell intoxicating liquor in the original package at retail is authorized to apply for a Sunday liquor sales license. The bill removes the requirement that the liquor be in its original package and allows any person with a license to sell intoxicating liquor at retail to apply for a Sunday liquor sales license.

The bill repeals various provisions authorizing a person to obtain a special license for Sunday sales of intoxicating liquor, malt liquor, or certain beers, including: wine shops; dance ballrooms in the City of St. Louis; certain hotel and resort restaurants and bars; certain amusement places; certain places of entertainment in Kansas City, St. Louis City, Jackson County, St. Louis County, and St. Charles County; sports stadiums in St. Louis City; airline clubs; and charitable, fraternal, religious, service, or veterans' organizations that are exempt from federal income taxes.

## **SCS HB 1504 -- SALES TAXES**

This bill changes the laws regarding sales taxes.

METROPOLITAN PARK AND RECREATION DISTRICT

Upon approval of the voters of the county with the largest population within a metropolitan park and recreation district and at least one other county in the district, the governing body of any county located within the metropolitan district as of January 1, 2012, is authorized to impose by ordinance an incremental sales tax of up to three-sixteenths of one cent on all retail sales subject to taxation, except on the sale of food and prescription drugs, for the purpose of funding the operation and maintenance of the district. The bill specifies how the sales tax must be collected and allocated. Any increase in the tax requires the governing body of each county within the metropolitan district to submit it to the approval of the voters of the county. No bonds, notes, or obligations issued to fund the specified activities can be secured by tax revenues allocated under specified provisions. Any contract for capital improvement or maintenance activities of the Gateway Arch grounds with tax revenues requires the concurrent approval of the metropolitan district, the public entity owning or controlling the real property being improved or maintained, and the public or not-for-profit entities directly providing supplemental funding for the contract. All capital improvements or maintenance activities must be constructed and performed in accordance with a comprehensive capital improvements program agreement approved by the metropolitan district before the public vote. At a general election occurring not less than six months before the expiration of 20 years after the issuance of any bonds issued for the purpose of improving and maintaining the Gateway Arch grounds, but no later than 23 years after the effective date of the incremental sales tax as approved by voter initiative under these provisions, the governing body of any county within the metropolitan district whose voters approved the incremental tax must submit to its voters a proposal to reauthorize the tax.

#### TRANSIENT GUEST TAXES IN PEVELY

The City of Pevely is authorized to impose, upon voter approval, a transient guest tax to fund the promotion of tourism.

#### THEATER, CULTURAL ARTS, AND ENTERTAINMENT DISTRICT IN BUCHANAN COUNTY

Buchanan County and the cities, towns, or villages within Buchanan County that have adopted transect-based zoning are added to the list of governmental entities that are authorized to establish a theater, cultural arts, and entertainment district.

#### JACKSON COUNTY PARKS, TRAILS, AND GREENWAYS DISTRICT



Jackson County is authorized to create a parks, trails, and greenways district and impose an additional sales tax of 1/10 of one cent if the voters of Jackson County approve the creation of the district and the tax. The district will be responsible for the planning, development, operation, and maintenance of a public system of interconnecting trails, open space, greenways, and parks throughout Jackson County. The powers and responsibilities of the district must be supplemental to, but cannot be a substitute for, the powers and responsibilities of other parks or recreation systems located within the district or for the powers of other conservation and environmental regulatory agencies. These provisions cannot be interpreted to give any district authority to regulate water quality, watershed, or land use issues in the county comprising the district.

The district must have the power to issue tax-exempt bonds; enter into contracts; lease, purchase, own, hold, control, contract, sell, and receive land and real and personal property; establish and collect reasonable charges for the use of district facilities; maintain an office and employ staff; and appoint advisory committees.

The 1/10 of one cent sales tax must be distributed as follows:

(1) 45% to the parks, trails, and greenways district fund to pay the costs associated with an interconnecting system. Up to 5% must be used for grants to local public agencies to be used for activities that are consistent with the district's powers and duties. Up to 15% may be used for the costs for office and project administration;

(2) 15% to the county to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the district; and

(3) 40% to each of the cities in that county, in proportion to each city's relative local sales tax contributions, to be used for planning, development, supervision, improvement, maintenance, and custody of public parks, trails, open spaces, greenways, and recreational facilities within the district.

Annually, no later than 120 days after the close of each district's fiscal year, the board of each district must prepare a report on the operations and transactions of the district during the preceding year. The report must be an open record and must be submitted to the governing bodies of each city and county with the district beginning the year after the district is created and must be made readily available to the public.

The sales tax revenues cannot be paid to any special allocation fund established by any municipality under the provisions of the Real Property Tax Increment Allocation Redevelopment Act.

The district must be governed by a seven-member board, with one member chosen by the presiding commissioner or elected county executive of the county, two members appointed by the mayor of the largest city, and four members appointed on a rotating basis by the mayor of the next five most populous cities in the county.

The district board may enter into agreements with public authorities to pay for alterations to a public highway, street, or road that extends into or through a public trail or park area of the district. No district can be authorized to exercise the power of eminent domain.

The district is required to follow the state's lowest and best bid standard for all construction and maintenance purchases exceeding \$10,000.

The question of whether to continue to impose the 1/10 of one cent local sales tax authorized by these provisions must be submitted to the voters of the county every 23 years after the voters of that county approved the initial imposition of the tax.

#### PAYMENT OF LICENSE TAXES

The interest provisions of Section 144.170 and the penalty provisions of Section 144.250 relating to delinquent sales taxes must apply to delinquent taxes due as a result of the imposition of a license tax by any municipal corporation. The limitation for bringing suit for the collection of the delinquent tax and penalty must be the same as provided in Sections 144.010 to 144.510.

#### CONVENTION AND TOURISM TAX IN KANSAS CITY

The City of Kansas City is authorized to pass an ordinance and seek voter approval to collect its existing convention and tourism tax from certain transient guests who are otherwise exempt from the sales tax under Section 144.010 to 144.510, RSMo. The proposal must be submitted to the voters at a citywide general or primary election or at a special election.

#### REFUND CLAIM FOR SALES TAXES

A purchaser who originally paid sales or use tax to a vendor or seller may submit a refund claim directly to the Director of the Department of Revenue if the tax has been remitted to the department director; the claim is refunded only once; the claim must be subject to any offset, defense, or other claim the department director otherwise would have against the purchaser or vendor or seller; and the claim is accompanied by a notarized assignment of rights statement by the vendor or seller to the purchaser or a notarized statement confirming the efforts that have been made to obtain the statement in the event that the vendor or seller fails or refuses to provide an assignment of rights statement within 60 days of the purchaser's written request, the purchaser is not able to locate the vendor or seller, or the vendor or seller is no longer in business. An amended return is not required for refund claims made by a purchaser under these provisions. A purchaser must be entitled to appeal a refund denial to the Administrative Hearing Commission within 60 days from the date the department director mailed the notice. A purchaser is allowed to file an appeal of the department director's decision to deny a refund claim if the appeal is filed no later than September 28, 2012, for a refund denied on or after January 1, 2007, and the claim is based solely on the issue of the exemption of the electronic transmission or delivery of computer software.

#### **SALES AND USE TAX PAYMENT BY COMMON CARRIERS**

The bill extends, from December 31, 2013, to December 31, 2023, the expiration of the provisions regarding the exemption for common carriers engaged in the interstate transportation of passengers and cargo on the sale of aviation jet fuel from any state and local sales and use tax.

#### **LIBRARY DISTRICT SALES TAX**

The bill adds Pemiscot County to the list of counties authorized to impose, upon voter approval, a sales tax on retail sales of up to one-half of one cent for the purpose of operating and maintaining public libraries within the library district.

#### **SCS HCS HB 1525 -- CRIMINAL OFFENDERS**

This bill establishes the Sentencing and Corrections Oversight Commission and changes the laws regarding criminal offenders under the supervision of the Department of Corrections.

## SENTENCING AND CORRECTIONS OVERSIGHT COMMISSION

The bill establishes a 13-member Sentencing and Corrections Oversight Commission to monitor and assist in the implementation of these provisions, determine ways to reinvest any cost savings realized from the passage of these provisions to pay for continued implementation and other evidence-based practices to reduce recidivism, and examine the issue of restitution for crime victims.

The members of the commission will include a circuit court judge appointed by the Chief Justice of the Supreme Court; three members to be appointed by the Governor with the advice and consent of the Senate, one must be a victim's advocate, one must be a representative from the Missouri Sheriffs' Association, and one must be a representative of the Missouri Association of Counties; and the following ex officio, voting members: the chair of the Senate Judiciary committee, who will serve as co-chair; the chair of the House Appropriations-Public Safety and Corrections committee, who will serve as co-chair; the director of the Missouri State Public Defender System, or his or her designee who is a practicing public defender; the Executive Director of the Missouri Office of Prosecution Services, or his or her designee who is a practicing prosecutor; the Director of the Department of Corrections, or his or her designee; the Chairman of the Board of Probation and Parole within the Department of Corrections, or his or her designee; and the Chief Justice of the Missouri Supreme Court, or his or her designee. The members will serve in staggered four-year terms.

The commission must meet at least twice a year, and the first meeting must occur by February 28, 2013. The commission must issue a report on December 31, 2013, and every year thereafter, to the Speaker of the House of Representatives, President Pro Tem of the Senate, Missouri Supreme Court Chief Justice, and the Governor detailing the effects of the implementation of these provisions. It may also recommend ways to reinvest any cost savings into evidence-based practices to reduce recidivism and possible changes to sentencing and corrections policies and statutes.

The department must provide administrative support to the commission to carry out these duties. No member of the commission can receive any compensation, but those members who are not otherwise reimbursed by their agency will be reimbursed for travel and necessary expenses incurred in the performance of their duties.

These provisions expire August 28, 2018.

## EARNED COMPLIANCE CREDITS

With the exception of an offender who is subject to lifetime supervision or those placed on probation, parole, or conditional release for certain specified offenses, the Division of Probation and Parole within the Department of Corrections must award earned compliance credits to any offender who is placed on probation, parole, or conditional release for a violation of a drug crime in Chapter 195, RSMo, or for a class C or D felony, excluding the offenses of aggravated stalking, sexual assault, deviate sexual assault, assault in the second degree in specific instances, sexual misconduct involving a child, endangering the welfare of a child in the first degree in specific instances, incest, invasion of privacy, and abuse of a child; is supervised by the board; and is in compliance with the conditions of supervision imposed by the sentencing court or board. If an offender was placed on probation, parole, or conditional release for an offense of involuntary manslaughter in the first or second degree, assault in the second degree in specific instances, domestic assault in the second degree, assault of a law enforcement officer in the second degree, statutory rape or sodomy in the second degree, endangering the welfare of a child in the first degree in specific instances, or any felony weapon offense under Chapter 571, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. Earned compliance credits must reduce the term of probation, parole, or conditional release by 30 days for each full calendar month of compliance with all terms of supervision but may be suspended or rescinded if the offender violates the conditions of supervision. An offender deemed to be an absconder, as defined in the bill, cannot earn credits.

Once the combination of time served in custody; on probation, parole, or conditional release; and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court must order final discharge of the offender if the offender has completed at least two years of his or her sentence in custody or on probation or parole.

At least twice a year, the division must calculate the number of months the offender has remaining on supervision, taking into consideration any earned credits, and notify the offender of the length of the remaining term. No less than 60 days before the date of final discharge, the division must notify the sentencing court, the board, and for probation cases the circuit or prosecuting attorney of the impending discharge. If none

of these parties takes any action upon receiving this notice, the offender will be discharged under these provisions.

## ADMINISTRATIVE JAIL SANCTIONS

The bill allows, as an alternative to the revocation proceedings, a probation or parole officer to place an offender in the county jail for a short period of time when the officer believes the offender has violated a condition of probation or parole unless the court has otherwise required detention to be a condition of probation. The first period of detention cannot exceed 48 hours, but subsequent periods may exceed 48 hours. However, the total cannot exceed 360 hours in any year. The officer must present the offender with a report detailing the violation and advise the offender of the right to a hearing before the court or board prior to the period of detention.

The division must reimburse the county jail for the costs of detention at a rate to be determined by the department which must be at least \$30 per day per offender and subject to appropriation by the General Assembly. Prior to ordering the offender to detention, the officer must certify to the county jail that the division has sufficient funds to provide reimbursement. A jail may refuse to detain an offender if funds are not available or there is inadequate space in the facility.

Upon successful completion of the period of detention, the court or board cannot revoke the term of parole, probation, or conditional release or impose additional periods of detention for the same incident unless new or additional information is discovered that was unknown to the division when the period of detention was imposed and indicates that the offender was involved in the commission of a crime. If the offender fails to complete the period of detention or new or additional information is discovered that the incident involved a crime, he or she may be arrested.

## MANDATORY PLACEMENT IN A 120-DAY PROGRAM

If a continuation, modification, enlargement, or extension of the probation period is not appropriate, the court must order certain offenders to be placed in one of the department's 120-day programs when the offender violated a condition of probation. An offender who is on probation for a class C or D felony or a drug offense; who has not already been placed in a 120-day program for the same offense or during the same probation term; whose probation violation does not involve absconding or being arrested on suspicion of, being found guilty of, or pleading guilty to any crime; and who has not violated any conditions of probation involving the possession or use of weapons

or a stay-away condition will be eligible for placement in one of these programs. However, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the first or second degree, aggravated stalking, assault in the second degree, sexual assault, domestic assault in the second degree, assault of a law enforcement officer in the second degree, statutory rape or sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree in specific instances, abuse of a child, invasion of privacy, or any felony weapon offense under Chapter 571. Upon receiving the order from the court for placement, the department must conduct an assessment and place the offender in the appropriate 120-day program. Once the offender has successfully completed the program, the court must release the offender to continue to serve the term of probation without modifying, enlarging, or extending the term based on the same violation. Time served in the program must be credited as time served against the offender's sentence.

### **HCS HB 1527 -- PROPERTY EXEMPT FROM ATTACHMENT**

Currently, any motor vehicle with a value of less than \$3,000 is exempt from execution or attachment. This bill requires that all motor vehicles owned by a debtor be considered together and only if their aggregate value is less than \$3,000 will they be exempt. A mobile home used as a principal residence cannot be attached to real property to be exempt from execution or attachment. The exemption for local public assistance benefits is revised to include all public assistance benefits.

Currently, each head of a family may exempt from attachment \$350 for each of the person's unmarried dependent children under 18 years old. The bill increases the age to a child under 21 years old.

The bill changes the provision that will apply when determining if certain funds are fraudulent and must not be held exempt from a bankruptcy proceeding.

## **HB 1540 -- WORKERS' COMPENSATION**

This bill specifies that an employee will not be liable for a co-employee's workplace injury or death for which compensation is recoverable under the workers' compensation laws, except that an employee will not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury.

The Division of Workers' Compensation within the Department of Labor and Industrial Relations is allowed to determine the manner in which an application is made for a hearing on a compensation dispute and the manner in which a notice that a claim has been dismissed for failure to prosecute is sent unless the employee is represented by counsel.

The division is allowed to send specified required notifications regarding workers' compensation claims in a manner determined by the division including by electronic means, registered or certified mail, or regular mail.

## **HCS HB 1549 -- NO-CALL LIST**

This bill changes the laws regarding the state's No-call List to allow a residential subscriber to have his or her wireless telephone number added to the list. Currently, the definition of "residential subscriber" is a person who has subscribed to residential telephone service from a local exchange company or the other persons living or residing with the person. The bill changes it to a person who, for primarily personal and familial use, has subscribed to residential telephone service, wireless service, or similar service or the other persons living or residing with the person.

Currently, the definition of "telephone solicitation" is any voice communication over a telephone line from a live operator, through the use of ADAD equipment or by other means for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services but does not include specified communications. The bill changes it to any voice, facsimile, short messaging service (SMS), or multimedia messaging service (MMS) for that purpose and prohibits a telemarketer from sending these communications to a telephone number on the No-call List.



## **SS SCS HCS HB 1563 -- HEALTHCARE SERVICES**

This bill changes the laws regarding healthcare services.

### **SCHOOL SOCIAL WORKERS**

The bill authorizes accredited Missouri colleges and universities to issue a document that verifies and acknowledges completion of a school social work program. Individuals seeking the document must have a degree in social work and either hold a credential in school social work from a nationally recognized credentialing organization or passed a school social work exam approved by the State Committee for Social Workers. The Department of Higher Education must develop the document.

The bill requires the Department of Elementary and Secondary Education, State Board of Education, and Office of Educator Quality to recognize certified school social workers. The State Committee for Social Workers within the Department of Insurance, Financial Institutions and Professional Registration must issue a certificate to any person making application if the person has obtained a degree in social work from an accredited college or university and holds a valid professional license of social work issued by the state committee and a credential in school social work issued by a nationally recognized credentialing organization in social work as a certified school social worker.

### **PRESCRIPTIONS**

The bill allows a pharmacist, in good faith, to sell and dispense controlled substances to any person upon a prescription of a practitioner located in another state if the prescription was issued according to and in compliance with the applicable laws of that state and the United States and specified quantity limitations apply to prescriptions dispensed to patients located in this state.

Currently, the quantity of Schedule III, IV or V controlled substances dispensed at any one time is limited to a 90-day supply with the ability to increase the amount up to three months under certain circumstances. The bill specifies that the supply limitations cannot apply if the prescription is issued by a practitioner located in another state according to and in compliance with the applicable laws of that state and the United States and dispensed to a patient located or residing in another state.

### **COLLABORATIVE AGREEMENTS**

A physician other than the supervising physician is authorized to review the records of an advanced practice registered nurse if the reviewing physician is designated in the collaborative practice agreement.

Currently, a physician assistant who is authorized to prescribe controlled substances must register with the federal Drug Enforcement Administration and the State Bureau of Narcotics and Dangerous Drugs and include the registration numbers on a prescription for a controlled substance.

## BEHAVIOR ANALYSTS

The categories of provisionally licensed behavior analyst, provisionally licensed assistant behavior analyst, temporary licensed behavior analyst, and temporary licensed assistant behavior analyst are added to the current professions that can be licensed. The State Committee of Psychologists within the Department of Insurance, Financial Institutions and Professional Registration is authorized to promulgate the necessary rules and procedures to license a qualified applicant. The bill limits the length of time a provisional license can be granted and prohibits an unlicensed person from holding himself or herself out as being a provisionally or temporary licensed behavior analyst or assistant behavior analyst unless he or she meets the applicable requirements.

The membership of the Behavior Analyst Advisory Board is changed to require that the one professional member of the committee must be made by nomination and majority vote of the committee instead of being appointed by the Governor.

The Behavior Analyst Advisory Board will review all applications for any behavior analyst license. The board will also recommend to the State Committee of Psychologists rules for promulgation regarding all types of behavior analyst licenses.

The requirements for submission of a passport photograph, passage of an examination, and board certification are eliminated for provisional licenses. To receive a provisional license, the applicant must submit a complete application, pay the appropriate fee, and satisfy the requirements for either a licensed behavior analyst or licensed assistant behavior analyst, depending on the provisional license sought. Those holding provisional licenses may only practice under the supervision of licensed behavior analyst. A provisional license will terminate upon the issuance of a permanent license, a finding of cause to discipline, termination of supervision, or one year after issuance. A provisional license may only be renewed for one additional year.

## PRESCRIPTION DRUGS

The bill allows a pharmacy to sell, purchase, or trade prescription drugs to other pharmacies if the total dollar amount of the sales, purchases, or trades is in compliance with the rules of the Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration and does not exceed 5% of the pharmacy's total annual prescription drug sales. Pharmacies must establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of legend drugs for two years and the information must be readily available upon request by the board or its representatives.

The board is authorized to establish rules to allow the distribution of drugs by out-of-state pharmacies in the event of an emergency or to alleviate a supply shortage.

## MISSOURI ELECTRONIC PRIOR AUTHORIZATION COMMITTEE

The Missouri Electronic Prior Authorization Committee is established to facilitate and monitor Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards. The efforts must include the establishment of a pilot program and the study and dissemination of information from the National Council on Prescription Drug Programs. In consultation with the Department of Insurance, Financial Institutions and Professional Registration and the committee, a Missouri-based pharmacy benefits manager doing business nationally must conduct a pilot program if there are adequate Missouri licensed physicians and a vendor capable and willing to participate in the program. It must be operational by January 1, 2014.

The 18-member committee is to include members of the General Assembly, executive branch directors, representatives from the pharmaceutical and health care industries, and a patient advocate. The duties of the committee are specified including the preparation of an annual report to the General Assembly and the Governor on the committee's progress and plans for the next year until national standards are established or these provisions expire, whichever is sooner. The first report must be completed before January 1, 2013. Upon the adoption of national standards, the committee must prepare a final report to the General Assembly and the Governor that identifies the appropriate Missouri administrative regulations that will be needed and if there are any necessary legislative actions.

## EMPLOYEE DISQUALIFICATION LIST

A consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of specified health care providers or a recognized school of nursing medicine, or other health profession is allowed to have access to the employee disqualification list maintained by the Department of Social Service when requested by a healthcare provider or the school. A person, corporation, organization, or association who is entitled to access the list is not allowed to disclose the information on the list to any person or entity who is not entitled to access the list. A person or entity violating this provision will be guilty of an infraction.

The provisions of the bill regarding the Missouri Prior Authorization Committee expire six years after the effective date.

The provisions of the bill regarding school social workers contain an emergency clause.

## **SS HCS HB 1576 -- STATE HEALTH INSURANCE FOR FOSTER PARENTS**

This bill requires the Missouri Consolidated Health Care Plan to allow any state-licensed foster parent to purchase the same state health insurance as state employees for himself or herself and his or her dependents at the actuarially determined rate of total premium for health care coverage. In order to qualify, the foster parent must not have access to other health insurance coverage through an employer or spouse's employer. The foster parent must provide documentation of eligibility for state health insurance prior to the purchase of any state health insurance under the plan.

Any specialized foster parent, as defined in Section 210.543, RSMo, providing temporary foster care for children with a documented history of presenting behaviors or diagnoses that render the child unable to effectively function outside of a highly structured setting, with the exception of a child that he or she anticipates to adopt or who is related to the foster parent, is eligible to purchase the same state health insurance plan as state employees for himself or herself and his or her dependents through the plan at the actuarially determined rate of total premium for health care coverage. The Department of Social Services must provide the plan with the appropriate documentation of initial and ongoing eligibility of foster parents who qualify for the purchase of state health insurance.

## **HB 1577 -- STUDENTS IN FOSTER CARE**

This bill requires the Department of Elementary and Secondary Education to ensure that specified criteria are implemented in every school district regarding the enrollment and educational success of foster care children.

If a foster care student transfers before or during the school year, the receiving school must initially honor placement of the student in educational courses and programs based on the student's previous enrollment or educational assessments from the sending school, provide comparable services to a foster care student with disabilities based on his or her current Individualized Education Program, and make reasonable accommodations and modifications to address the needs of incoming foster care students with disabilities, subject to an existing 504 or Title II Plan to provide equal access to education. The receiving district may conduct subsequent evaluations to ensure appropriate placements.

Schools may waive the prerequisites or other preconditions for placement in a course or program and must waive specific courses required for graduation if similar course work has been satisfactorily completed at another school or provide reasonable justification for the denial. If a waiver is not granted, the receiving school must provide an alternative means of acquiring the required course work so that graduation may occur on time. If a foster care student who transfers at the beginning of or during his or her senior year is ineligible to graduate from the receiving school after all alternatives specified in the bill have been considered, the sending and receiving schools must ensure the student receives a diploma from the sending school if the student meets the graduation requirements of the sending school.

## **HCS HB 1608 -- UNFUNDED AND OBSOLETE PROGRAMS**

This bill repeals provisions and sections of law regarding unfunded and obsolete programs and establishes expiration dates for specified provisions.

The bill repeals the provisions regarding the requirement that the MO HealthNet Division develop pay-for-performance payment program guidelines (Section 208.153).

The bill repeals the sections regarding:

- (1) A duplicating equipment unit and a records management center established by the Commissioner of Administration (Sections 37.115, 37.125, 37.300, 37.310, 37.320, 37.330, 37.340, 37.360, 37.370, and 37.390);
- (2) The central registry for not-for-profit human services providers in the Office of Administration (Section 37.500);
- (3) The Veterans Historical Education Trust Fund (Sections 42.014 and 42.015);
- (4) The Missouri Senior Cadets Program (Section 160.375);
- (5) The Research-based Reform Program (Section 160.542);
- (6) The Persistence to Graduation Fund (Section 160.950);
- (7) The Disability Freeze Fund (Section 161.182);
- (8) The Student Suicide Prevention Grant Program (Section 161.235);
- (9) The Volunteer and Parents Incentive Program (Section 161.800);
- (10) The New Schools Pilot Project (Section 162.1010);
- (11) The Missouri Preschool Plus Grant Program (Section 162.1168);
- (12) The Model School Wellness Program (Section 167.229);
- (13) The Extended Day Child Care Program Act (Sections 167.290 - 167.310);
- (14) The Alternative Education Act (Sections 167.320 - 167.332);
- (15) The Missouri Teacher Corps Program (Section 168.430);
- (16) The Missouri Prospective Teacher Loan Program (Sections 168.550 - 168.595);
- (17) The Missouri Critical Teacher Shortage Forgivable Loan Program (Section 168.600);
- (18) Certain teachers who retired prior to July 1, 1957, being able to be employed by

the Department of Elementary and Secondary Education as a special advisor and supervisor in connection with state educational problems (Section 169.580);

(19) Technology grants to school districts from the State Board of Education within the Department of Elementary and Secondary Education (Section 170.254);

(20) The requirement that the Coordinating Board for Higher Education request appropriations based on the number of students receiving Pell grants (Section 173.053);

(21) The Student Loan Default State Risk Sharing Program (Section 173.055);

(22) The Undergraduate Scholarship Program administered by the Coordinating Board for Higher Education (Section 173.198);

(23) The Graduate Fellowship Program administered by the coordinating board (Section 173.199);

(24) The Missouri Educational Employees' Memorial Scholarship Program (Section 173.267);

(25) The requirement that Missouri promote research and applied projects and the provisions regarding the Higher Education Research Fund (Sections 173.500 - 173.565);

(26) The Higher Education Artistic Scholarship Program (Section 173.724);

(27) The Higher Education Graduate Study Scholarship Program (Section 173.727);

(28) The Missouri Fibromyalgia Awareness Initiative Program and the Missouri Fibromyalgia Panel (Section 191.390);

(29) The requirement that licensed physicians providing obstetrical or gynecological care to a pregnant woman counsel all patients as to the perinatal effects of cigarettes, alcohol, and controlled substances and that the Department of Health and Senior Services establish a toll-free information line to provide information on resources for substance abuse treatment, establish protocols based on a risk assessment profile to be used by health care providers to identify high risk pregnancies, and conduct periodic tests on a sample of women or infants at the time of delivery (Sections 191.727,

191.733, 191.735, 191.741, and 191.745);

(30) The requirement that the Attorney General report to the General Assembly and the Governor on specified information regarding the MO HealthNet Fraud Unit within the Attorney General's Office and the Provider Integrity Unit within the Department of Social Services (Section 191.909);

(31) An osteoporosis prevention and education program (Sections 192.640 - 192.644);

(32) A state systemic lupus erythematosus program in the Department of Health and Senior Services (Section 192.729);

(33) The local registrar's fee for the transmission of records to the State Registrar (Sections 193.295 and 193.305);

(34) A demonstration project designed to establish a licensure category for health care facilities that wish to provide treatment to persons with Alzheimer's disease or Alzheimer's-related dementia (Section 198.086);

(35) The on-site surveyor evaluation process to be part of the process ensuring uniformity of application of regulation standards in long-term care facilities in the state (Section 198.527);

(36) The aging in place pilot program (Section 198.531);

(37) Housing assistance to parents of children who are at imminent danger of removal and placement or who are in the custody of the Department of Social Services (Section 207.150);

(38) A pilot project created by the Director of the Division of Medical Services within the Department of Social Services to provide up to 1,000 recipients of unemployment compensation with medical assistance (Section 208.179);

(39) The requirement that the Director of the MO HealthNet Division within the Department of Social Services implement a program to make certain nonaggregated Medicaid data available through its website and submit specified reports to the General Assembly and the MO HealthNet Oversight Committee on the program (Section 208.192);



- (40) A pilot project premium offset program for making standardized private health insurance coverage available to qualified individuals (Section 208.202);
- (41) The Elders Volunteer for Elders Project Act (Sections 208.309 - 208.315);
- (42) Pilot programs that promote community renewal and revitalization to enhance the quality of life for community residents and the Youth Build St. Louis Program (Section 208.335);
- (43) The Transitional Benefits Demonstration Project within the Division of Family Services in the Department of Social Services (Sections 208.500 - 208.507);
- (44) A one-stop shop and single-entry point program for elderly citizens to all available elderly services and programs (Section 208.612);
- (45) An unmet needs report to be implemented by the Division of Aging (Section 208.615);
- (46) The Welfare to Work Protection Act (Sections 208.700 - 208.720);
- (47) The corrections officer certification commission (Section 217.105);
- (48) The Missouri regimented discipline program of institutional correctional alternatives in discipline, exercise, and treatment (Section 217.378);
- (49) Sustainable agriculture demonstration projects within the Department of Agriculture (Section 261.105);
- (50) The requirement that the Department of Agriculture develop standards and labeling for organic farming and provisions regarding the Organic Production and Certification Fee Fund (Sections 261.110 and 261.120);
- (51) The Director of the Department of Agriculture being able to pay part of the cash premiums offered by agricultural fairs (Section 262.460);
- (52) A requirement that each bedding manufacturer, renovator, or sanitizer must register and obtain an initial permit and permit number from the Department of Health and Senior Services (Section 421.028);

(53) The Grandparents as Foster Parents Program (Sections 453.322 and 453.325);

(54) The Commission on Judicial Resources (Section 476.415);

(55) The developmental disability stipend and the Family Support Loan Program Fund under the Family Services Support Program for Developmental Disability (Sections 633.180 and 633.185);

(56) The Department of Social Services to include in its budget recommendation moneys for loans for physicians and nurses who serve in medically underserved areas of the state, health care initiatives, and transitional Medicaid expenses of certain Aid to Families with Dependant Children recipients (Section 660.016);

(57) Certain caseload standards for employees of the Department of Social Services (Sections 660.019 - 660.021);

(58) The Combined Senior Citizen Services Center/Residential Health Care Facility/Child Day Care Center Community Grants Program (Sections 660.530 - 660.545); and

(59) An area agency on aging being allowed to establish a volunteer transportation program for health care-related purposes (Section 660.725).

The bill establishes the following expiration dates for the provisions regarding:

(1) The Women's Heart Health Program, three years after the effective date of the bill (Section 191.425); and

(2) The Department of Social Services making available for purchase a health insurance policy through the Medicaid Program, one year after the effective date of the bill (Section 208.178).

## **HCS HB 1644 -- EXCURSION GAMBLING BOAT LICENSES**

Currently, the initial license and first subsequent license renewal of an excursion gambling boat operator is for a period of one year and for two years thereafter. This bill changes the renewal period after the first renewal and thereafter to every four years.

The bill changes the time period that an applicant for an occupational license to work in certain jobs on a gambling boat must file and a supplier of gambling equipment must apply for a license from annually to biennially.

## **SS HCS HB 1647 -- PUBLIC SAFETY**

This bill changes the laws regarding public safety.

### **TANEY COUNTY EMERGENCY SERVICES BOARD (Section 190.335, RSMo)**

Taney County Commission, upon voter approval of a county sales tax for central dispatching of emergency services must appoint a seven-member board to administer the funds and oversee the provision of emergency services.

The board must include the heads or a designee of the county's fire protection and ambulance districts, the sheriff or a designee, the head or a designee of any police departments in the county, and the head or a designee of the county's emergency management organizations.

### **STATE OIL AND GAS COUNCIL (Sections 259.010 - 259.070)**

The bill changes the composition of the State Oil and Gas Council by adding a representative of the Missouri Independent Oil and Gas Association; specifying that the university representative must be from the Missouri University of Science and Technology Petroleum Engineering Program; and adding two public members, one of who must reside in a third or fourth classification county. The public members are to be appointed by the Governor with the advice and consent of the Senate. The council must meet at least once each quarter of the year and biennially review the state laws and regulations on oil and gas drilling and make any recommendations for necessary changes. The council may form an advisory committee to help it conduct the law review and make recommendations on appropriate fees or other funding mechanisms to support the oil and gas program efforts of the Division of Geology and Land Survey in the Department of Natural Resources.

### **HAZARDOUS WASTE RULES (Section 260.373)**

The bill authorizes the Hazardous Waste Commission to establish standards and

guidelines through rules and regulations to ensure Missouri is in compliance with the federal Resource Conservation and Recovery Act (RCRA). The guidelines and standards cannot be any stricter than those required under RCRA nor can the commission enforce any provisions prior to the time required by the act.

By December 31, 2013, the Department of Natural Resources must identify rules in Title 10, Division 25 of the Code of State Regulations that establish standards or guidelines that are stricter than those required under RCRA and file amendments with the Secretary of State to eliminate those provisions. On December 31, 2015, any rule in Title 10, Division 25 that establishes standards that are stricter than required under RCRA will be null and void. The department is prohibited for selectively excluding any or part of a regulation from any authorization package submitted to the United States Environmental Protection Agency unless authorized by the commission.

#### TRANSPORTING RADIOACTIVE WASTE (Section 260.392)

The method by which fees for transporting radioactive waste by truck are assessed are revised. Currently, a fee of \$1,800 is charged for each cask transported through or within the state by truck of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel, or highway route controlled quantity shipments and all cask shipments are subject to a surcharge of \$25 per mile for every mile over 200 miles traveled within the state. The bill assesses the fee and surcharge based on each truck rather than each cask.

#### COLLECTION OF HAZARDOUS WASTE FEES (Section 292.606)

Currently, the collection of fees for hazardous waste in the workplace, which fund the Missouri Emergency Response Commission, is authorized until August 28, 2012. The bill extends the authorization until August 28, 2018.

Beginning January 1, 2013, any employer required to report hazardous substances, known as Tier II filers, may request the commission to distribute the report to the local emergency planning committees and fire departments by paying a \$10 fee for each facility listed which cannot be applied to the employer's fee cap. The fee is to be deposited into the Chemical Emergency Preparedness Fund.

#### WORKPLACE SAFETY (Section 292.655)

An employer using medical needles in the routine course of business must use a

commercially available device, known as an engineered injury protection device, to reduce the risk of accidental needlestick injuries to employees, patients, or customers. An engineered injury protection device destructs a medical needle's sharp point at the point of a procedure or use or covers the sharp end of the needle at the time the needle is removed from the skin. It does not include recapping a needle with the original needle packaging cover. These provisions will not apply to veterinary care provided outside of a veterinary office.

## RECREATIONAL OFF-HIGHWAY VEHICLES

The bill:

- (1) Revises the definition of "recreational off-highway vehicle." The width of a recreational off-highway vehicle is increased from 60 inches to 64 inches and the unladen dry weight of the vehicle is increased from 1,850 pounds to 2,000 pounds;
- (2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:
  - (a) Vehicles owned and operated by a governmental entity for official use;
  - (b) Vehicles operated for agricultural purposes or industrial on-premise purposes between sunrise and sunset;
  - (c) Vehicles operated within three miles of the operator's primary residence;
  - (d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset; and
  - (e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;
- (3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing; and
- (4) Requires a person allowed to operate a recreational off-highway vehicle on a

highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

#### REGULATION OF FIREWORKS (Sections 320.106 - 320.136)

The bill changes references to fireworks classifications by referencing the Code of Federal Regulations when defining consumer fireworks, display fireworks, fireworks, and proximate fireworks and removes the reference to American Pyrotechnics Association standards. The bill specifies that ground salutes, commonly known as cherry bombs, M-80's, M-100's, and M-1,000's, which exceed the limits set for consumer fireworks, display fireworks, or proximate fireworks for explosive composition, are prohibited in Missouri for consumer use. These provisions do not prohibit a manufacturer, distributor, or any other person possessing the proper permits as specified by state and federal law from storing, selling, shipping, or otherwise transporting fireworks.

#### RESIDENTIAL CONSTRUCTION REGULATORY SYSTEMS (Section 321.228)

The bill specifies that if any city, town, village, or county adopts, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection district wholly or partially located therein is prohibited from enforcing or implementing a residential construction regulatory system. Any regulatory system adopted by a fire protection district or its board must be treated as advisory only and cannot be enforced. Fire protection districts will have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes and can inspect residential dwellings but cannot charge a fee for the services;

#### FIRE PROTECTION DISTRICT CONSOLIDATION (Section 321.460)

Currently, two or more fire protection districts may consolidate with each other only if the districts have one or more common boundaries, in whole or in part. The bill also allows two or more districts to consolidate if they are located within the same county, in whole or in part.

#### MISSOURI PROPANE EDUCATION AND RESEARCH COUNCIL (Sections 414.530 - 414.570)

Currently, the director of the Missouri Energy Center may initiate a referendum on his or her own initiative to abolish the Missouri Propane Education and Research Council and the fee for odorized propane. The bill removes this authority.

Currently, a vacancy on the council is allowed to be filled by the remaining members of the council, subject to the approval of the director. The bill removes the requirement that the director must approve the appointment and requires the council to fill vacancies after a public nomination process but allows the director to reject any appointment.

Currently, the council must submit a budget plan to the director at the beginning of each fiscal period and the director must approve or recommend changes to the budget after a public comment period. The bill requires the budget plan be submitted for public comment at least 30 days prior to the beginning of each fiscal period and authorizes the council to approve or modify the budget after the public comment period but allows the director to reject the council's budget or modifications.

The bill removes the authority of the director to require additional reports from the council at his or her discretion beyond what is already required under current law.

The authority to establish an alternative means to collect the odorized propane fee and set late payment charges is currently given to the director. The bill transfers this authority to the council. The interest rate charged for late payments may not exceed the legal rate for judgments.

The bill removes the provisions that allow the National Propane Education and Research Council to coordinate its operations with Missouri's council and that authorize Missouri's council to keep funds resulting from a federal rebate on propane fees.

**EXPUNGEMENT OF CERTAIN CRIMINAL RECORDS (Sections 488.650, 561.026, and 610.140)**

A person is allowed to apply for the expungement of certain criminal records after 10 years have elapsed for a specified misdemeanor and 20 years have elapsed for a specified felony since the person has completed his or her imprisonment or any period of probation or parole, has not been convicted of or been placed on probation for any misdemeanor or felony during that time, has paid any amount of restitution ordered by the court, the circumstances and behavior of the petitioner warrant the expungement, and the expungement is consistent with the public welfare.

To expunge a criminal record, the person must file a petition in the civil division of the circuit court in a county where any of the arrests, pleas, trials, or convictions occurred. Once expunged, the court records and files will be confidential and only available to the parties or by order of the court for good cause shown. The expungement also restores all rights to the person as if the crime had never occurred. However, a person granted an expungement must disclose any expunged offense when the disclosure is necessary to complete certain applications for professional licenses, certificates, or permits issued by the state; any license issued by the gaming commission or paid or unpaid employment with an entity licensed by the gaming commission, state-operated lottery; or any emergency services provider.

A person may only be granted one expungement.

The clerk of the court is required to assess a \$100 surcharge on all petitions for expungement. Moneys collected are payable to the General Revenue Fund.

#### INMATE SECURITY FUND (Section 488.5026)

The bill changes the name of the Inmate Security Fund to the Inmate Prisoner Detainer Security Fund and requires moneys in the fund to be used to acquire and develop biometric verification systems and information sharing to ensure that inmates, prisoners, or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system. Currently, the moneys are to be used to ensure that inmates can be properly identified and tracked within the local jail system.

#### ASSAULTING A UTILITY OR CABLE WORKER (Sections 565.081, 565.082, and 565.083)

The crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction or work zone, or probation and parole officer in the first, second, and third degrees is revised to include a utility worker or a cable worker. "Utility worker" means any employee while in performance of his or her job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned. "Cable worker" means any employee, including any person employed under contract of a cable operator.



## WEAPONS (Section 571.020)

Currently, a person commits a class A misdemeanor if he or she possesses, manufactures, transports, repairs, or sells a switchblade knife. The bill limits the prohibition to when the activity involving a switchblade knife violates federal law and makes the crime a class C felony.

## CONCEALED CARRY ENDORSEMENTS (Section 571.030, 571.037, 571.101, 571.111, and 571.117)

The bill lowers the age at which a person can obtain a concealed carry endorsement from 21 to 18 years of age if the person is a member of the United States Armed Forces or is honorably discharged from the United States Armed Forces and is a citizen of the United States and has assumed residency, is stationed in Missouri, or is the spouse of the member stationed in Missouri and is 21 years of age.

Any person who has a valid concealed carry endorsement and is lawfully carrying a firearm in a concealed manner may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

A person can receive a concealed carry endorsement without meeting the current requirements if he or she submits a copy of a certificate of firearms safety training course completion that was issued on or before August 27, 2011, if it met the requirements that were in effect on the date it was issued (Section 571.111).

## FIREARMS DISQUALIFICATIONS (Section 571.092)

An individual over 18 years of age who has been adjudicated incapacitated under Chapter 475, has been involuntarily committed under Chapter 632, or has had a Missouri adjudication or commitment that results in a firearms disqualification pursuant to 18 U.S.C. Section 922(d)(4) or (g)(4) is allowed to file a petition for the removal of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm. The procedure for filing the petition and the rules of evidence are specified in the bill. The bill repeals current provisions found in Section 475.375, relating to these petitions.

The circuit court must grant a removal of the disqualification if there is a finding by clear and convincing evidence that the petitioner will not be likely to act in a manner dangerous to public safety and that granting the removal is not contrary to the public

interest. If a petition is granted, the county clerk must forward a copy of the order to the State Highway Patrol so the patrol can contact the Federal Bureau of Investigation for updating the petitioner's record with the National Instant Criminal Background Check System within 21 days of the receipt of the order. If a petition is denied, the individual may appeal, and the review of a circuit court ruling will be de novo.

#### PRESSURE VESSELS (Section 650.230)

Currently, certain-sized pressure vessels are exempt from regulation. The bill revises the exemptions.

#### ANEMOMETER TOWERS (Section 701.550)

The bill requires an anemometer tower, which is a wind speed testing tower, that is located outside of a municipality's boundaries and is 50 feet or more in height and whose appearance is not otherwise mandated by state or federal law to have certain safety markings. The top third of the tower must be painted in equal, alternating bands of aviation orange and white, each outside guy wire must have two attached marker balls, the vegetation around guy wire anchor points must contrast with surrounding vegetation, and guy wires must have safety sleeves. If the adjacent land is grazed, the area surrounding the anchor point must be fenced. An owner of an anemometer tower in existence as of August 28, 2012, is given until January 1, 2014, to comply with these requirements. A violation of these provisions is a class B misdemeanor.

#### MEDICAL NEEDLES (Section 1)

The bill specifies that an employer who uses medical needles in the routine course of conducting business in the state may use any Occupational Safety and Health Administration- or Food and Drug Administration-approved device.

The provisions of the bill regarding the regulation of fireworks and the provisions regarding receiving a concealed carry endorsement if a person passed the training course requirements on or before January 27, 2011, contain an emergency clause.

#### **SCS HCS HB 1659 & 1116 -- LAND BANK AGENCY IN KANSAS CITY**

This bill allows the City of Kansas City to establish a land bank agency for the

management, sale, transfer, and other disposition of tax delinquent lands and other lands in its possession in order to return it to effective use to provide housing, new industry, and jobs and to create new revenue for the city. The agency must be established by ordinance or resolution as provided by the city's charter and will only have authority over tax delinquent lands and other lands in its possession located within the city.

The agency is authorized to acquire real property or interests in property by purchase, gift, exchange, transfer, foreclosure, lease, grant assistance, or other devise. It is to exercise all powers that are conferred by Sections 141.210 - 141.810, RSMo, and Sections 141.980 - 141.1015 relating to the Land Tax Collection Law and will be deemed a public corporation acting in a governmental capacity. The agency is exempt from all state and local taxation. It cannot possess or exercise the power of eminent domain or the power to tax.

The beneficiaries of the agency will be the taxing authorities that held or owned tax bills against the respective parcels of real estate acquired by the agency at a sheriff's foreclosure sale or by deed from land trustees, and each taxing authority's respective interests in each parcel will be to the extent and in the proportion and according to the priorities determined by the court based on the principal amount of their respective tax bills bore to the total principal amount of all the tax bills described in the judgment.

The agency will be composed of five to seven commissioners appointed by specified officials; and each commissioner must furnish a surety bond, if the bond is not already covered by a governmental surety bond, in an amount of up to \$25,000 to be paid out of city funds.

The agency is authorized to sue and issue deeds in its name and will have the power to operate as any other corporate body including hiring staff and entering into contracts. It can convey title to any real estate it has sold or conveyed by general or special warranty deed. A deed must include the selling price and whether the selling price represents a value equal to or greater than two-thirds of the appraised value of the real estate. If the selling price is less than two-thirds of the appraised value, the commissioners must first procure the consent of at least a majority of the entire board.

The land bank is authorized to acquire property by gift, transfer, exchange, foreclosure, or purchase. The land bank is prohibited from owning real estate outside the boundaries of Kansas City but may accept a transfer of real estate from a political subdivision.

If a land bank bids at a tax foreclosure sale in an amount that equals the amount of the tax liens, plus interest and costs, the property may be sold to the land bank. If property inside Kansas City has been offered for sale at three different tax sales and has not sold, it is automatically transferred to the land bank. The bill limits the land bank agency's ability to make certain bids at a sheriff's foreclosure sale to bidding on property that is located within a low to moderate income area designated as a target area for revitalization by the municipality that created the land bank agency.

After the land bank transfers property, for the next three years, the taxes on the real estate go to the land bank agency to fund its operations. The bill specifies how money from the sale of land bank property must be distributed.

The land bank is subject to the Open Meetings and Records Law, commonly known as the Sunshine Law.

The agency cannot be authorized to sell more than five contiguous parcels to the same entity in the course of one year.

The agency must maintain a perpetual inventory of all acquired real estate and make it available on its website. All land owned by the agency can be used as it sees fit including consolidating the land or grouping or regrouping it for economy, utility, or convenience.

The annual budget of the agency must be prepared by October 1 and delivered to the ad valorem taxing authorities that appointed commissioners for its review and approval. The bill specifies the procedure if one of the taxing authorities does not approve the proposed budget. The bill requires an annual audit of the land bank agency by certified public accountants as of April 30 and allows performance audits by the State Auditor or the city auditor at any time.

If at any time there are not enough funds available to pay the salaries and other expenses of the agency, sufficient funds will be advanced and paid to the agency upon its requisition from the ad valorem taxing authorities in the county that are not appointing authorities of which 7% will be paid by the county commission and 93% from the other ad valorem taxing authorities. The amount cannot exceed 25% of the agency's annual budget unless agreed to and approved by the taxing authorities. These funds will be considered advances and subject to repayment from funds subsequently collected by the agency.

A land bank commissioner or salaried agency employee is prohibited from receiving any compensation, emolument, or other profit from the rental, management, acquisition, sale, demolition, repair, rehabilitation, use, operation, ownership, or other disposition of any lands held by the agency other than the salaries, expenses, and emoluments provided by law and is prohibited from having any relationship with, being employed by, or receiving compensation from any contractor or developer who purchases property from the agency. Anyone convicted of violating this provision will be guilty of a felony and, upon conviction, sentenced to between two and five years in the state penitentiary.

### **HCS HB 1661 -- INCOME TAX DEDUCTION FOR JOB CREATION BY SMALL BUSINESSES**

This bill clarifies that a small business formed as a sole proprietorship, partnership, S-corporation, C-corporation, limited liability company, limited liability partnership, or other business entity can qualify for the income tax deduction for job creation by a small business and allows any flow-through entity to pass the deduction onto its members, shareholders, or partners.

### **HB 1680 -- SHOW-ME HEROES PROGRAM**

This bill changes the name of the Heroes at Home Program to the Show-Me Heroes Program and adds spouses of active duty United States military personnel to those individuals to whom the program can provide assistance in addressing immediate needs and employment in an attempt to keep the family from falling into poverty while the primary income earner is on active duty and for one year following discharge. Recently separated United States military personnel may also be provided assistance under the program with finding work in specified situations.

Currently, the Department of Economic Development has the option of entering into a contract with qualified providers through local workforce investment boards to operate the program. The bill repeals this option and requires the department to operate the program through existing programs. Services under the program may include financial assistance to families facing financial crisis from overdue bills. Currently, the services had to be due to overdue bills because of reduced income after the deployment of a

spouse.

The department must establish rules to implement these provisions.

## **SS SCS HCS HB 1731 -- GAMING AND TOBACCO SETTLEMENT MONEY**

This bill changes the laws regarding the use of gaming and tobacco settlement moneys. In its main provisions, the bill:

- (1) Authorizes the Missouri Veterans' Commission to use funds in the Veterans' Commission Capital Improvement Trust Fund for the administration of the commission;
- (2) Changes how money from the Gaming Commission Fund is allocated for Fiscal Year 2013 and beyond by removing specific funding for the Early Childhood Development, Education and Care Fund from this fund and specifies that the net proceeds in the fund after the distribution of specified funds must go to the Veterans' Commission Capital Improvement Trust Fund. The bill requires at least \$35 million from the Tobacco Master Settlement Agreement to be deposited into the Early Childhood Development, Education and Care Fund each fiscal year beginning in FY 2013;
- (3) Prohibits a public institution of higher education, political subdivision, governmental entity, or quasi-governmental entity receiving state funds from operating, establishing, or maintaining or offering incentives to participate in or mandating participation in a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education unless the authority to do so is enacted into law through legislation, initiative petition, or referendum or establish any program, policy, guideline, or plan to operate, establish, or maintain a quality rating system for early childhood education, a training quality assurance system, any successor system, or any substantially similar system for early childhood education unless it has received statutory authority to do so. Any taxpayer of this state or any member of the General Assembly must have standing to bring suit against an entity which is in violation of these provisions in any court with jurisdiction. These provisions cannot be construed to limit the content of early childhood education courses, research, or training carried out by any public higher education institution;
- (4) Increases the annual funding for the Missouri National Guard Trust Fund from the

Gaming Commission Fund from \$3 million to \$4 million and allows the General Assembly to annually appropriate up to an additional \$1.5 million to the fund; and

(5) Requires the Joint Committee on Education to develop a comprehensive funding formula for Missouri public institutions of higher education by December 31, 2013, and requires the General Assembly to implement the funding formula beginning July 1, 2014.

The bill contains a nonseverability clause and if any provision of the bill is held to be invalid for any reason, the remaining provisions will also be invalid.

The bill contains an emergency clause.

### **SCS HCS HB 1758 -- CHILD CUSTODY AND VISITATION AND ADOPTION**

This bill allows any person having a parent/child relationship with a minor child who is not the child's biological or legal parent to petition a court for an order establishing custody and visitation rights. The provisions of Section 452.398, RSMo, must not be construed to affect the procedure for the termination of parental rights or to revive the rights of a natural parent whose rights have previously been terminated under Chapter 211.

A petition may only be filed if at least one of the natural parents is deceased, at least one of the natural parents is unknown, the whereabouts of at least one of the natural parents is unknown and unascertainable for a period of one year, the parental rights of at least one biological parent have been terminated, or the remaining parent has not had an ongoing parent/child relationship with the minor child in question for a period of one year prior to the filing of the petition.

The petitioner must establish by a preponderance of the evidence that an ongoing parent/child relationship exists or did exist. There will be a rebuttable presumption that the biological or legal parents act in the best interests of the minor child, and this presumption can be rebutted using the preponderance of the evidence or the clear and convincing evidence standard. If a court determines that a relationship exists between the minor child and the petitioner and the parental presumption has been rebutted, a court may grant a petitioner visitation or custody rights if it is in the child's best interests and the natural parent is unfit, unsuitable, or unable to be a

custodian; the welfare of the child requires granting the custody or visitation rights; or the natural parent is listed in the Child Abuse and Neglect Central Registry. The bill prohibits the parental presumption from being used in any action to modify a judgment granted under these provisions.

If a military parent is required to be separated from a child due to deployment, a court cannot enter a final order under these provisions until 90 days after the deployment ends. Deployment or the potential for future deployment of a military parent cannot constitute grounds sufficient to support a custody or visitation order under these provisions. If a parent is required to be separated from his or her child due to employment and the parent provides ongoing support, the separation cannot constitute grounds sufficient to support a custody or visitation order under these provisions.

The bill specifies that the race or ethnicity of the adoptive child, the child's biological parents, or the prospective adoptive parents must not be a consideration when determining the best interests of the child, the welfare of the child, the suitability and assessment of prospective adoptive parents, or the home of the prospective adoptive parents in adoptive placements. The division must comply with specified federal placement requirements for any Native American child placed in protective custody.

## **SCS HCS HB 1789 -- TRAVEL HARDSHIPS OF PUBLIC SCHOOL PUPILS**

This bill changes the laws regarding travel hardships for public school students by prohibiting any current or retired school administrator from appointment to a board of arbitration regarding an appeal regarding a change in a school district's boundaries in which the voters in one of the districts votes against the change and the voters of the other district vote for the change.

In the provisions regarding the Commissioner of Education within the Department of Elementary and Secondary Education reassigning a pupil because of a travel hardship, the bill authorizes the continuance of any assignment granted before August 28, 2012, until the student, and any sibling of the student, completes his or her course of study or the parent withdraws the student.

The bill establishes a process to make reassignment mandatory for any pupil or sibling of a pupil living in St. Albans, St. Elizabeth, or Gravois Mills, under conditions which include a minimum driving distance of at least 17 miles to the current school, the other



school is at least seven miles closer, and the transfer will not cause the receiving district to exceed its class size restrictions. A reassignment must be made in the order that applications are received. If a parent withdraws a student after receiving a travel hardship, any subsequent hardship assignment is discretionary. A pupil must be eligible to apply for reassignment under the enrollment requirements established in the bill, and the sending district must pay an amount which cannot exceed the pro rata cost of instruction to the receiving district.

**SS SCS HB 1807, HB 1093, HB 1107, HB 1156, HB 1221, HB 1261, HB 1269, HB 1641, HB 1668, HB 1737, HB 1782, HB 1868 and HB 1878 -- HIGHWAY DESIGNATIONS, RECREATIONAL VEHICLES, AND SPECIAL LICENSE PLATES**

This bill changes the laws regarding contributions to the Breast Cancer Awareness Trust Fund, highway designations, recreational off-highway vehicles, municipal vehicles, and special license plates.

**BREAST CANCER TRUST FUND**

The bill specifies that contributions made to the Breast Cancer Trust Fund must be distributed by the Director of the Department of Revenue to the Department of Health and Senior Services instead of the Friends of the Missouri Women's Council.

**HIGHWAY DESIGNATIONS**

The bill makes the following designations:

- (1) Sgt. Issac B. Jackson Memorial Highway in Clinton County;
- (2) LCPL Patrick W. Schimmel Memorial Highway in Lincoln County;
- (3) Spc. James Burnett, Jr. Memorial Highway in Stoddard County;
- (4) Missouri Fox Trotting Highway between the cities of Ava and Mansfield;
- (5) Bob Watts Memorial Bicycle & Pedestrian Bridge on the Heart of America Bridge;
- (6) Chief of Police Jerry E. Hicks Memorial Highway in St. Francois County;

- (7) Matthew J. England Memorial Highway in Ozark County;
- (8) Staff Sergeant Norman J. Inman Memorial Highway in Iron County;
- (9) Trooper Darrell B. Roegner Memorial Highway in St. Charles County;
- (10) Trooper Fred F. Guthrie Jr. Memorial Highway in Platte County;
- (11) Christopher S. "Kit" Bond Highway in Audrain County;
- (12) AMVETS Memorial Highway in Callaway County; and
- (13) Harriett Woods Memorial Highway in St. Louis County.

The costs for erecting and maintaining the appropriate signs must be paid for by private donation.

#### RECREATIONAL OFF-HIGHWAY VEHICLES

The bill:

- (1) Revises the definition of "recreational off-highway vehicle" by increasing the width of a vehicle from 60 inches to 64 inches and the unladen dry weight of the vehicle from 1,850 pounds to 2,000 pounds.
- (2) Allows a person to operate the following recreational off-highway vehicles upon the highways of the state:
  - (a) Vehicles owned and operated by a governmental entity for official use;
  - (b) Vehicles operated for agricultural purposes or industrial on-premise purposes between sunrise and sunset;
  - (c) Vehicles operated within three miles of the operator's primary residence; and
  - (d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset;

(3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing; and

(4) Requires a person operating a recreational off-highway vehicle on a highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover. No person may operate a recreational off-highway vehicle in a careless way so as to endanger the person or property of another or while under the influence of alcohol or a controlled substance. A violation of these provisions will be a class C misdemeanor. In addition to other legal remedies, the Attorney General or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief and for the assessment of a civil penalty of up to \$1,000 per day of violation.

#### MUNICIPAL VEHICLES

The bill exempts a motor vehicle used as an ambulance, patrol wagon, or fire apparatus which is owned by a municipality from the requirement to display two license plates and allows it to display one plate or to display the name of the municipality on each side of the vehicle in letters which are not less than three inches in height and not less than three-eighths of an inch wide.

#### SPECIAL LICENSE PLATES

The bill:

(1) Authorizes the following special license plates:

(a) Missouri Junior Golf Foundation;

(b) Navy Cross;

(c) I Have A Dream;

(d) Go Team USA;

(e) American Red Cross;

(f) Pony Express;

(g) National Wild Turkey Federation; and

(h) National Rifle Association;

(2) Specifies that the annual contribution of an emblem-use authorization fee for the Breast Cancer Awareness special license plate must be made to the Missouri Public Health Service Fund to support breast cancer awareness activities conducted by the Department of Health and Senior Services instead of to the Friends of the Missouri Women's Council;

(3) Revises the provisions regarding the Cass County – The Burnt District special license plate. Currently, the distribution of the required \$25 annual contribution to the Cass County collector for the emblem use authorization must be 80% to public safety and 20% to the county parks and recreation department. The bill changes the distribution to 70% to public safety, 15% to the Cass County Historical Society, and 15% to the county parks and recreation department. The bill specifies that prior to the issuance of the specialty personalized plate, the Department of Revenue must be in receipt of an application as prescribed by the department director and be accompanied by a list of at least 200 potential applicants, the proposed art design for the specialty plate, and an application fee not to exceed \$5,000. The plate cannot be redesigned unless the organization pays the department director in advance for all redesigned plate fees; and

(4) Changes the laws regarding the "Don't Tread on Me" special license plate. The bill requires a person applying for the plate to pay a \$15 fee in addition to the regular registration fees and to present any documents required by law. No additional fee can be charged for the personalization of the license plates. The bill specifies the detailed design of the plate.

## **HCS HB 1818 -- PROPERTY TAXES**

This bill changes the definition of "residential property" for property tax purposes to include time-share units, except to the extent the units are actually rented and subject

to sales tax under Section 144.020, RSMo.

A county assessor must consider the impact of foreclosures and bank sales on the housing market when establishing the value of a parcel of real property for property tax purposes.

## **SS SCS HB 1820 -- CONVEYANCE OF STATE PROPERTIES**

This bill authorizes the Governor to convey state property located in the counties of Cooper, Cole, Buchanan, St. Louis, Pike, Macon, DeKalb, Jackson, Johnson, Howell, Ozark, Dallas, St. Clair, Bates, Callaway, and St. Francois and in St. Louis City.

The Governor is authorized to grant a perpetual drainage easement located in St. Louis County at Jefferson Barracks to the United States Department of Public Affairs, to vacate an existing easement between the state and the City of Sedalia located at 2600 West 16th Street, and to convey an easement located near the Chateau State Owned Office Building in St. Louis City.

The bill contains an emergency clause.

## **SCS HCS HB 1827 -- MISSOURI ELECTRONIC PRIOR AUTHORIZATION COMMITTEE**

This bill establishes the Missouri Electronic Prior Authorization Committee to facilitate and monitor Missouri-based efforts to contribute to the establishment of national electronic prior authorization standards which generally relates to the process of obtaining prior approval from an insurer for certain services or medications. The efforts must include the establishment of a pilot program and the study and dissemination of information from the National Council on Prescription Drug Programs. The committee must advise the General Assembly and the Department of Insurance, Financial Institutions and Professional Registration regarding the need for administrative rules to be promulgated by the department as soon as practically possible.

The 18-member committee is to include members of the General Assembly, executive

branch directors, representatives from the pharmaceutical and health care industries, and a patient advocate. The staff of the department must provide assistance to the committee. The duties of the committee are specified in the bill including the preparation of an annual report to the General Assembly and Governor on the committee's progress and plans for the next year until national standards are established or the provisions of the bill expire, whichever is sooner. The first report must be completed before January 1, 2013. Upon the adoption of national standards, the committee must prepare a final report to the General Assembly and the Governor that identifies the appropriate Missouri administrative regulations, if any, that will need to be promulgated and if there are any necessary legislative actions.

The department and the committee must recruit a Missouri-based pharmacy benefits manager doing business nationally to volunteer to conduct an electronic prior authorization pilot program in Missouri that will be operational by January 1, 2014. The manager conducting the pilot program must ensure that there are adequate Missouri licensed physicians and an electronic prior authorization vendor capable and willing to participate in a Missouri-based pilot program. The department and the committee may provide advice or assistance to the manager conducting the pilot program but cannot maintain control or lead with the direction of the pilot program.

The provisions of the bill expire six years after the effective date.

## **HCS HB 1900 -- EXECUTIVE BRANCH REORGANIZATION**

This bill changes the laws regarding executive branch reorganization, tax increment financing, annexation, workforce transition services for youth with disabilities, persons with mental disabilities, service dogs, employment security laws, Brain Injury Fund, accessible parking, and employment disqualification lists for home care employees, and establishes the Iran Energy Divestment Act.

### **EXECUTIVE BRANCH REORGANIZATION**

The bill restructures the statutes based on executive branch reorganizations. The bill:

(1) Authorizes the Joint Committee on Legislative Research to incorporate executive department reorganization under Sections 26.500 to 26.540, RSMo. The authority is limited to name changes and movement of portions or statutory sections to the

appropriate chapters of law;

(2) Renames the Division of Design and Construction in the Office of Administration to the Division of Facilities Management, Design and Construction and the Division of Data Processing and Telecommunications to the Information Technology Services Division;

(3) Renames the Missouri Minority Business Development Commission to the Missouri Minority Business Advocacy Commission;

(4) Repeals an outdated provision requiring the Department of Economic Development and the Office of Administration to develop a plan to increase procurements from minority businesses by all state departments and submit that plan to the Governor by July 1994;

(5) Transfers the duty to establish a procedure for the reimbursement of the costs of tuition, books, and fees to any public community college or vocational or technical school from the Commissioner of Education by rule and regulation to the State Board of Education and with the advice of the Coordinating Board for Higher Education in the Department of Higher Education;

(6) Moves the Missouri Assistive Technology Advisory Council from the Office of Administration to the Department of Elementary and Secondary Education;

(7) Moves the Life Sciences Research Board from the Office of Administration to the Department of Economic Development and changes it from an III division to an III agency;

(8) Specifies that by January 1, 2013, the Amber Alert System Oversight Committee must adopt the criteria and procedures necessary to expand the Amber alert system to provide peace officer safety alerts for the location and identification of any person who has assaulted or otherwise injured a licensed peace officer and who has fled the scene;

(9) Repeals an outdated provision requiring the Missouri Minority Advocacy Commission to submit a plan to increase procurement from minority businesses by state departments and recommended legislation to the General Assembly; and

(10) Allows any person to appeal to the Administrative Hearing Commission any decision made by the Department of Public Safety regarding a claim filed on or after

August 28, 2012, for compensation to victims of crime and specifies a person's rights regarding the appeal.

## IRAN ENERGY DIVESTMENT ACT

The Iran Energy Divestment Act is established which prohibits any person or entity that engages in investment activities in the energy sector in Iran from contracting with the state or its political subdivisions for goods or services in excess of \$1 million. A person or entity will be considered under these provisions to be engaging in investment activities in the energy sector in Iran if the person or entity has an investment of \$20 million or more in the energy sector in Iran; provides oil or liquified natural gas tankers or products used to construct or maintain pipelines for the energy sector in Iran; or is a financial institution that extends \$20 million or more in credit to another person for 45 days or more if the institution had knowledge that the person will use the credit to invest in the energy sector in Iran.

The bill specifies that a public entity must require any person or entity that submits a bid or proposal to enter into a contract with a public entity for goods or services in excess of \$1 million that currently or within the previous three years has had business activities or other operations outside of the United States to certify that he or she is not a proscribed investor in the energy sector in Iran as specified in the bill.

If the Attorney General determines that a person or entity has submitted a false certification, the person must be subject to a civil penalty of \$250,000; termination, without penalty, of an existing contract with the awarding body; and ineligibility to bid on or enter into a contract with a public entity for three years.

## ANNEXATION

The bill specifies that a petition requesting a voluntary annexation only needs to be notarized instead of verified. Any action to invalidate a previous annexation must be brought within three years of the date of the adoption of the annexation ordinance except for an action to deannex an area for failure of the annexing municipality to provide required services to the area within three years which must be brought within four years from the effective date of the annexation.

## TAX INCREMENT FINANCING FUNDS

The bill adds taxes imposed on sales for the purpose of emergency communication



systems to the list of taxes that may not be deposited into a special allocation fund for the purposes of tax increment financing.

## YOUTH WITH DISABILITIES WORK GROUP

The Department of Elementary and Secondary Education must establish, by September 1, 2012, a work group to assess the available resources that youth with disabilities need for effective work experiences. The work group must review all interagency coordination of services for employer matching services to ensure the services adequately meet the needs of youth and young adults with disabilities who seek employment and need job placement assistance. The goal of the work group must be to evaluate the current efforts and available resources and to promote the involvement of stakeholders when planning and implementing services to provide successful transitions to employment, lifelong learning, and quality of life. The work group must focus on secondary students with disabilities, adults with disabilities, and others who experience barriers to successfully completing school. The work group must assess the strengths and where improvements need to be made regarding transition services, instruction, and experiences that reinforce core curriculum concepts and skills that lead to gainful employment. It must determine if any additional state partnerships through nonfinancial interagency agreements are necessary to enhance the employment potential of individuals with disabilities. The work group must focus on developing careers for disabled youths to prevent economic and social dependence on the resources of state and community agencies.

The department must submit recommendations based on the findings of the work group to the General Assembly prior to January 1, 2013. The work group members will be chosen and administered by the Commissioner of Education within the department and must utilize existing state agency and community personnel and human resources.

## PERSONS WITH MENTAL DISABILITIES

The bill adds an individual with mental disabilities to the list of people who must be afforded the same rights as those without disabilities to use streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places. An individual with mental disabilities is also entitled to equal accommodation from common carriers, airlines, motor vehicles, trains, buses, taxis, and any other public conveyances or modes of transportation, as well as hotels, places of public accommodation, and other places to which the general public is invited and to be accompanied by a guide, hearing, or service dog in any of these places without being required to pay an extra

charge.

## SERVICE DOGS

A member of a service dog team has the right to be accompanied by the dog while the dog is in training and will be liable for any damages to a facility caused by the dog during training. A service dog team consists of a trained service dog, a disabled person or child, and an adult person who has been trained to handle the dog. The term "service dog" is revised to include a search and rescue dog that is trained to assist a person with a mental disability from becoming lost and a service team dog that has been trained to help with the search and rescue of an individual with a disability.

A professional therapy dog is added to the definition of "service dog" as it relates to crimes against these animals or crimes of impersonating a disabled person. A "professional therapy dog" is defined as a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession but does not include dogs used by volunteers in visitation therapy.

Currently, any person who knowingly, intentionally, or recklessly causes substantial physical injury to or the death of a service dog is guilty of a class A misdemeanor. The bill removes this provision and specifies that any person who, with reckless disregard, injures or kills or permits a dog that he or she owns or is in the immediate control of to injure or kill a service animal will be guilty of a class A misdemeanor.

Currently, any person who knowingly or intentionally fails to exercise sufficient control over an animal he or she owns or controls to prevent substantial physical injury to or the death of a service dog, or the inability to function as a service dog as a result, is guilty of a class A misdemeanor. The bill removes this provision and specifies that any person who, with reckless disregard, interferes with or permits a dog that he or she owns or is in the immediate control of to interfere with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal or its user is guilty of a class B misdemeanor for a first violation and a class A misdemeanor for a second or subsequent violation.

The bill repeals the provisions regarding harassing or chasing a service dog and specifies that any person who intentionally injures or kills or permits a dog that he or she owns or is in the immediate control of to injure or kill a service animal is guilty of a

class D felony.

The bill removes provisions allowing for a cause of action by an owner of a service dog to recover civil damages and specifies that any person who is convicted for violating these provisions must make full restitution for all damages that arise out of or are related to the offense. Restitution includes, but is not limited to, the value of the animal, replacement and training expenses, veterinary and other medical and boarding expenses for the animal, medical expenses for the owner, and lost wages or income incurred during the period the owner is without the services of the animal.

## EMPLOYMENT SECURITY LAWS

For the purposes of the employment security laws, the term "employment" will not mean in-home or community-based services performed by a provider contracted to provide the services for the clients of a county board for developmental disability services organized and commonly known as "SB 40 boards"; however, the vendor will be responsible for the payroll and fringe benefits accounting functions for the consumer.

## BRAIN INJURY FUND

The bill adds community-based consumer services in comprehensive brain injury day rehabilitation therapy, vocational, and home and community support to the list of services for which the Department of Health and Senior Services must expend funds from the Brain Injury Fund to individuals with brain injury. The department, in cooperation with the Department of Social Services, must seek a federal waiver from the federal Department of Health and Human Services to allow moneys in the fund to be used for brain injury services under the MO HealthNet Program. Upon the granting of a waiver, 50% of all moneys in the fund must be designated as MO HealthNet federal match moneys. Any approved federal waiver must provide parity in funding for each eligible program service area to create a balance for access to all brain injury services. A 10-member committee must be established to develop service descriptions, regulations, and parity of funding for the eligible service areas, as needed. The committee must meet at least annually to review services using the most current Department of Health and Senior Services brain injury needs assessments and to address any modifications needed in the program services to ensure services are meeting the needs of brain injury consumers.

The bill increases, from \$2 to \$10, the surcharge that is assessed on all criminal cases which is deposited into the Brain Injury Fund.

## ACCESSIBLE PARKING

The bill specifies that when any political subdivision or owner of private property restripes a parking lot or constructs a new parking lot with 25 or more parking spaces, the lot and accessible signs must meet the minimum requirements of the federal Americans with Disabilities Act for the number of required accessible parking spaces but not less than one must be served by an access aisle that is a minimum of 96 inches wide and designated "van accessible." If any accessible space is 132 inches wide or wider, the adjacent access aisle must be a minimum of 60 inches wide. If any accessible space is less than 132 inches wide, the adjacent aisle must be a minimum of 96 inches wide. Currently, any parking lot that is restriped or constructed must have one in every four accessible spaces served by an access aisle that is a minimum of 96 inches wide and designated "lift van accessible only."

## EMPLOYMENT DISQUALIFICATION LIST FOR HOME CARE EMPLOYEES

The bill specifies that any home care employer required to deny employment to an applicant or discharge an employee as a result of information obtained through a portion of the background screening and employment eligibility determination process required under the Family Care Safety Registry provisions cannot be liable in any action brought relating to discharge or denial of employment by the applicant or employee.

The employer will not be charged for unemployment insurance benefits based on wages paid to the employee or based on an employer making payments in lieu of contributions for work prior to the date of discharge, if the employer terminated the employee because the employee:

- (1) Has pled guilty to or nolo contendere or been found guilty in this state or any other state of a crime, which if committed in Missouri would be a class A or B felony violation of certain specified crimes such as offenses against the persons, sexual offenses and robbery or burglary offenses;
- (2) Was placed on the employee disqualification list maintained by the Department of Health and Senior Services, after the date of hire;
- (3) Was placed on the employee disqualification list maintained by the Department of Mental Health, after the date of hire;
- (4) Is listed on any of the background check lists in the Family Care Safety Registry; or

(5) Has a disqualifying finding or was denied a good cause waiver under the employee disqualification list maintained by the Department of Health and Senior Services.

The provisions of the bill regarding youth with disabilities work group expire January 1, 2013.

## **HB 1909 -- AVIATION**

This bill changes the laws regarding aircraft fuel, liens on aircraft, and anemometer towers.

(1) Extends, from December 31, 2013, to December 31, 2023, the expiration of the provisions regarding the exemption for common carriers engaged in the interstate transportation of passengers and cargo on the sale of aviation jet fuel from any state and local sales and use tax;

(2) Increases the time period, from 30 days to 180 days, that an aircraft lien is required to be filed after surrendering the property. The bill allows the written memorandum of the work or material furnished to be signed by the authorized agent of the owner or the person in lawful possession of the property and allows a person who performs labor on parts or aircraft equipment to place a lien on the item if he or she obtained a signed memorandum of the work or material furnished or to be furnished; and

(3) Requires an anemometer tower, which is a wind speed testing tower, that is located outside of a municipality's boundaries and is 50 feet or more in height and whose appearance is not otherwise mandated by state or federal law to have certain safety markings. The top third of the tower must be painted in equal, alternating bands of aviation orange and white, each outside guy wire must have two attached marker balls, the vegetation around guy wire anchor points must contrast with surrounding vegetation and must be fenced if the adjacent land is grazed, and guy wires must have safety sleeves. An owner of an anemometer tower in existence as of August 28, 2012, is given until January 1, 2014, to comply with these requirements. A violation of these provisions is a class B misdemeanor.

## **SB 450 -- URBAN SCHOOL DISTRICTS**

A school district is classified as an urban district when it encompasses at least half of a city of 70,000 or more inhabitants. This bill specifies that any school district in St. Charles County that becomes an urban district as a result of the 2010 census will continue to have a three-year school board member term length and hold its election at the April general municipal election. Ft. Zumwalt School District is the only district to which these provisions apply.

The bill contains an emergency clause.

## **SS SB 464 -- HEALTH INSURANCE EXCHANGE**

This bill specifies that no state-based health benefit exchange may be established, created, or operated within this state unless the authority is enacted by legislation, initiative petition, or referendum. A state-based health insurance exchange cannot be established by an executive order issued by the Governor.

No department, agency, instrumentality, or political subdivision of the state can establish or change any program or promulgate any rule, policy, guideline, or plan to establish, create, administer, or otherwise operate a state-based health insurance exchange unless the entity has received specified statutory authority to do so and from performing one or more of the responsibilities of a state-based health insurance exchange unless authorized by law.

No department, agency, instrumentality, or political subdivision of this state can apply for, accept, or expend federal moneys related to the creation, implementation, or operation of a state-based health insurance exchange or a federally-facilitated health benefit exchange unless the acceptance or expenditure is authorized by law.

No department, agency, instrumentality, political subdivision, public officer, or employee of the state can enter into any agreement or any obligation to establish, administer, or operate a federally-facilitated health benefit exchange unless the acceptance or expenditure is authorized by law. No department, agency, instrumentality, political subdivision, public officer, or state employee can provide assistance or resources of any kind to any department, agency, public official, employee, or agent of the federal government relating to the creation or operation of a federally-facilitated health benefit

exchange unless the assistance or resources are authorized by state law or the assistance is specifically required by federal law.

The bill specifies that any taxpayer or member of the General Assembly must have legal standing to bring suit against the State of Missouri or any official, department, division, agency, or political subdivision of this state which is in violation of these provisions in any court with jurisdiction to enforce these provisions. The court must award attorney fees, court costs, and reasonable expenses to a taxpayer or legislator if the court finds that these provisions have been violated. In no case can the award of attorney fees, court costs, or reasonable expenses be paid from the Legal Defense Fund or can any department, division, agency, or political subdivision of this state request, or be granted, additional appropriations in order to satisfy an award.

The bill contains a referendum clause and will be submitted to qualified voters in November 2012.

## **HCS SS SCS SB 469 -- STATE ADMINISTRATIVE RULES REVIEW**

Upon the request by a state agency to the Joint Committee on Administrative Rules and the Secretary of State and after publication in the Missouri Register, this bill authorizes the Secretary of State to make non-substantive changes to the Code of State Regulations to update the agency's name, address, phone, or website information which are needed because of statutory changes or executive orders.

Within 60 days after receipt by an agency of a written petition filed by an individual requesting it to adopt, amend, or repeal a rule, the bill requires the agency to submit a written response to the petitioner and a copy of the response to the joint committee and the Commissioner of Administration containing its determination, along with a concise summary of the basis for its determination. If the agency determines that the rule merits amendment or rescission, it must initiate the applicable proceedings. The joint committee may refer comments or recommendations regarding the rule to the General Assembly for further action.

Each state agency must periodically review all of its rules according to the following review schedule:

(1) Rules contained in titles 1 through 6 of the code of state regulations must begin the

review process no later than July 1, 2015, and every five years thereafter;

(2) Rules contained in titles 7 through 10 of the code of state regulations must begin the review process no later than July 1, 2016, and every five years thereafter;

(3) Rules contained in titles 11 through 14 of the code of state regulations must begin the review process no later than July 1, 2017, and every five years thereafter;

(4) Rules contained in titles 15 through 19 of the code of state regulations must begin the review process no later than July 1, 2018, and every five years thereafter; and

(5) Rules contained in titles 20 and higher of the code of state regulations must begin the review process no later than July 1, 2019, and every five years thereafter.

The joint committee must cause a notification of agency review to be published in the Missouri Register indicating rules being reviewed. Each agency with rules subject to review must prepare and file a report containing the results of its periodic rule review with the joint committee and the Small Business Regulatory Fairness Board by June 13 of the year after publication of agency review in the Missouri Register. If a state agency does not file the report as required for any rule, in the absence of an extension for good cause, the joint committee must notify the Secretary of State to publish a notice as soon as practicable in the Missouri Register on the rules which are delinquent. The rule must be void and of no further effect after the first 60 legislative days of the next Regular Session of the General Assembly unless the agency corrects the delinquency by providing the required review within 90 days after publication.

The requirement that every agency with rules that affect small business submit a list of the rules and a report to the General Assembly and the Small Business Regulatory Fairness Board every two years is repealed because that same information is required as part of the periodic review of all administrative rules.

## **CCS HCS SS SCS SB 470 -- TRANSPORTATION**

This bill changes the laws regarding transportation.

DYED FUEL



The bill allows a person to operate specified motor vehicles engaged in public safety or restoration of utility services on public highways with dyed fuel during any Governor-declared state emergency. Dyed motor fuel is exempt from the state excise tax on motor fuels.

#### SALES TAX EXEMPTION FOR CERTAIN VEHICLES

A sales tax exemption is allowed for a motor vehicle registered in excess of 54,000 pounds and the trailer pulled by the motor vehicle that is actually used in the normal course of business to haul property on the public highways of the state and that is capable of hauling loads commensurate with the motor vehicle's registered weight. The sales tax exemption also extends to the materials, replacement parts, and equipment purchased for use directly upon and for the repair and maintenance or manufacture of the vehicle.

#### TRANSPORTING RADIOACTIVE MATERIALS

The method in which fees assessed for the transporting radioactive waste are calculated are revised. Currently, a fee of \$1,800 is charged for each cask transported through or within the state by truck of high-level radioactive waste, transuranic radioactive waste, spent nuclear fuel or highway route controlled quantity shipments. All of these shipments are subject to a surcharge of \$25 per mile for every mile over 200 miles traveled within the state. The bill assesses the fees per truck rather than per cask.

#### RECREATIONAL OFF-HIGHWAY VEHICLES

The bill:

- (1) Revises the definition of "recreational off-highway vehicle." The width of a recreational off-highway vehicle is increased from 60 inches to 64 inches and the unladen dry weight of the vehicle is increased from 1,850 pounds to 2,000 pounds;
- (2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:
  - (a) Vehicles owned and operated by a governmental entity for official use;
  - (b) Vehicles operated for agricultural purposes or industrial on-premise purposes

between sunrise and sunset;

(c) Vehicles operated within three miles of the operator's primary residence;

(d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset; and

(e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;

(3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing; and

(4) Requires a person allowed to operate a recreational off-highway vehicle on a highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

#### ADDITIONAL THIRD LICENSE PLATE

A motorist is allowed to purchase an additional temporary license plate that matches an existing or newly issued plate to serve as a visible plate when a bicycle rack or other item obstructs the view of the actual plate. The fee for the additional temporary license plate will be \$7.50. The third plate may only be used on the vehicle with the matching plate, and the additional third plate must be clearly recognizable as a third plate and only used for that purpose.

#### TEMPORARY PERMIT TAGS

The Director of the Department of Revenue is authorized to produce or allow others to produce a weather resistant, non-tearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than 30 days from the date of purchase. The temporary permit may be bought from the central office of the department or from the vehicle dealer upon the purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of license plates. The fee for the

temporary permit cannot exceed \$5. Currently, the fee is \$7.50. Each temporary permit issued must be securely fastened to the back of the motor vehicle in a place consistent with registration plates so that all parts and qualities are plainly and clearly visible, reasonably clean, and not impaired in any way. The department director may reissue a temporary registration permit at his or her discretion for a motor vehicle or trailer while proper title and registration are being obtained. Upon the issuance of a temporary permit by the department or a dealer, the department director must make the information associated with the issued temporary permit immediately available to law enforcement.

These provisions expire July 1, 2019.

#### BIENNIAL REGISTRATION OPTION FOR LARGER VEHICLES

The owner of a commercial vehicle licensed under 54,000 pounds is allowed the option of biennially registering the vehicle. Currently, the option is available to the owner of a commercial vehicle licensed under 12,000 pounds.

#### SPECIAL EVENT MOTOR VEHICLE AUCTION LICENSE

The Department of Revenue is allowed to issue a special event motor vehicle auction license to an applicant for the purpose of auctioning motor vehicles if 90% or more of the vehicles are at least 10 years old or older. A licensee must auction no more than 3% of the total number of vehicles presented for auction which are owned and titled in the name of the licensee or its owners. An auction can be held for no more than three consecutive days, but no more than three times in a calendar year by the same licensee. A report must be sent to the Director of the Department of Revenue within 10 days of the conclusion of the special event motor vehicle auction on a department-approved form specifying the make, model, year, and vehicle identification number of every vehicle included in the auction. Anyone violating this provision will be guilty of a class A misdemeanor and will be charged a \$500 administrative fee payable to the department for each vehicle auctioned in violation of this provision. A special event motor vehicle auction will be considered a public motor vehicle auction for the purposes of licensing and inspection of certain documents and odometer readings; however, the licensee will not be required to have a bona fide established place of business. An application to hold a special event motor vehicle auction must be received by the department at least 90 days prior to the event. An applicant must be registered to conduct business in this state, pay a licensing fee of \$1,000, and be bonded or have an irrevocable letter of credit in the amount of \$100,000. The applicant

will be responsible for ensuring that a sales tax license or special event sales tax license is obtained if required.

#### VETERAN DESIGNATION ON DRIVER LICENSE

A person is allowed to apply to the Department of Revenue to obtain a veteran designation on a driver's license or identification card upon providing a United States Department of Defense discharge document, known as a DD Form 214, showing a discharge status of "honorable" or "general under honorable conditions" and the payment of the authorized fees for the license or card. The department may determine the appropriate placement of the designation on a license or card.

#### FAILURE TO APPEAR IN COURT

Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record. The bill specifies that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have the suspension removed from his or her driving record.

#### UNIFORM COMMERCIAL DRIVER'S LICENSE ACT

The bill requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

- (a) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate;
- (b) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate;
- (c) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or

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

An applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The bill specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

#### MISSOURI AUTO INSURANCE PLAN

The Missouri Auto Insurance Plan is revised so that insurance companies that opt-out from servicing their share of high risk drivers must be assessed a fee based on the insurance company's market share. The plan must contract with an entity to accept and service policies for companies that do not elect to accept and service policies. By October 1 of each year, a company that elects to accept applicants for policies for the next calendar year must notify the plan. A company that does not elect to service applicants and policies must pay a fee to the plan for providing the services. The fee must be based on the company's market share.

#### MOVE OVER LAW

A stationary vehicle owned by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation displaying lighted amber or amber and white lights is added to the list of vehicles that an approaching motor vehicle driver must proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle or proceed with due caution and reduce the speed of the vehicle if changing lanes would be unsafe or impossible. The bill also adds this type of vehicle if it is marked as a Department of Transportation emergency response or motorist assistance vehicle to the definition of "emergency vehicle" as it applies to Section 304.022;

#### USE OF MUNICIPAL STREETS

A municipality must allow at least one route, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the

state highway system. No municipality may pass an ordinance that denies the use of commercial vehicles on all routes within the municipality.

#### GROSS WEIGHT LIMITATION FOR CERTAIN VEHICLES

The bill changes the highways on which a vehicle or combination of vehicles hauling livestock with a total gross weight of over 85,500 pounds may operate. Currently, these vehicles cannot operate on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36. The bill specifies that these vehicles cannot operate on U. S. Highway 36 from St. Joseph to U. S. Highway 63, on U. S. Highway 65 from the Iowa state line to U. S. Highway 36, on U. S. Highway 63 from the Iowa state line to U. S. Highway 36 and on U. S. Highway 63 from U. S. Highway 36 to Missouri 17. The weight limit will not apply to a vehicle operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

The bill allows a vehicle weighing 85,500 pounds or less to haul milk from a farm to a processing facility on highways other than the interstate highway system. The weight limit will not apply to a vehicle operated on the Dwight D. Eisenhower System of Defense Highways.

#### KANSAS CITY COMMERCIAL ZONE

The bill expands the Kansas City commercial zone by including the stretch of State Route 45 from its intersection with Interstate 29 to the city limits of Iatan.

#### HOUSEHOLD GOODS MOVERS

The bill exempts a motor carrier transporting household goods in intrastate commerce from the requirement to file its schedule of rates, fares, and charges with the Highways and Transportation Commission within the Department of Transportation. Currently, only a household goods motor carrier operating exclusively within a commercial zone is not required to file its schedule. In lieu of filing this information with the commission, a household goods motor carrier engaged in intrastate commerce must maintain and publish its schedule of rates, fares, charges, and tolls in each of its stations and offices. The rates must be available for inspection by the commission, shippers, and the public upon request.

A household goods motor carrier cannot participate in a joint tariff except for a joint tariff relating to joint rates for the transportation of household goods over any through routes

or by interline service performed by two or more separate motor carriers. A household goods motor carrier participating in through routes or interline service must publish a joint tariff and evidence of its concurrence or acceptance or individual tariff for each participating carrier.

The bill removes the provision which prohibits a household goods motor carrier from using any schedule of rates or charges that divide the state into territorial rate areas.

The commission must establish consumer protection requirements for motor carriers transporting household goods in intrastate commerce and to establish a system for filing, logging, and responding to consumer complaints.

The bill specifies that all rates, tolls, charges, schedules, and joint rates fixed by the commission with reference to the transportation of passengers and household goods by a motor carrier will be in force and will be prima facie lawful and reasonable until found otherwise in a suit brought under Chapter 387.

The bill voids, on August 28, 2012, all rate orders issued by the commission affecting the intrastate transportation of household goods to the extent that the rate order requires or prescribes any minimum, maximum, or minimum-and-maximum rates for the transportation of the goods.

Beginning August 28, 2012, no certificate or permit to transport household goods in intrastate commerce will be issued or renewed unless the applicant demonstrates compliance with state workers' compensation insurance coverage laws for all of its employees.

The bill removes the provision requiring a contract motor carrier transporting household goods to demonstrate that the proposed service will serve a useful present or future public purpose when applying for a certificate of authority or permit. An applicant for a household goods moving certificate of authority or permit will not have to satisfy the public convenience and necessity test when proposing a new service, an extension of existing service, or a transfer of authority. An applicant for a household goods certificate of authority or permit must be fit and willing and able to perform the proposed service and must conform to other specified requirements.

The bill voids any geographic restriction or provision limiting a household goods motor carrier's scope of authority to particular routes within this state contained in a certificate, permit, or both which was issued prior to August 28, 2012, and any similar provision

contained in a carrier's tariff schedule filed prior to that date. In lieu of the geographic restrictions, a carrier must be authorized to provide intrastate transportation of household goods between all points and destinations within the state until the time the certificates, permits, and tariff schedules are reissued or amended to reflect the carrier's statewide operating authority.

The provisions of the bill regarding temporary motor vehicle permits become effective on the date the Department of Revenue or an authorized producer begins production of the permit or July 1, 2013, whichever occurs first; the provisions regarding the commercial driver medical certification become effective on the date the Director of the Department of Revenue begins accepting commercial driver license medical certifications or on May 1, 2013, whichever occurs first; and the provisions regarding biennial registration for larger vehicles become effective July 1, 2015.

## **CCS HCS#2 SCS SB 480 -- TRANSPORTATION**

This bill changes the laws regarding transportation.

### **DISTRIBUTION AND USE OF TAXES USED FOR ROAD AND BRIDGE PURPOSES**

The bill authorizes the county commission in certain counties that have approved a countywide sales tax under Section 67.547, RSMo, to enter into agreements with cities, towns, villages, and special road districts organized under Chapter 233 for the purpose of working cooperatively on the roads and bridges located in the county, including the distribution of county funds to the entities. County funds that may be distributed include general revenue and revenue from the special road and bridge levy.

Each city, town, village, or special road district must continue to receive its share of the county's special road and bridge levy, if any, that is annually considered by the commission. If the special road and bridge levy is not set at a level of at least 14 cents on each \$100 assessed valuation, the commission must distribute additional funds from any available county source in an amount that will, when combined with the special road and bridge levy revenues, allow it to distribute funds equal to the funding level of at least 14 cents on each \$100 assessed valuation. Additionally, if at least 50% of a special road district is located in a city, town, or village, that entity must be entitled to receive the special road district's portion of any funds not paid through the special road and bridge levy. Currently, these provisions only apply to Cass, Clay, and Platte



counties.

The bill changes the laws regarding the Missouri Community Improvement District Act by allowing the governing body of Kansas City to establish a community improvement district in Clay County by filing a petition. The only funding method available to a community improvement district formed by this procedure is a real property tax. In order for Kansas City to create a community improvement district, its governing body must call for an election after it holds a public hearing. The issue of creating the community improvement district and its funding method must be submitted to the qualified voters of the proposed district.

#### BI-STATE DEVELOPMENT AGENCY FARES

Any person convicted or who pled guilty or nolo contendere for failing to pay the proper fare, fee, or other charge for the use of Bi-State Development Agency facilities and conveyances must also reimburse the costs attributable to the enforcement, investigation, and prosecution of the offense to the agency. The court must direct the reimbursement proceeds to the appropriate agency official.

#### SALES TAX EXEMPTION FOR CERTAIN VEHICLES

The bill authorizes a sales tax exemption for motor vehicles registered in excess of 54,000 pounds, and the trailers pulled by such motor vehicles, that are actually used in the normal course of business to haul property on the public highways of the state, and that are capable of hauling loads commensurate with the motor vehicle's registered weight. The sales tax exemption also extends to the materials, replacement parts, and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of such vehicles.

#### HIGHWAY DESIGNATIONS

The bill designates:

- (1) A portion of State Highway 64/State Highway 40 in St. Charles County as the "Darrell B. Roegner Memorial Highway";
- (2) A portion of Interstate 29 in Platte County as the "Trooper Fred F. Guthrie Jr. Memorial Highway"; and

(3) The portions of Interstate 70 and Interstate 44 in the state of Missouri as the "Purple Heart Trail."

Costs for the designations must be paid by private donations.

## TRANSPORTATION OF RADIOACTIVE WASTE

The bill changes the method in which fees are assessed for the transportation of radioactive waste by a truck by basing the fees on a per truck load rather on a per cask.

## RECREATIONAL OFF-HIGHWAY VEHICLES

The bill:

- (1) Revises the definition of "recreational off-highway vehicle." The width of a recreational off-highway vehicle is increased from 60 inches to 64 inches and the unladen dry weight of the vehicle is increased from 1,850 pounds to 2,000 pounds;
- (2) Allows the following recreational off-highway vehicles to be operated upon the highways of this state:
  - (a) Vehicles owned and operated by a governmental entity for official use;
  - (b) Vehicles operated for agricultural purposes or industrial on-premise purposes between sunrise and sunset;
  - (c) Vehicles operated within three miles of the operator's primary residence;
  - (d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset; and
  - (e) Vehicles issued a special permit by the governing body of a city or a county to a licensed driver for special use of the vehicle on highways within the city or county limits. A \$15 fee may be collected and retained by the city or county for the permit;
- (3) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing; and

(4) Requires a person allowed to operate a recreational off-highway vehicle on a highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.

## SPECIAL LICENSE PLATES

The bill:

(1) Allows a community college, foundation, or other organization representing the college or institution to itself authorize or may be the Director of the Department of Revenue be authorized to use the school's official emblem to be used on a specialty license plate. The bill requires an organization seeking a collegiate or university specialty license plate to apply directly to the Joint Committee on Transportation Oversight and not petition the Department of Revenue.

(2) Changes the laws regarding the "CASS COUNTY - THE BURNT DISTRICT" special license, the bill changes the distribution of the annual contribution fee so that 70% of the fee is distributed to public safety, 15% is distributed to the Cass County Historical Society, and 15% is distributed to the Cass County parks and recreation department. The bill further specifies that prior to the issuance of the specialty personalized plate, the Department of Revenue must be in receipt of an application as prescribed by the department director and be accompanied by a list of at least 200 potential applicants, the proposed art design for the specialty plate, and an application fee not to exceed \$5,000. The act provides that the special license plate must be redesigned unless the organization pays the department director in advance for all redesigned plate fees.

(3) Allows a member of the National Wild Turkey Federation to obtain a specialty license plate bearing the organization's name under specified conditions;

(4) Allows a person to obtain a specialty license plate bearing the emblem of the American Red Cross under specified conditions; and

(5) Allows a member of the National Rifle Association to obtain a specialty license plate bearing the organization's name under specified conditions.

## IGNITION INTERLOCK DEVICES

A person whose driving privilege has been denied for ten years for three or more driving while intoxicated offenses or for five years for two intoxication-related traffic offenses within a five-year period must use an ignition interlock device that has photo identification technology and global positioning system features when his or her license is reinstated or whenever a limited driving privilege is granted. During the period of reinstatement, if monthly monitoring reports show that the ignition interlock device has registered blood alcohol concentration readings above the set point established by the Department of Transportation or that the person has tampered with or circumvented the ignition interlock device, an additional six months must be added to the person's reinstatement period.

Currently, a person who has been convicted of a first time driving while intoxicated or blood alcohol content is assessed points and receives a license suspension of 30 days, followed by a 60-day restricted driving privilege. The bill specifies that a person who chooses to install an ignition interlock device must serve a 15-day suspension, followed by a 75-day period of restricted driving privilege. The person's license must be reinstated following the 75-day period if he or she is otherwise eligible by law. If the monthly monitoring reports shows a violation during this 75-day restricted driving privilege, the person's license cannot be reinstated until the person completes an additional 75-day period of restricted driving privilege without any violations. The bill establishes similar requirements for a person whose driver's license has been suspended under the administrative process.

Currently, a person who has two or more driving while intoxicated or blood alcohol content convictions, must have an ignition interlock device installed in order to have his or her driver license reinstated. The ignition interlock device must be maintained on the offender's vehicles for a period of at least six months. If monthly monitoring reports show that during the period of reinstatement the ignition interlock device has registered blood alcohol concentration readings above the set point established by the department, or that the person has tampered with or circumvented the device, an additional six months must be added to the person's reinstatement.

Currently, a person with a five-year or 10-year license denial because of multiple driving while intoxicated or other intoxication-related traffic offenses may seek a limited driving privilege after serving two or three years of the license denial. The bill allows a person to seek a limited driving privilege after serving 45 days of the denial or disqualification period. A person who has his or her license revoked for two alcohol-related enforcement contacts within five years is allowed to seek a limited driving privilege after completing the first 45 days of the one-year revocation. Currently, the person is not

eligible for a limited driving privilege.

## FAILURE TO APPEAR IN COURT

Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record. The bill specifies that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have the suspension removed from his or her driving record.

## COMMERCIAL DRIVER'S LICENSES

The bill requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

- (1) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate;
- (2) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate;
- (3) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or
- (4) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements.

## MEDICAL CERTIFICATION COMPLIANCE

An applicant certifying to operation in nonexempt commerce must provide the state with a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The bill specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her

commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

## MISSOURI AUTO INSURANCE PLAN

The Missouri Auto Insurance Plan is revised so that insurance companies that opt-out from servicing their share of high risk drivers must be assessed a fee based on the insurance company's market share. The plan must contract with an entity to accept and service policies for companies that do not elect to accept and service policies. By October 1 of each year, a company that elects to accept applicants for policies for the next calendar year must notify the plan. A company that does not elect to service applicants and policies must pay a fee to the plan for providing the services. The fee must be based on the company's market share.

## USE OF MUNICIPAL STREETS

A municipality must allow at least one route, with lawful traffic movement and access from both directions, to be used by commercial vehicles to access any roads in the state highway system. No municipality may pass an ordinance that denies the use of commercial vehicles on all routes within the municipality.

## OUTBOARD MOTOR TITLES

The bill requires that the "Year Manufactured" on an outboard motor title reflect the year a dealer purchased it from the manufacturer or if it is purchased on or after July 1 of any year, to reflect the following year unless the manufacturer indicates a specific model or program year.

## COMMUNITY SERVICE REQUIREMENTS FOR PRIOR OR PERSISTENT OFFENDERS

Currently, a prior or persistent offender is allowed to participate in and successfully complete a driving while intoxicated court in lieu of jail time or community service. A prior or persistent offender may not be required to complete the statutory minimum days of imprisonment by performing community service or successfully completing a driving while intoxicated court program. Federal law, however, does not authorize driving while intoxicated courts as an alternative to mandatory jail or community service. The bill allows a prior or persistent offender to avoid the minimum days of imprisonment by performing community service and completing a driving while intoxicated court

program if the program is available. The driving while intoxicated court program or other treatment program must include the minimal periods of community service.

The provisions of the bill regarding commercial drivers become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first, and the provisions regarding ignition interlock devices become effective October 1, 2013.

## **HCS SCS SB 485 -- PERFECTION OF SECURITY INTERESTS AND STATUTORY LIENS**

This bill changes the laws regarding the perfection of security interests and statutory liens.

A lien on a refinance by a different lender of a prior loan secured by a motor vehicle or trailer or by an outboard motor, motorboat, vessel, or watercraft is perfected by the delivery to the Director of the Department of Revenue a notice of lien completed by the refinancing lender in a format prescribed by the department director.

Currently, a person in the business of selling or leasing goods is not required to file a statement on property held as inventory to perfect a security interest in the property. The bill removes a person in the business of leasing goods of that kind and requires the person to file the required statement.

Currently, an aircraft lien is required to be filed 30 days after surrendering the property. The bill increases that time period to 180 days. The bill allows the written memorandum of the work or material furnished to be signed by the authorized agent of the owner or the person in lawful possession of the property and allows a person who furnishes labor or parts or aircraft equipment to place a lien on the item if he or she obtained a signed memorandum of the work or material furnished or to be furnished.

The bill requires a lien of a hospital or health practitioner to be sent by certified mail instead of the current requirement that it be sent by registered mail.

## **SS SCS SB 489 & 637 -- WEAPONS**

Currently, a person commits a class A misdemeanor if he or she possesses, manufactures, transports, repairs, or sells a switchblade knife. This bill limits the prohibition to when the activity violates federal law and makes the crime a class C felony.

A person can receive a concealed carry endorsement without meeting the current requirements if he or she submits a copy of a certificate of firearms safety training course completion that was issued on or before August 27, 2011, if the course met the requirements that were in effect on the date it was issued.

The bill contains an emergency clause.

## **CCS HCS SCS SB 498 -- CHARITABLE VETERANS' ORGANIZATIONS**

Currently, the legislative body of all cities, towns, and villages is prohibited from passing any zoning law, ordinance, or code that would prevent an entity organized pursuant to Section 501(c)(3) of the federal Internal Revenue Code that owns or operates a retail business which resells donated goods from operating an establishment where any other retail sales business is permitted to operate if at least 80% of the revenue generated by the entity is used to fund the charitable purpose of the organization. This bill adds a veterans' organization organized pursuant to Section 501(c)(19) to that provision.

The bill contains an emergency clause.

## **HCS SCS SB 562 -- STATE UNIVERSITY PROPERTY TRANSFERS**

Currently, only the Board of Governors of Missouri Western State University may transfer property, except in fee simple, without an authorizing act of the General Assembly. This bill restores that ability to the board of governors of the other state universities and changes the expiration date of those provisions from August 28, 2014, to August 28, 2017.

The bill contains an emergency clause.



## **HCS SCS SB 563 -- HIGHER EDUCATION**

This bill changes the laws regarding higher education.

### **MISSOURI HIGHER EDUCATION SAVINGS PROGRAM**

For new contracts entered into after August 28, 2012, the board of the Missouri Higher Education Savings Program is required to study investment plans of other states and contract with or negotiate to provide benefit options the same as or similar to other states' qualified plans for the purpose of offering additional options for members of the plan.

### **UNIVERSITY OF MISSOURI ALZHEIMER'S RESEARCH**

Currently, the University of Missouri Board of Curators can award an individual grant for a research project on Alzheimer's disease and related disorders for up to \$30,000 per year. The bill raises the maximum annual grant amount to \$50,000.

### **EDUCATION COMMISSION OF THE STATES**

The bill corrects the name of the organization referred to in the provisions regarding the Compact for Education in Section 173.300, RSMo, from the Educational Commission of the States to the Education Commission of the States.

### **HIGHER EDUCATION CAPITAL FUND**

The Higher Education Capital Fund is created to provide matching funds to public colleges and universities for new construction, maintenance, or renovation of facilities, except that matching funds cannot be used for athletic facilities, parking structures, or student housing. Moneys distributed from the fund must not exceed 50% of the project's cost, must be appropriated through a line item specific to the project, and cannot originate from a bond issue. An institution must apply to the Commissioner of Higher Education within the Department of Higher Education demonstrating that it has obtained 50% of the project's cost through private donations or grants without using bonds, tuition, or state funds. The commissioner must create the application and establish procedures for receiving moneys and will administer the fund. The State Treasurer is the custodian of the fund and may approve disbursements from it and

invest its moneys in the same manner as other state funds. The fund is a dedicated fund whose remaining moneys will not revert to the General Revenue Fund at the end of the biennium.

#### MISSOURI SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INITIATIVE

The Missouri Science, Technology, Engineering, and Mathematics Initiative is established within the Department of Higher Education to increase interest and the number of graduates in these fields. The Science, Technology, Engineering and Mathematics Fund is created for appropriated moneys to match institutional funds for endowed teaching professorships, scholarships, youth programs, and career enhancement programs for elementary and secondary teachers and professors at public and private colleges and universities regarding these fields of study.

#### SCHOOL SOCIAL WORK CERTIFICATION

Accredited colleges and universities are authorized to issue a document of school social work program verification to anyone who has completed a degree in social work and holds a credential in school social work that is issued by a nationally recognized credentialing organization or who has successfully passed a school social worker examination. The Department of Higher Education must develop a form for the document which the college or university may issue to qualified applicants. The Committee for Social Workers within the Department of Financial Institutions, Insurance and Professional Regulation must develop a program verification and acknowledgment of completion for qualified individuals similar to that issued by the college or university for individuals licensed by the committee who pay the fee established by rule. The program verification cannot be deemed a license, certificate, registration, or permit for any purpose to convey authority to use the social work title.

#### UNIVERSITY GOVERNING BOARDS

The bill specifies that not more than two voting members of the Northwest Missouri State University Board of Regents may be residents of the same county.

The terms of six of the nine members of the Missouri State University Board of Governors expired in 2011. Current law requires that no more than three terms expire in any given year but does not provide for the staggered term lengths necessary to accomplish this. The bill revises the term lengths for the appointments to fill the six

expired terms so that the term of no more than three board members will expire in any given year. The term of three members will expire on January 1, 2013, three on January 1, 2015, and three on January 1, 2017.

## COMMUNITY COLLEGE PROPERTY

Currently, community college districts and public school districts may only own real property within their district boundaries. The bill specifies that this provision will not apply to community college districts and clarifies that nothing will impair the authority of the Coordinating Board for Higher Education to approve new academic programs under Section 173.005, RSMo.

## HIGHER EDUCATION FOUNDATION LICENSE PLATES

Currently, any community college or four-year institution of higher education in Missouri may authorize the use of the school's official emblem on a license plate. The bill allows a foundation or organization representing the college or the Director of the Department of Revenue to authorize the use of the emblem and exempts the organization seeking a collegiate plate from petitioning the Department of Revenue for a special plate. An application to the department director must have a legislative sponsor in the same legislative session in which the application is reviewed.

## MISSOURI ENTREPRENEUR RESOURCE VIRTUAL NETWORK

The Missouri Entrepreneur Resource Virtual Network is established to provide resources for the development of businesses. The Missouri Small Business and Technology Development Centers must seek private sector funding to develop, maintain, and market a virtual network to provide seamless access to statewide resources and expertise for entrepreneurs and existing business using private funds. The private funds must be for the general support of the virtual network and cannot be used to sponsor specific portions of the network. The goal of the network is to assist in the creation of new Missouri ventures, the growth of existing businesses, and the ability of Missouri entrepreneurs to compete globally. The centers must apply search engine optimization to the website's content to achieve top search engine rankings. By September 30, 2012, the centers must report to the chairs and ranking minority members of the Senate and House of Representatives committees with jurisdiction over economic development and state government finances on the plans and progress on the development of the network including detailed information on donations received and expenditures made by the centers.

## MISSOURI STATE UNIVERSITY CONVEYANCES TO THE CITY OF SPRINGFIELD

The Board of Governors of Missouri State University is authorized to convey a street right-of-way at National Avenue and Monroe Street and a street right-of-way, drainage easement, and sanitary sewer easement at National Avenue and Grand Street to the City of Springfield.

The provisions of the bill regarding university governing boards and the higher education department's portion of the school social work certification contain an emergency clause.

### **SCS SB 566 -- RABIES VACCINATIONS**

This bill requires an owner of a cat or dog to provide documentation that the animal has been vaccinated against rabies or surrender the animal to the proper authorities if there is a reasonable suspicion that a person may have been exposed to rabies from contact with the animal. A licensed veterinarian must determine the proper course of action for examining the dog or cat. If a licensed veterinarian deems it necessary for the immediate health of the injured person, the dog or cat may be euthanized.

### **CCS HCS SB 568 -- TRANSPORTATION**

This bill changes the laws regarding transportation.

#### TRANSPORTATION SALES TAX

Construction, reconstruction, repair, and maintenance of sidewalks are added to the definition of "transportation purposes" as it applies to expenditures of the transportation sales tax in certain cities.

#### TEMPORARY MOTOR VEHICLE PERMITS

The Director of the Department of Revenue is authorized to produce or allow others to produce a weather resistant, non-tearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than 30 days from the date of

purchase. The temporary permit may be bought from the central office of the department or from the vehicle dealer upon the purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of license plates. The fee for the temporary permit cannot exceed \$5. Each temporary permit issued must be securely fastened to the back of the motor vehicle in a place consistent with registration plates so that all parts and qualities are plainly and clearly visible, reasonably clean, and not impaired in any way. The department director may reissue a temporary registration permit at his or her discretion for a motor vehicle or trailer while proper title and registration are being obtained. Upon the issuance of a temporary permit by the department or a dealer, the department director must make the information associated with the issued temporary permit immediately available to law enforcement.

These provisions expire July 1, 2019.

#### BIENNIAL REGISTRATION OPTION FOR LARGER VEHICLES

Currently, the owner of a commercial motor vehicle licensed with a 12,000 pound or less gross weight has the option of biennially registering. The bill changes the weight limitation to up to 54,000 pounds.

#### SALVAGE MOTOR VEHICLE TITLES

An owner presenting a motor vehicle, which is at least 10 years old and has been issued a salvage title, to a vehicle examination in order to obtain a certificate of ownership with the prior salvage motor vehicle designation cannot be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination.

The bill establishes a procedure by which an insurer who purchases a vehicle through the claims adjustments process can obtain a salvage title or junking certificate when an insurer is unable to obtain a negotiable title by making an application to the Department of Revenue. The application must declare that the insurer has made at least two written attempts to obtain the certificate of ownership, transfer documents, or other acceptable evidence of title and be accompanied by proof of claims payment from the insurer, proof of delivery of the letters to the vehicle owner, a statement indicating how the vehicle came into the insurer's possession, a description of the vehicle, the current location of the vehicle, and the applicable fee. Thirty days prior to making application for title, an insurer must notify any owners or lienholders of record for the vehicle that the owner intends to apply for a certificate of title for the vehicle. Upon receipt of the

application and supporting documents, the department director must search the records of the department or initiate an inquiry with another state if the vehicle was registered or titled in another state to verify the name and address of any owners and any lienholders. Any lienholder will have 30 days to notify the department before it issues a salvage title or junking certificate to the insurer.

## FAILURE TO APPEAR IN COURT

Currently, if a person fails to timely dispose of a traffic ticket, the court will notify the Director of the Department of Revenue of the fact and the department director must suspend the offender's driver's license until the person pays the fines and applicable court costs. Upon proof of disposition of the charges and payment of a reinstatement fee, the department director must return the license and remove the suspension from the person's driver's record. The bill specifies that a commercial motor vehicle operator or a holder of a commercial driver's license will not be eligible to have the suspension removed from his or her driving record.

## COMMERCIAL DRIVER'S LICENSES

The bill requires an applicant for a commercial driver's license or commercial driver's instruction permit to comply with the requirements of the Federal Motor Carrier Safety Administration by certifying that he or she is:

- (1) A driver operating or expecting to operate in interstate or foreign commerce or is otherwise subject to and meets federal rules and is required to obtain a medical examiner's certificate;
- (2) A driver operating or expecting to operate entirely in interstate commerce that is exempt from federal law and not required to obtain a medical examiner's certificate;
- (3) A driver operating only in intrastate commerce and is subject to Missouri driver qualifications; or
- (4) A driver operating or expecting to operate only in intrastate commerce and engaging only in operations exempt from all Missouri driver qualification requirements.

## MEDICAL CERTIFICATION COMPLIANCE

An applicant certifying to operation in nonexempt commerce must provide the state with

a current medical examiner's certificate or a certificate accompanied by a medical variance or waiver. The bill specifies the certification process. A person who falsifies any information in an application for or an update of medical certification status information cannot be licensed to operate a commercial vehicle or his or her commercial driver's license must be canceled for a period of one year after the department director discovers the falsification.

## MOVE-OVER LAW

The bill adds a stationary vehicle owned by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation displaying lighted amber or amber and white lights to the list of vehicles that an approaching motor vehicle driver must proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle or proceed with due caution and reduce the speed of the vehicle if changing lanes would be unsafe or impossible.

The bill also adds this type of vehicle if it is marked as a Department of Transportation emergency response or motorist assistance vehicle to the definition of "emergency vehicle" as it applies to Section 304.022, RSMo.

## GROSS WEIGHT LIMITATION FOR CERTAIN VEHICLES

The bill changes the highways on which a vehicle or combination of vehicles hauling livestock with a total gross weight of over 85,500 pounds may operate. Currently, these vehicles cannot operate on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36. The bill specifies that these vehicles cannot operate on U. S. Highway 36 from St. Joseph to U. S. Highway 63, on U. S. Highway 65 from the Iowa state line to U. S. Highway 36, and on U. S. Highway 63 from the Iowa state line to U. S. Highway 36. The weight limit will not apply to a vehicle operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

The bill allows a vehicle weighing 85,500 pounds or less to haul milk from a farm to a processing facility on highways other than the interstate highway system. The weight limit will not apply to a vehicle operated on the Dwight D. Eisenhower System of Defense Highways.

## KANSAS CITY COMMERCIAL ZONE

The bill expands the Kansas City commercial zone by including the portion of State Route 45 from its intersection with Interstate 29 to the city limits of Iata and by expanding it on State Route 10 from its intersection with State Route 210 to the City of Hardin.

## BOATING SAFETY IDENTIFICATION CARD

Any person or company that rents or sells vessels is allowed to issue temporary boating safety identification cards to non-residents to operate rented vessels or vessels being considered for sale, for a period of up to seven days, if the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant must provide a valid driver's license establishing that he or she is a non-resident and must sign an affidavit stating he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities. The patrol must charge a fee of \$9 for the card. A nonresident will not be eligible for more than one card. The provisions authorize the patrol to develop the card and requires businesses that issue the cards to transmit the applicant's information and payment to the highway patrol using an electronic online registration process developed and provided by the highway patrol.

These provisions expire December 31, 2022.

## OUTBOARD MOTOR TITLES

The bill requires that the "Year Manufactured" on an outboard motor title reflect the year a dealer purchased it from the manufacturer or if it is purchased on or after July 1 of any year, to reflect the following year unless the manufacturer indicates a specific model or program year.

The provisions of the bill regarding the medical certification of commercial drivers become effective on the date the Director of the Department of Revenue begins accepting medical certifications or on May 1, 2013, whichever occurs first; the provisions regarding temporary motor vehicle permits become effective on the date the Department of Revenue or an authorized producer begins producing permits, or on July 1, 2013, whichever occurs first; and the provisions regarding the increase in the weight limit of commercial vehicles to be eligible to register biennially become effective July 1, 2015.



The provisions of the bill regarding temporary boating safety identification cards contain an emergency clause.

## **CCS HCS SCS SB 569 -- ELECTIONS**

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

(1) Authorizes any county of the first classification to establish a law enforcement district under the provisions of the Missouri Law Enforcement District Act. Currently, any county of the first classification without a charter form of government and a population of 50,000 inhabitants or less may establish a district. The bill specifies that two areas may be considered contiguous if both are adjacent to the shoreline of the same body of water. If any real property owner or registered voter within the proposed district does not sign the petition or file an entry of appearance and waiver of service of process, a copy of the petition must be served upon the owner or voter. He or she may object to the petition by filing a timely written answer. The district may impose, upon voter approval of at least four-sevenths of the registered instead of the current qualified voters, an annual property tax rate in an amount not to exceed 30 cents per \$100 assessed valuation; however, if the district does not impose the maximum allowable amount after initial voter approval, the district must obtain voter approval for any subsequent increase in the property tax rate. Another proposal cannot be submitted to voters sooner than 12 months from the date of the last submitted proposal. The district may self-insure if it is unable to obtain liability insurance coverage at a rate which is economically feasible to the district, considering its resources. A new procedure for repealing a district property tax is specified in the bill (Sections 67.1860 - 67.1898);

(2) Allows certain third class cities organized under Sections 78.010 - 78.400 to eliminate, by order or ordinance, any primary election for the office of mayor and councilman that is currently held in February. A person wishing to become a candidate for these offices must file a signed statement of candidacy with the city clerk in order to be placed on the ballot at the next municipal election (Section 78.090);

(3) Changes the age requirement for a person to be an alderman from at least 21 years of age to at least 18 years of age (79.070);

(4) Adds taxes levied by the Jackson County Transit Authority to the list of taxes that may not be deposited into a special fund for tax increment financing purposes (99.845);

(5) Requires an election judge to take an oath affirming to support and defend the Constitution of the United States and Missouri (115.091);

(6) Removes the first Tuesday after the first Monday in June as a public election day, allows a bond election to be held on the first Tuesday after the first Monday in February but not to include any other issue with specified exceptions including a tax election necessitated by a decline of 5% or more in per-pupil state revenue from the previous year, and changes the date for an election for a presidential primary from the first Tuesday after the first Monday in March to the first Tuesday after the first Monday in February (Section 115.123);

(7) Specifies that any person of any election authority or political subdivision who is responsible for the oversight of the filing of candidates who discourages, hampers, pressures, or attempts to prevent another person from filing for office for the purpose of eliminating the requirement to hold an election because the number of candidates filing is the same as the number of positions to be filled will be guilty of a class four election offense (Section 115.637); and

(8) Repeals the provisions requiring the party emblem to be printed on the ballot above the party caption (Section 115.241).

## **SS SCS SB 572 -- WORKERS' COMPENSATION**

This bill changes the laws regarding workers' compensation. In its main provisions, the bill:

(1) Specifies that every employer who is subject to the workers' compensation provisions of Chapter 287, RSMo, must be liable to furnish compensation for the personal injury or death of an employee by occupational disease arising out of and in the course of the employee's employment, and that an occupational disease is exclusively covered under workers' compensation laws;

(2) Specifies that an employee will not be liable for a co-employee's workplace injury or death for which compensation is recoverable under the workers' compensation laws, except that an employee will not be released from liability for injury or death if the employee engaged in an affirmative negligent act that purposefully and dangerously caused or increased the risk of injury;

(3) Specifies that a civil action involving an accidental injury or death filed by an employee or an employee's dependent against an employer or an employee of the employer cannot proceed until all administrative remedies under Chapter 287 are exhausted. The filing of a notice of the administrative action with the court will toll any statute of limitation or other time limitation regarding the civil action;

(4) Specifies that when a third person is liable to an employee or a dependent of an employee when there is a finding that an occupational disease was caused by toxic exposure as defined in the bill and the employee or dependents were compensated under Chapter 287, the employer will not be subrogated to the rights of the employee or the dependents against the third person when the employer caused the occupational disease; and

(5) Increases the death benefit for an employee from \$5,000 to \$10,000.

## **SS SCS SB 576 -- CHARTER SCHOOLS**

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

(1) Authorizes the State Auditor to audit a charter school in the same manner as it may audit any state agency (Section 29.205, RSMo);

(2) Allows, in addition to the St. Louis City and Kansas City School districts, a charter school to be operated in an unaccredited district; in a district accredited without provisions if it is sponsored by the local school board, except that no local school board with an enrollment of 1,550 students or more may enroll more than 35% of its students in charter schools which it sponsors; and in a provisionally accredited district after three full school years of provisional accreditation and annual performance report scores consistent with provisional accreditation or unaccredited status as of the 2012-2013 school year. If the provisional accreditation is based on financial stress or hardship, the State Board of Education within the Department of Elementary and Secondary Education must vote in the third year of provisional status to decide whether a charter may operate. The sponsor is limited to the local school board or a sponsor meeting specified accountability standards (Section 160.400.2);

(3) Specifies that the special administrative board of the St. Louis City School District may sponsor charter schools as well as the special administrative board of the Kansas

City school district if the state board appoints one. The requirement for a public four-year college or university to have its primary campus in the school district or in a county adjacent to the county in which the district is located is repealed. A community college whose service area encompasses some portion of the district may also be a sponsor. Currently, any private four-year college or university located in St. Louis City with an enrollment of at least 1,000 students and an approved teacher preparation program may be a sponsor. The requirement that the institution be located in St. Louis City is removed, but its primary campus must be located in Missouri. Additional sponsors include any two-year private vocational or technical school, as specified in the bill, and the Missouri Charter Public School Commission created by the bill (Section 160.400.3);

(4) Requires a district whose accreditation status changes to maintain three full years of the higher status before the requirements of the charter school laws regarding the higher status will apply. In an unaccredited or provisionally accredited district where a charter school is sponsored by an entity other than the local school board, when the district becomes classified as accredited without provisions, a charter school may continue to be sponsored by the entity sponsoring it prior to the classification of accreditation. The school will not be limited to the local school board as a sponsor. Charter schools in Kansas City and St. Louis may be sponsored by any eligible entity, regardless of the district's accreditation classification. A charter school whose charter provides for the addition of grade levels may continue to add grade levels until the planned expansion is complete. The mayor of St. Louis City may request a two-year private vocational or technical school or the commission to sponsor a workplace charter school within the city (Sections 160.400.4 and 160.400.5);

(5) Specifies that when a charter school affiliates with a four-year institution, the institution will no longer be required to be located within the county in which the school district lies or in an adjacent county. A school district or the state board, when acting as a sponsor, may have expenses associated with sponsorship defrayed by having the department withhold up to 1.5% of the charter school's state and local funding, up to \$125,000 adjusted for inflation. A sponsor receiving funds to defray expenses must submit annual reports to the Joint Committee on Education demonstrating compliance with specified requirements (Sections 160.400.10, 160.400.11, and 160.400.12);

(6) Requires a sponsor to develop policies and procedures for the review of a charter proposal; granting of a charter; performance framework of a charter; intervention, renewal, revocation, and nonrenewal policies; additional criteria for oversight; and procedures to be used if the school closes. The department must provide guidance to

sponsors in developing these procedures and policies (Section 160.400.16);

(7) Requires a sponsor to provide timely submission to the state board of all data necessary to demonstrate that it is in material compliance of specified requirements. Currently, the state board may suspend a sponsor for up to one year. The bill changes the board's existing authority to require an evaluation every three years of certain sponsors for compliance with sponsorship standards. If a sponsor is in material noncompliance, it must be notified and given reasonable time to improve. If improvement does not occur, the Commissioner of Education must conduct a public hearing and recommend corrective action to the state board, which will have the final determination. If the state board removes sponsorship authority for any currently operating charter school, the commission will become the school's sponsor (Section 160.400.17);

(8) Requires the department to establish an annual application and approval process for potential sponsors. All information and guidelines for eligible sponsors must be made available by November 1, 2012. Interested eligible sponsors must submit an application by February 1 which includes specified information. By April 1 of each year, the department must grant or deny authority to a sponsor applicant and execute a renewable sponsoring contract with each approved sponsor within 30 days. The term will be six years and is renewable (Section 160.403);

(9) Specifies that the charter will be a legally binding performance contract describing the obligations and responsibilities of the school and the sponsor. The term of a charter will be for five years, instead of the current term of not less than five but not greater than 10 years. Additional information that must be contained in a charter are specified. A charter school operating on August 27, 2012, will have until August 28, 2015, to meet the new requirements (Section 160.405.1);

(10) Requires a charter to be submitted to the sponsor and follow the sponsor's policies and procedures for review and granting of a charter approval. The charter must be consistent with the sponsor's charter sponsorship goals and capacity. The charter must be approved by the state board by December 1 of the year prior to the proposed opening date of the charter school. The definition of "high risk" student is changed to include more qualifying characteristics of behavior and situations outside school (Section 160.405.2);

(11) Repeals the provision requiring any disapproval of a charter to be subject to judicial review. A charter school must provide in its charter that it must comply with the

laws and regulations regarding the employee criminal history background check and the Family Safety Registry check under Section 168.133. A charter school with a local educational agency status must comply with all federal audit requirements. Currently, a charter school must collect baseline data during the first three years to determine performance. This is revised to require the establishment of baseline student performance during the first year of operation and the collection of student performance data annually to monitor student academic performance based upon grade levels offered by the school. The performance standards for alternative and special purpose charter schools that target high-risk students must be based on measures defined in the school's performance contract with its sponsor (Section 160.405.4);

(12) Allows proposed or existing high risk or alternative charter schools to include alternative arrangements for students to obtain credits for satisfying graduation requirements in the charter application and charter. Alternative arrangements may include credit for off-campus instruction, embedded credit, work experience, and independent studies. Upon approval of the charter by the state board, any alternative arrangements must be approved at that time. The department must conduct a study of any school granted alternative arrangements after three years of operation to assess student performance, graduation rates, educational outcomes, and entry into the workforce or higher education (Section 160.405.5);

(13) Requires the sponsor, governing board, and charter school staff to jointly review the school's performance, management, and operations during the first year of operation and then every other year after the most recent review instead of at least once every two years. The option of a charter school to become a local educational agency for the sole purpose of direct access to federal grants is repealed, so the school may become an agency if the sponsor and the governing board reach a written agreement to become an agency. Sponsors must annually review compliance with statutory standards including statewide assessment participation, completion of the annual report card, baseline data collection, a method to measure pupil progress, and publication of the charter school's annual performance report (Sections 160.405.6 and 160.405.7);

(14) Requires a sponsor's intervention policies to give schools notice of contract violations or performance deficiencies and mandate intervention based upon specified findings of the state board. A sponsor must have a policy to revoke a charter upon evidence of underperformance or a violation of the law or the public trust that imperils students or public funds. Probationary status is limited to no more than 12 months, with no more than one designation of probationary status allowed for the duration of the

charter contract. The provision is repealed that specifies that a sponsor's final decision to revoke a charter is subject to judicial review. The decision to revoke a charter may be appealed to the state board which must determine if the charter must be revoked (Section 160.405.8);

(15) Requires a sponsor to conduct a renewal process of charter schools based on objective evidence, including annual performance report results. Beginning August 1 during the year in which a charter is up for renewal, a sponsor must demonstrate to the state board that the charter school is in compliance with specified federal and state law and submit a revised charter application. If compliance is demonstrated, the state board must renew the charter (Section 160.405.9);

(16) Allows charter schools whose mission includes student drop-out prevention or recovery to enroll, upon timely application, nonresident pupils from the same or an adjacent county who reside in residential care facilities, transitional living group homes, or independent living programs whose last school of enrollment is in the school district where the charter school is established. Charter alternative and special purpose schools may also give a preference for admission to high-risk students if the school targets these students through its mission, curriculum, teaching methods, and services. Charter schools may limit admission based on gender only if the school is a single-gender school. Students of a charter school who are present for the January membership count will be counted in the performance of the charter school on the statewide assessments in that calendar year, unless otherwise exempted as English language learners. If a charter school is operated by a management company, a copy of the contract must be made available for public inspection (Sections 160.410.1, 160.410.3, and 160.410.5);

(17) Specifies that if a student attending a charter school moves out of the school district in which the charter school is located, he or she may complete the current semester at the charter school and must be considered a resident student. If a change in school district boundary lines occurs or if the district where the charter school is located is dissolved or attached to another district so that a student no longer lives in the school district where the charter school is located, the student may complete the current academic year. The student's parent or legal guardian will be responsible for the student's transportation in either case. The provisions of the Foster Care Bill of Rights are applicable to charter schools (Sections 160.410.6 – 160.410.8);

(18) Specifies the requirements that must be included in a request for proposal if a proposed charter school intends to contract with an education services provider for

substantial educational services, management services, or both (Section 160.415.7);

(19) Allows the department to withhold adequate funding during a charter school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied (Section 160.415.12);

(20) Requires, by October 1, 2012, and each October 1 thereafter, the sponsor of each charter school to review information required by Section 162.821 to identify charter schools experiencing financial stress. The department is authorized to obtain any additional information from a charter school as may be necessary to determine the financial condition of the school. Annually, the department must provide a list of these schools to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate. Parameters for financial stress are specified in the bill. By November 1, the sponsor must notify the governing board of a charter school if it is identified as experiencing financial stress, and the governing board must develop and approve a budget and education plan to be submitted to the sponsor within 45 days. Minimum requirements for what must be included in the plan are specified. The sponsor may make suggestions to improve the plan. The department may withhold any payment of financial aid until the charter school is in compliance with these requirements (Section 160.417);

(21) Requires, in addition to existing criminal background check requirements, a charter school to ensure that a Family Care Safety Registry check is conducted for employees. Several provisions which are identical to provisions contained in Section 160.415 are repealed (Section 160.420);

(22) Establishes the Missouri Charter Public School Commission with nine members appointed by the Governor with the advice and consent of the Senate. One member must be selected from a slate of three candidates recommended by the Commissioner of Education; one member selected from a slate of three candidates recommended by the Commissioner of Higher Education; one member selected from a slate of three recommended by the President Pro Tem of the Senate; a member selected from a slate of three recommended by the Speaker of the House of Representatives; and five additional members appointed by the Governor, one of whom must be selected from a slate of three submitted by the Missouri School Boards Association. No more than five members can be of the same political party and no more than two members can be from the same Congressional district. Members will serve a term of four years, except for the initial appointees whose terms are staggered. The operating procedures for the commission are specified (Sections 160.425.1 – 160.425.5); and



(23) Authorizes the commission to approve proposed charters for its sponsorship. The department must provide start-up funding for the commission to operate, which will be reimbursed from funds it receives as the sponsor of any charter school (Sections 160.425.6 – 160.425.10).

## **HCS SS SCS SB 595 -- SPECIAL EDUCATION DUE PROCESS HEARINGS**

This bill transfers the administration of special education due process hearings from the State Board of Education within the Department of Elementary and Secondary Education to the Administrative Hearing Commission. A commissioner who conducts a due process hearing is prohibited from having previously been employed by a school district, an organization engaged in special education parent and student advocacy, the state board, or the department, either as an employee or as an independent contractor or consultant, within the last five years. A commissioner also cannot have performed work for a school district or for a parent or a student as a special education advocate within the last five years as an independent contractor or consultant or been a party to a special education proceeding as an attorney, parent, or child. The commission must conform to all practices, procedures, filing deadlines, and response times to the requirements of the federal Individuals With Disabilities Education Act (IDEA) when conducting a due process hearing.

When a commissioner renders a final decision, it cannot be amended or modified.

At least three of the commissioners must receive at least 10 hours of initial training in special education law and must be the only commissioners assigned to special education due process hearings. The initial training must be selected by the commission in consultation with the department and the IDEA-funded parent training and information center as specified in the bill. Each commissioner assigned to special education hearings must complete at least five additional hours of specified training each year. The training sessions must be recorded and posted on the commission's website as specified in the bill.

The Administrative Hearing Commission Educational Due Process Hearing Fund is created consisting of appropriated moneys, gifts, contributions, grants, or bequests to be used solely for the payment of expenditures incurred by the commission and attributable to due process hearings and state and federal legislation and regulations.

The provisions of the bill regarding the three commissioners that are to be assigned to special education due process hearings and the Administrative Hearing Commission Educational Due Process Hearing Fund contain an emergency clause.

## **CCS SB 599 -- EDUCATION**

This bill changes the laws regarding education.

### **CHILD ABUSE REPORTS RECEIVED BY SCHOOLS**

Currently, if a school receives a report of child abuse that arises from school personnel following a district policy on spanking or the use of reasonable force to protect persons or property, the school superintendent or school board president must send a notice of the incident to the county juvenile officer. The bill requires the notice to be sent to county law enforcement. Currently, the report of the incident must be investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer. The bill requires the investigation to be conducted by a law enforcement officer in the county.

### **GIFTED EDUCATION**

A school district must include in its annual school accountability report card whether the district currently has a state-approved gifted education program and the percentage and number of students being served by the program.

### **LOCAL EFFORT CALCULATION FOR SCHOOL FOUNDATION FORMULA**

The moneys received in the school fund of Iron County, Reynolds County, Jefferson County, and Washington County from the payment of a civil penalty pursuant to a consent decree in 2011 in the case of United States of America and State of 22 Missouri v. the Doe Run Resources Corporation d/b/a "The Doe Run Company," and the Buick Resource Recycling Facility, LLC, because of environmental violations cannot be included in any school district's local effort calculation for purposes of the school foundation formula. This provision expires July 1, 2016.

### **CARDIOPULMONARY RESUSCITATION INSTRUCTION**

Any public school or charter school serving grades nine through twelve may provide instruction in cardiopulmonary resuscitation to its students. Students with disabilities may participate to the extent appropriate as determined by the provisions of the federal Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. The instruction may be part of a health education course and must include hands-on practice and skill testing to support cognitive learning. A school district may develop an agreement with a local first responder organization to provide the required practice and testing. Curriculum sources and teacher qualifications are specified in the bill.

## AGRICULTURAL VOCATIONAL EDUCATION

The State Board of Education within the Department of Elementary and Secondary Education must develop standards for agricultural vocational education that may be adopted by an appropriately accredited private school in order to qualify the school to apply to the state chapter of the Future Farmers of America for the approval of a local chapter. The standards must be equivalent to those for federal vocational education, but the private school will not be eligible to receive state or federal vocational education funding and must annually reimburse the department for the cost of oversight and maintenance of the program.

## CAREER AND TECHNICAL STUDENT ORGANIZATIONS

The Department of Elementary and Secondary Education must provide staffing support including, but not limited to, statewide coordination for career and technical student organizations' activities that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Those organizations include, but are not limited to, DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA. The department must continue to handle the funds from the organizations in the same manner as it did during the 2011-2012 school year and may require the local organization to provide sworn affidavits annually by personnel in the organization who are responsible for the funds as to the proper handling of the funds.

The provisions of the bill regarding career and technical student organizations contain an emergency clause.

## **SS SB 607 -- REGULATION OF OUTDOOR ADVERTISING**

On the date the Highways and Transportation Commission within the Department of Transportation approves funding for any phase or portion of construction or reconstruction of any street or highway, this bill requires the rules in effect for outdoor advertising on August 27, 1999, to be reinstated for that section of highway scheduled for construction and a moratorium to be immediately imposed on the issuance of state sign permits for new sign structures.

The owner of an existing sign which meets the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement who voluntarily executes a partial waiver and reset agreement may reset a sign on the same or adjoining property. The reset agreement must be contingent upon obtaining any required local approval to reset the sign structure. Any sign which has been reset must still comply with the August 27, 1999, outdoor advertising regulations after it has been reset.

The owner of an existing sign who elects to reset a qualifying sign must receive compensation representing the actual cost to reset the existing sign. A sign which has been reset under these provisions must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure.

A sign owner may elect to reset an existing qualifying sign by executing a partial waiver and reset agreement with the commission.

Upon the completion of construction on any section of highway, the moratorium on new permits must be lifted and the rules for outdoor advertising in effect on the date the construction is completed must apply to the section of highway.

Local zoning authorities may prohibit the resetting of qualifying signs which fail to comply with local regulations.

All signs must be subject to the biennial inspection fees under Section 226.550, RSMo.

## **CCS SB 611 -- TRANSPORTATION**

This bill changes the laws regarding temporary motor vehicle permits, the move-over law, and yellow light change interval times.

### **TEMPORARY MOTOR VEHICLE PERMITS**

The Director of the Department of Revenue is authorized to produce or allow others to produce a weather resistant, non-tearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than 30 days from the date of purchase. The temporary permit may be bought from the central office of the department or from the vehicle dealer upon the purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of license plates. The fee for the temporary permit cannot exceed \$5. Currently, the fee is \$7.50. Each temporary permit issued must be securely fastened to the back of the motor vehicle in a place consistent with registration plates so that all parts and qualities are plainly and clearly visible, reasonably clean, and not impaired in any way. The department director may reissue a temporary registration permit at his or her discretion for a motor vehicle or trailer while proper title and registration are being obtained. Upon the issuance of a temporary permit by the department or a dealer, the department director must make the information associated with the issued temporary permit immediately available to law enforcement.

These provisions expire July 1, 2019.

### **MOVE OVER LAW**

The bill adds a stationary vehicle owned by the State Highways and Transportation Commission and operated by an authorized employee of the Department of Transportation displaying lighted amber or amber and white lights to the list of vehicles that an approaching motor vehicle driver must proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle or proceed with due caution and reduce the speed of the vehicle if changing lanes would be unsafe or impossible.

The bill also adds this type of vehicle if it is marked as a Department of Transportation emergency response or motorist assistance vehicle to the definition of "emergency vehicle" as it applies to Section 304.022, RSMo.

## YELLOW LIGHT CHANGE INTERVAL TIMES

The bill requires the Department of Transportation to establish minimal yellow light change interval times for traffic-control devices. The interval time must be established in accordance with nationally recognized engineering standards in the Manual on Uniform Traffic Control Devices and cannot be less than the recognized national standard.

The provisions of the bill regarding temporary motor vehicle permits become effective on the date the Department of Revenue or an authorized producer begins producing permits, or on July 1, 2013, whichever occurs first.

## **HCS SCS SB 625 -- RETIREMENT**

This bill changes the laws regarding retirement benefits for members of the County Employees' Retirement System, Missouri State Employees' Retirement System, and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System.

### COUNTY EMPLOYEES' RETIREMENT SYSTEM

The bill specifies that an active member of the County Employees' Retirement System who dies after December 31, 2002, before becoming vested, will receive a death benefit of \$10,000 and the amount equal to the member's accumulated contributions standing to his or her credit in the County Employees' Retirement Fund.

### TRANSFER OF CREDITABLE SERVICE FOR CERTAIN STATE RETIREMENT SYSTEMS

Currently, when an employee transfers service between the Missouri State Employees' Retirement System and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, the value of the employee's accrued benefits is transferred as well. The bill revises the computation of the accrued benefit to exclude any amount for previously transferred service that was not subject to asset transfer. Any prior payment, including interest, that should have been excluded must be returned by the receiving system.

## REFUND OF EMPLOYEE CONTRIBUTIONS TO MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM

Currently, an employee hired after January 1, 2011, and covered under the Missouri State Employees' Retirement System must contribute 4% of his or her salary into the system. If a member leaves the system before becoming eligible for normal retirement, his or her contributions are refunded with interest at the rate of 4% per year. The bill specifies that effective June 30, 2014, and each June 30 thereafter, the interest rate must be equal to the investment rate that is published by the United States Department of Treasury, or its successor agency, for a 52-week treasury bill for the relevant auction that is nearest to the preceding July 1.

Currently, the beneficiary of any member who made contributions into the system will, upon the member's death, receive a refund of the contribution less any retirement benefits received by the member. The bill includes the interest credited to the member's contributions in the refund. Interest credited to the contributions will cease upon the retirement or death of the member.

## **CCS HCS SB 628 -- JUDICIAL PROCEDURES**

This bill changes the laws regarding judicial procedures.

### JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT (Section 21.771, RSMo)

The Joint Committee on Child Abuse and Neglect of the General Assembly is established composed of seven members of the House of Representatives appointed by the Speaker and Minority Floor Leader and seven members of the Senate appointed by the President Pro Tem and the Minority Floor Leader.

The joint committee is required to:

- (1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;
- (2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;

- (3) Determine the additional personnel and resources necessary to adequately protect children in this state and improve their welfare and the welfare of families;
- (4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;
- (5) Determine from its study and analysis the need for changes in statutory law;
- (6) Make any recommendation to the General Assembly necessary to provide adequate protection for the children of our state;
- (7) Meet within 30 days after its creation and select a chairperson and a vice chairperson and meet quarterly thereafter; and
- (8) Compile a full report of its activities for submission to the General Assembly by January 15 of each year that the General Assembly convenes in regular session.

These provisions expire January 15, 2018.

#### DRIVER'S REGISTRATION AND MOTOR VEHICLE RECORDS (Section 32.056)

Currently, the Department of Revenue is prohibited from releasing the home address or any other information contained in the department's motor vehicle or driver registration records on specified groups of individuals. The bill adds any state or federal judge or his or her immediate family members to those groups and specifies that the department cannot release any information that identifies any vehicle owned or leased by the specified groups in its records.

#### SHERIFF'S CHARGES IN CIVIL CASES (Section 57.280)

Currently, charges of up to \$50,000 in any year which are collected by a sheriff in civil cases must be held in a fund established by the county treasurer to be expended at the discretion of the sheriff for the procurement of services and equipment to support the operation of the sheriff's office. Land sale proceeds are not to be directed into the fund. The bill allows land sale proceeds to be placed in the fund subject to the \$50,000 cap.

#### ADMINISTRATIVE FINES OR COSTS (Section 67.136)

Any city or county that has established a municipal court is allowed to utilize collection



agencies to collect any court or administrative fines or costs associated with a criminal conviction or entry of a civil judgment.

#### ECONOMIC DEVELOPMENT TAX BOARDS (Section 67.1305)

Currently, an economic development tax board established by a city consists of five members. The bill specifies that a board must consist of at least five members but may be increased to nine. The number of members must be designated in the order or ordinance imposing the sales tax authorized under Section 67.1305. One member of a five-member board or two members of a nine-member board must be appointed by the school districts within any economic development plan or the area funded by the sales tax. Three members of a five-member board or five members of a nine-member board must be appointed by the chief elected officer of the city with the consent of the majority of its governing body. One member of a five-member board or two members of a nine-member board must be appointed by the governing body of the county in which the city is located. If a board is already in existence, any increase in the number of members must be designated in an order or ordinance. The bill specifies the terms and election cycle for appointing the additional members.

#### ASSOCIATE CIRCUIT COURT JUDGES (Section 67.2010)

Associate circuit judges in Greene County are authorized to hear and determine county traffic ordinance violations. Currently, associate circuit judges in only Cass County are authorized to do this. Also, associate circuit judges in both counties now are authorized to hear other county ordinance violations in addition to traffic violations.

#### BLIGHT RESTRICTIONS (Section 135.953)

The bill specifies that no finding of blight under Chapter 135 can be used to meet the conditions for blight under any other statute.

#### TRAFFICKING DRUGS (Sections 195.222 and 195.223)

Currently, a person commits the crime of trafficking drugs in the first degree if he or she distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture, or produce more than two grams of crack cocaine. The bill raises the quantity required to eight grams. If the quantity involved is more than eight grams but less than 24 grams, the person must be sentenced to the authorized term of imprisonment for a class A felony. If the quantity is 24 grams or more, the person must

be sentenced to the authorized term of imprisonment for a class A felony with no probation or parole.

Currently, a person commits the crime of trafficking drugs in the second degree if he or she possesses or has under his or her control, purchases or attempts to purchase, or brings into this state more than two grams of crack cocaine. The bill raises the quantity required to eight grams. If the quantity involved is more than eight grams but less than 24 grams, the person will be guilty of a class B felony. If the quantity is 24 grams or more, the person will be guilty of a class A felony.

#### JUVENILE COURT JURISDICTION (Section 211.031)

The age when the juvenile court will have jurisdiction over a child involving a state or local traffic violation is changed from a child up to 15 1/2 years of age to a child up to 15 years of age.

#### PUBLIC SERVICE COMMISSION APPEALS (Section 386.510)

When a party files a notice of appeal on a Missouri Public Service Commission order or decision, the commission must forward it to the appellate court with the territorial jurisdiction over the county where the hearing was held or in which the commission has its principal office.

#### PERFECTION OF SECURITY INTERESTS (Section 400.9-311)

Currently, a person in the business of selling or leasing goods is not required to file a statement on property held as inventory to perfect a security interest in the property. The bill removes a person in the business of leasing goods of that kind and requires the person to file the required statement.

#### TERMINATION OF PARENTAL RIGHTS (Section 452.374)

A court is required to issue an automatic stay of any paternity proceeding involving a child and a putative father where criminal charges alleging an act of rape are brought against the putative father of a child conceived as a result of the rape. The stay must not be lifted until there is a final disposition of the criminal charges. In any future custody proceeding, any denial of visitation cannot be used against the mother of the child in specified custody considerations.

## QUALIFIED SPOUSAL TRUSTS (Section 456.950)

The bill changes the requirements for a qualified spousal trust to allow the trust to consist of both property held in one trust for both spouses and property held in two shares in one trust for each spouse.

## MISSOURI UNIFORM TRUST CODE (Section 456.8-808)

The bill changes the laws regarding the Missouri Uniform Trust Code by allowing a trust instrument to appoint a trust protector who is expressly granted one or more powers over the trust in the trust instrument. The bill:

- (1) Specifies the express powers that may be granted to a trust protector;
- (2) Specifies when a trust protector has no power to modify a trust;
- (3) Specifies that the trust protector must not exercise a power that would result in a taxable gift for federal gift tax purposes or cause the inclusion of any assets of the trust in the trust protector's gross estate for federal estate tax purposes;
- (4) Specifies that a trust protector is not a trustee or fiduciary, has no duty to the beneficiaries of the trust, is not liable or accountable as a trustee or fiduciary when performing or declining to perform the express powers given in the trust instrument, and is not liable for the acts or omissions of any fiduciary or beneficiary under the trust instrument;
- (5) Exonerates a trust protector from all liability for his or her acts or omissions or arising from any exercise or non-exercise of the express powers given in the trust instrument unless it is established by a preponderance of the evidence that the acts or omissions were done or omitted in breach of the protector's duty, in bad faith, or with reckless indifference;
- (6) Authorizes a trust protector to exercise the express powers granted in the trust instrument at any time after the trust protector acquires knowledge of his or her appointment as trust protector and of the powers granted;
- (7) Allows the trust protector to receive from the assets of the trust reasonable compensation and reimbursement of reasonable costs and expenses incurred in determining whether to carry out and in carrying out the express powers of the trust

instrument;

(8) Allows the trust protector to receive from the assets of the trust reimbursement of the reasonable costs and expenses, including attorney fees, of defending any claim made against the trust protector arising from his or her acts or omissions while acting in that capacity unless it is established by clear and convincing evidence that the protector was acting in bad faith or with reckless indifference;

(9) Prohibits the trust protector from exercising the express powers granted in the trust instrument for his or her own personal benefit;

(10) Specifies that a trustee must not be liable for any loss resulting directly or indirectly from any act taken or omitted as a result of the written direction of the trust protector or the failure of the trust protector to provide consent, unless there is bad faith or reckless indifference on the part of the trustee;

(11) Specifies when the trust protector is entitled to receive information regarding the administration of the trust;

(12) Allows a trust protector to resign by giving 30 days' written notice to the trustee and any successor trust protector;

(13) Grants any successor trust protector the same powers expressly granted in the trust instrument to the resigning trust protector unless those powers are expressly modified for the successor trust protector; and

(14) Specifies that a trust protector of a trust having its principal place of administration in Missouri submits personally to the jurisdiction of the courts of Missouri while the trust is being administered in this state.

#### STATEWIDE COURT AUTOMATION FUND (Section 476.055)

Currently, the provisions regarding the fee assessed in certain court cases which is to be deposited into the Statewide Court Automation Fund expire on September 1, 2013. The bill extends the expiration date to September 1, 2018. The Court Automation Committee is required to complete its duties by September 1, 2020. Currently, the committee must complete its duties prior to September 1, 2015.

#### ADMINISTRATIVE ADJUDICATION SYSTEM (Section 479.011)

The bill allows the City of Springfield to establish an administrative adjudication system.

#### MUNICIPAL ORDINANCE VIOLATIONS (Section 479.040)

Currently, a city, town, or village with less than 400,000 residents can choose to have violations of its municipal ordinances heard and determined by either a county municipal court or an associate circuit court, and once the choice is made, all municipal ordinance violations will be heard by that court. The bill authorizes a city, town, or village to elect to have violations involving an accused with special needs due to mental disorder or mental illness, or whose special needs, circumstances, and charges cannot adequately be accommodated by the municipal court to be heard and determined by the associate circuit court or county municipal court. The associate circuit court or county municipal court must be able to provide adequate accommodations and resources for specifically handling these matters and must consent to the transfer.

#### ST. LOUIS CITY CIRCUIT CLERK (Section 483.015)

Currently, the circuit clerk in the 22nd Judicial Circuit for the City of St. Louis is elected by the qualified voters of the city. The bill requires him or her to be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The clerk will be removable for cause by a majority of the circuit judges and associate judges of the circuit, en banc, in accordance with Supreme Court administrative rules governing court personnel. The elected circuit clerk that is holding office when these provisions become effective must continue to hold office for the duration of his or her elected term.

#### INMATE SECURITY FUND (Section 488.5026)

Moneys in the Inmate Security Fund are to be used to acquire and develop biometric verification systems and information sharing to ensure that inmates, prisoners, or detainees in a holding cell facility or other detention facility or area which holds persons detained only for a shorter period of time after arrest or after being formally charged can be properly identified upon booking and tracked within the local law enforcement administration system, criminal justice administration system, or the local jail system. Currently, the moneys are to be used to ensure that inmates can be properly identified and tracked within the local jail system.

#### SEXUAL OFFENSES (Section 488.5375)

The court is allowed to order a defendant, upon a plea of guilty or a finding of guilt for a felony sexual offense in which a computer, cellular telephone, or other electronic devices were seized, to reimburse the state or local law enforcement agency for the reasonable costs incurred in the examination of the seized items.

#### VULNERABLE PERSONS (Section 491.075)

The bill specifies when the statement of a vulnerable person is admissible as evidence in a criminal proceeding.

#### CONDEMNATION PROCEEDINGS (Sections 508.050 and 523.010)

Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under Article VI, Section 30(a) of the Missouri Constitution must be brought only in the county where the land or any part of the land lies.

#### PROPERTY EXEMPT FROM ATTACHMENT (Sections 513.430 and 513.440)

Currently, any motor vehicle with a value of less than \$3,000 is exempt from execution or attachment. This bill requires that all motor vehicles owned by a debtor be considered together and only if their aggregate value is less than \$3,000 will they be exempt. A mobile home used as a principal residence cannot be attached to real property to be exempt from execution or attachment. The exemption for local public assistance benefits is revised to include all public assistance benefits.

Currently, each head of a family may exempt from attachment \$350 for each of the person's unmarried dependent children under 18 years old. The bill increases the age to a child under 21 years old.

The bill changes the provision that will apply when determining if certain funds are fraudulent and must not be held exempt from a bankruptcy proceeding.

#### FEDERAL SEIZURE PROCEEDS (Section 513.653)

Currently, a law enforcement agency involved in using the federal forfeiture system under federal law is required each fiscal year to acquire an independent audit of the federal seizures and proceeds therefrom and provide the audit to its governing body, the Department of Public Safety, and the Office of the State Auditor. The bill removes

the audit requirement and requires the law enforcement agency to file an annual report by January 31 regarding federal seizures and proceeds for the previous year with the department and the auditor's office. The detailed information that the report must contain is specified.

#### LANDOWNER LIABILITY TO TRESPASSERS (Sections 537.345, 537.346, and 537.351)

The bill changes the laws regarding a landowner's liability as it applies to an individual trespassing on the owner's land by:

(1) Defining "trespasser," as it applies to these provisions, as any person who enters on the property of another without permission and without an invitation, express or implied, regardless of whether actual notice of trespass was given or the land was posted with signs or purple markings in accordance with Sections 569.140 and 569.145; and

(2) Specifying that a possessor of real property owes no duty of care to a trespasser, except to refrain from harming the trespasser by an intentional, willful, or wanton act and may use justifiable force to repel a criminal trespasser. However, a possessor of real property may be subject to liability for physical injury or death to a trespasser in specified situations, including if the trespasser is a child who is harmed by a dangerous artificial condition on the land, the possessor knew or should have known that trespassers consistently intrude upon a limited area of the land where the trespasser was harmed by a dangerous artificial condition on the land, or the possessor knew of the trespasser's presence on the land and failed to exercise ordinary care as to active operations carried out on the land.

#### CONDUCT AT PUBLIC MEETINGS (Section 537.528)

Currently, any action seeking monetary damage against a person for conduct or speech at a public hearing or meeting is subject to a special motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment so it can be considered on an expedited basis to prevent the unnecessary expense of litigation. The bill allows any action against a person for conduct or speech at a public hearing or meeting to be subject to these special motions.

#### UNCLAIMED SEIZED PROPERTY (Section 542.301)

The bill specifies that computers, computer equipment, computer software and hardware, cellular telephones, or other devices capable of accessing the Internet which are used by the owner or with the owner's consent as a means for committing felonies must be forfeited to the state.

Upon a court order, a law enforcement agency in possession of computers, computer equipment, computer software and hardware, cellular telephones, or other devices capable of accessing the Internet or other devices used in the acquisition, possession, or distribution of child pornography or obscene material is allowed to retain possession of the property and convert it to the use of the agency for use in criminal investigations.

#### SENTENCING ADVISORY COMMISSION (Section 558.019)

The bill specifies that the provisions regarding the Sentencing Advisory Commission cannot be construed to allow the commission to issue recommended sentences in specific cases pending in the courts of this state.

#### DOMESTIC ASSAULT (Sections 565.072, 565.073, and 565.074)

The crime of domestic assault in the first, second, and third degree is revised to include a child who is a member of the family or household and to remove an adult who is or has been in a continuing social relationship of a romantic or intimate nature.

#### SEXUAL MISCONDUCT INVOLVING A CHILD (Section 566.083)

The crime of sexual misconduct involving a child is revised to include when a person knowingly coerces or induces a child who is known by the person to be younger than 15 years of age to expose a female child's breasts through the Internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

#### ABUSE OR NEGLECT OF A CHILD (Section 568.060)

The bill revises the provisions regarding the abuse or neglect of a child by:

(1) Defining "abuse" as the infliction of physical, sexual, or mental injury against a child by any person 18 years of age or older. Abuse does not include injury inflicted on a child by accidental means by a person with care, custody, or control of a child, or discipline of a child by a person with care, custody, or control of the child, including



spanking, in a reasonable manner;

(2) Defining "abusive head trauma" as a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

(3) Defining "mental injury" as an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;

(4) Defining "neglect" as the failure of those responsible for the care, custody, and control of a child under 18 years of age to provide the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;

(5) Defining "physical injury" as physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;

(6) Defining "serious emotional injury" as an injury that creates a substantial risk of medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury must be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty; and

(7) Defining "serious physical injury" as a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

A person commits the offense of abuse or neglect of a child if:

(1) The person knowingly causes a child under 18 years of age to suffer physical or mental injury as a result of abuse or neglect;

(2) The person knowingly causes a child under 18 years of age to be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect; and

(3) The person recklessly causes a child under 18 years of age to suffer from abusive head trauma.

A person does not commit abuse or neglect of a child solely by delivering or allowing the delivery of a child to a provider of emergency services.

The offense of abuse or neglect of a child is a class C felony with no eligibility for probation or parole until the defendant has served at least one year of his or her sentence. If a defendant has previously been found guilty of the abuse or neglect of a child, the crime is a class B felony with no eligibility for probation or parole until the defendant has served at least five years of his or her sentence.

The abuse or neglect of a child is a class A felony with no eligibility for probation or parole until the defendant has served at least 15 years of his or her sentence if:

- (1) The injury to the child is a serious emotional injury or a serious physical injury;
- (2) The child is younger than 14 years of age; and
- (3) The injury to the child is the result of sexual abuse as defined in Section 566.100 or sexual exploitation of a minor as defined in Section 573.023.

A person suspected of abuse or neglect of a child may be referred to an appropriate public or private agency for treatment or counseling by the circuit or prosecuting attorney. The referral does not limit the discretion of the circuit or prosecuting attorney to prosecute the person for his or her actions.

Discipline, including spanking, that is administered in a reasonable manner cannot be construed to be abuse under these provisions.

#### FIRST DEGREE PROPERTY DAMAGE (Section 569.100)

The bill revises the crime of property damage in the first degree to include when a person knowingly damages a motor vehicle of another while making entry into the vehicle for the purpose of committing the crime of stealing or the damage occurs while committing the crime of stealing within the vehicle. Anyone who commits this crime will be guilty of a class C felony unless it is a subsequent violation in which case he or she will be guilty of a class B felony.

## AIRPORT AUTHORITY (Section 1)

The bill allows the fiscal body of one or more eligible entities, acting individually or jointly, to establish an airport authority by adopting an ordinance or a resolution in favor of the establishment of an airport authority. The airport authority has jurisdiction over a district with boundaries conterminous with the jurisdictional boundaries of the entity or entities adopting the ordinance or resolution. The authority is required to have a name that includes the words "airport authority."

## JOINT COMMITTEE ON THE MISSOURI CRIMINAL CODE (Section 2)

The Joint Committee on the Missouri Criminal Code, as established by Senate Concurrent Resolution 28 in this session, must evaluate the removal of offenses from the sexual offender registry which do not jeopardize public safety or do not contribute to the public's assessment of risk associated with offenders.

## **CCS HCS SCS SB 631 -- AGRICULTURE**

This bill changes the laws regarding vocational agriculture programs in private schools; exhibiting livestock; grain dealers; agricultural crimes; weight limits for trucks hauling livestock, agricultural products, or milk; corporate ownership of agricultural land; and videotaping of animal abuse and establishes the Agritourism Promotion Act.

## AGRICULTURAL EDUCATION IN PRIVATE SCHOOLS (Section 178.530, RSMo)

The State Board of Education within the Department of Elementary and Secondary Education is required to develop standards for agricultural vocational education that may be adopted by a private school in order to qualify the school to apply to the state chapter of the Future Farmers of America for the approval of a local chapter. The standards must be equivalent to those for federal vocational education, but the local chapter will not be eligible to receive state or federal vocational education funding except for the funding the school would otherwise be eligible for and must annually reimburse the department for the cost of oversight and maintenance of the program.

## EXHIBITION OF LIVESTOCK (Section 262.255 and Sections 1 and 2)

The Missouri State Fair Commission and the governing bodies of all national, state, and

local fairs and expositions that include the exhibition of livestock are required to permit all qualifying 4-H and Future Farmers of America members to exhibit livestock at the fair or exposition.

The bill requires the governing bodies of all national, state, and local fairs; expositions; and pet shows that include the exhibition of livestock or domestic animals to permit livestock breeders and domestic animal owners to exhibit livestock and animals at its fair, exposition, or pet show in Missouri.

The State Fair Commission or the governing body has the authority to establish rules and fees for participation in its individual events.

#### MISSOURI GRAIN DEALER LAW (Section 276.401)

The definition of "grain dealer" or "dealer" as it applies to the Missouri Grain Dealer Law is modified to exempt a manufacturer or processor of feed whose total grain purchases from producers during his or her fiscal year do not exceed 50,000 bushels and who pays for all grain purchases from producers at the time he or she takes possession of the grain and whose resale of the grain is solely in the form of manufactured or processed feed or feed by-products or whole feed grains to be used by the purchaser as feed. Currently, a manufacturer's total grain purchases cannot exceed \$100,000 in order for him or her not to be considered a grain dealer under these provisions.

#### VEHICLES HAULING LIVESTOCK, AGRICULTURAL PRODUCTS, OR MILK (Section 304.180)

Currently, the total gross weight of a vehicle or combination of vehicles hauling livestock on U. S. Highway 36 from St. Joseph to U. S. Highway 65 and on U. S. Highway 65 from the Iowa state line to U. S. Highway 36 cannot exceed 85,500 pounds. The bill prohibits any vehicle hauling livestock with a total gross weight of more than 85,500 pounds from operating on U. S. Highway 63 from St. Joseph to U. S. Highway 36, on U. S. Highway 65 from the Iowa state line to U. S. Highway 36, on U. S. Highway 63 from the Iowa state line to U. S. Highway 36, and on U. S. Highway 63 from U. S. Highway 36 to Missouri Route 17. The weight limits cannot apply to a vehicle operated on the Dwight D. Eisenhower System of Interstate and Defense Highways.

The bill allows a vehicle weighing 85,500 pounds or less to haul milk from a farm to a processing facility on highways other than the interstate highway system. The weight limits cannot apply to a vehicle operating on the Dwight D. Eisenhower System of

Interstate and Defense Highways.

#### CORPORATE OWNERSHIP OF AGRICULTURAL LAND (Sections 350.015 and 350.016)

Currently, no corporation not already engaged in farming as of September 28, 1975, may engage in farming or acquire agricultural land in Missouri except for under certain circumstances. The bill exempts agricultural land in use as of September 28, 2007, by a corporation, limited liability company, or a limited liability partnership for the production of swine or swine products in Worth, Gentry, or Daviess counties. However, a company is prohibited from expanding its operations on the land except for repairing, maintaining, or rebuilding any of its buildings or conducting activities in order to meet state or federal laws.

#### AGRITOURISM PROMOTION ACT (Sections 537.850, 537.856, and 537.859)

The Agritourism Promotion Act is established which allows for the registration of any person who is engaged in a business which provides agritourism activities in Missouri. The bill:

- (1) Defines "agritourism activity" as any activity which allows the general public for recreational, entertainment, or educational purposes to view or enjoy rural activities including, but not limited to, farming and ranching activities or historic, cultural, or natural attractions;
- (2) Defines "inherent risks of a registered agritourism activity" as dangers or conditions which are an integral part of an agritourism activity including the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others;
- (3) Allows any person who is engaged in a business providing an agritourism activity to register with the Director of the Department of Agriculture as an AgriMissouri member;
- (4) Requires every registered agritourism operator to post and maintain signage at the agritourism location which contains a specified warning notice that there is no liability for certain injuries or the death of a participant in a registered agritourism activity;
- (5) Specifies that a registered agritourism operator is not liable for an injury to or the death of a participant resulting

from the inherent risks of agritourism activities if the warning is posted as required unless the injury to the participant was by the operator's willful or wanton conduct, the operator had actual knowledge or should have known of a dangerous condition and does not make the dangerous condition known to a participant and the dangerous condition injures the participant or the operator fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; and

(6) Specifies that the operator has an affirmative defense to liability if the injured person deliberately disregarded conspicuously posted signs, verbal instructions, or other warnings regarding safety measures during the activity or if any equipment, animals, or appliances used by the injured person during the activity were used in a manner or for a purpose other than that for which a reasonable person should have known they were intended.

#### VIDEOTAPING OF ANIMAL ABUSE (Sections 578.005 and 578.013)

If any individual employed at a location where farm animals are harbored videotapes or otherwise makes a digital recording of suspected animal abuse or neglect to a farm animal, he or she must submit the videotape or digital recording to a law enforcement agency within 24 hours of the recording. The videotape or recording cannot be spliced, edited, or manipulated in any way prior to its submission. An intentional violation is a class A misdemeanor.

#### **CCS HCS SCS SB 635 -- FINANCIAL TRANSACTIONS**

This bill changes the laws regarding financial transactions.

#### SECURITY OF MONEYS DEPOSITED BY THE STATE TREASURER

Currently, an irrevocable standby letter of credit issued by a Federal Home Loan Bank must possess the highest rating issued by at least one nationally recognized statistical rating agency to be acceptable collateral for public deposits. The bill repeals the requirement that the letter be issued by a Federal Home Loan Bank possessing the highest rating and allows a letter of credit issued by any Federal Home Loan Bank to be an acceptable collateral for public deposits.

## PREFERENCE FOR MISSOURI PRODUCTS

Currently, any agricultural product that has been processed or otherwise had value added to it in this state must be given preference by the Commissioner of Administration or any state agent with purchasing power whenever competing bids are comparable. The bill requires forest products and bricks that have been processed or had value added to also receive the preference.

## LOCAL EFFORT CALCULATION FOR SCHOOL FOUNDATION FORMULA

The moneys received in the school fund of Iron County, Reynolds County, Jefferson County, and Washington County from the payment of a civil penalty pursuant to a consent decree in 2011 in the case of United States of America and State of 22 Missouri v. the Doe Run Resources Corporation d/b/a "The Doe Run Company," and the Buick Resource Recycling Facility, LLC, because of environmental violations cannot be included in any school district's local effort calculation for purposes of the school foundation formula.

This provision expires July 1, 2016.

## AGRICULTURAL VOCATIONAL EDUCATION

The State Board of Education within the Department of Elementary and Secondary Education must develop standards for agricultural vocational education that may be adopted by an appropriately accredited private school in order to qualify the school to apply to the state chapter of the Future Farmers of America for the approval of a local chapter. The standards must be equivalent to those for federal vocational education, but the private school will not be eligible to receive state or federal vocational education funding and must annually reimburse the department for the cost of oversight and maintenance of the program.

## MAINTENANCE OF PRIVATE ROADS

The bill specifies that when adjoining homeowners who have an easement or benefitted homeowners for any private road subject to the use of more than one homeowner, in the absence of a prior order or written agreement for the maintenance of the road, are unable to agree in writing upon a plan for the maintenance, repair, or improvement of the private road, one or more of the homeowners may petition the circuit court for an order establishing a plan of maintenance. The cost of the plan must be apportioned

among the homeowners according to the use and benefit to the residential property benefitted by the access as mutually agreed by the homeowners or as ordered by the court. The court may order a plan or may appoint disinterested commissioners to determine a plan and the apportionment of costs. Any agreement executed by all owners for, or final order approving, a plan of maintenance must be recorded with the county recorder of deeds. One or more adjoining landowners or holders of an easement to use a private road may bring an action to enforce the maintenance plan, whether as mutually agreed or as ordered by the court. A private road does not include any road that is owned by the United States, the State of Missouri, or any political entity, instrumentality, or agency of the state. The provisions of the bill do not apply to any land or property owned or operated by a railroad regulated by the Federal Railroad Administration.

#### WATERCRAFT, VEHICLE, AND TRAILER LIENS

Currently, on a refinance of a loan secured by a watercraft, motor vehicle, or trailer, a lien is perfected by delivering the notice of lien to the Director of the Department of Revenue. The bill specifies that this provision only applies to a refinance by a different lender on a prior loan.

#### REAL ESTATE APPRAISERS AND APPRAISAL MANAGEMENT COMPANIES

The bill changes the laws regarding real estate appraisers and appraisal management companies. The bill:

- (1) Renames the Missouri Certified and Licensed Real Estate Appraisers Act the Missouri Certified and Licensed Real Estate Appraisers and Appraisal Management Company Regulation Act;
- (2) Prohibits a person from engaging in the business as an appraisal management company, engaging to perform appraisal management services, or holding himself or herself out as being an appraisal management company without first obtaining a registration issued by the Missouri Real Estate Appraisers Commission within the Department of Insurance, Financial Institutions and Professional Registration;
- (3) Creates the classifications of licensure for appraiser trainees of state-certified general appraiser trainee, state-certified residential appraiser trainee, and state-licensed appraiser trainee. The commission is required to adopt rules and procedures for the issuing and regulating of appraiser trainee licenses;



- (4) Requires state-certified and state-licensed trainees to comply with the Uniform Standards of Professional Appraisal Practice established by the Appraisal Standards Board of the Appraisal Foundation;
- (5) Requires the commission to maintain a registry of the names and addresses of appraisal management companies and to establish by rule the requirements for obtaining a license as an appraisal management company;
- (6) Renames the Missouri Real Estate Appraisers Fund to the Missouri Real Estate Appraisers and Appraisal Management Company Fund;
- (7) Exempts an appraisal management company from specified licensing and examination requirements;
- (8) Removes the provision requiring the signature of the chairman of the commission and a certificate or assigned license number to be on each certificate or license;
- (9) Requires each appraisal management company to disclose its license number on every engagement letter utilized in assigning an appraisal request for assignments within the state;
- (10) Exempts an appraisal management company from the requirement that a certificate or license can only be issued to a natural person;
- (11) Requires an appraisal management company to notify the commission within 30 days of any change in its controlling person, agent of record, ownership composition, or address;
- (12) Authorizes the commission to cause complaints to be filed with the Administrative Hearing Commission against a state-licensed appraisal management company that is a legal entity other than a natural person and adds a cause for a complaint to be filed for influencing an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, or bribery;
- (13) Requires all appraisal management company records to be retained for five years and made promptly available to the commission for inspection and copying;
- (14) Specifies that it will be a class B misdemeanor for any company or controlling person to practice any deception or fraud in its identity in connection with an application

or holding out to the public or representation as a licensed appraisal management company when it is not;

(15) Requires the commission to take all action necessary to be able to issue licenses to qualified applicants seeking a license as an appraisal management company; and

(16) Repeals Sections 339.1100 to 339.1240, RSMo, regarding the Missouri Appraisal Management Company Registration and Regulation Act.

#### IRREVOCABLE LIFE INSURANCE TRUSTS

Currently, a Missouri bank or trust company is authorized to transfer fiduciary obligations consisting only of irrevocable life insurance trusts to the Missouri trust office of an out-of-state bank with trust powers or an out-of-state trust company. The bill allows a bank or trust company created under the laws of this or any other state or national bank with authorized trust authority to transfer those obligations to any bank or trust company with authorized trust authority.

#### PERFECTION OF SECURITY INTERESTS

Currently, a person in the business of selling or leasing goods is not required to file a statement on property held as inventory to perfect a security interest in the property. The bill removes a person in the business of leasing goods of that kind and requires the person to file the required statement.

#### CAREER AND TECHNICAL STUDENT ORGANIZATIONS

The Department of Elementary and Secondary Education must provide staffing support including, but not limited to, statewide coordination for career and technical student organizations' activities that are an integral part of the instructional educational curriculum for career and technical education programs approved by the department. Those organizations include, but are not limited to, DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA. The department must continue to handle the funds from the organizations in the same manner as it did during the 2011-2012 school year and may require the local organization to provide sworn affidavits annually by personnel in the organization who are responsible for the funds as to the proper handling of the funds.

The provisions of the bill regarding career and technical student organizations contain an emergency clause.

## **CCS HCS SB 636 -- JUDICIAL PROCEDURES**

This bill changes the laws regarding judicial procedures.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT (Section 21.771, RSMo)

The Joint Committee on Child Abuse and Neglect of the General Assembly is established composed of seven members of the House of Representatives appointed by the Speaker and Minority Floor Leader and seven members of the Senate appointed by the President Pro Tem and the Minority Floor Leader.

The joint committee is required to:

- (1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;
- (2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;
- (3) Determine the additional personnel and resources necessary to adequately protect children in this state and improve their welfare and the welfare of families;
- (4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;
- (5) Determine from its study and analysis the need for changes in statutory law;
- (6) Make any recommendation to the General Assembly necessary to provide adequate protection for the children of our state;
- (7) Meet within 30 days after its creation and select a chairperson and a vice chairperson and meet quarterly thereafter; and
- (8) Compile a full report of its activities for submission to the General Assembly by January 15 of each year that the General Assembly convenes in regular session.

These provisions expire January 15, 2018.

## DRIVER'S REGISTRATION AND MOTOR VEHICLE RECORDS (Section 32.056)

Currently, the Department of Revenue is prohibited from releasing the home address or any other information contained in the department's motor vehicle or driver registration records on specified groups of individuals. The bill adds any state or federal judge or his or her immediate family members to those groups and specifies that the department cannot release any information that identifies any vehicle owned or leased by the specified groups in its records.

## MUNICIPAL COURTS (Section 67.320)

The bill authorizes Franklin County to prosecute and punish violations of its county orders in the circuit court or in a county municipal court if the creation of a county municipal court is approved by an order of the county commission. The Franklin County Commission must appoint the first judges for the county municipal court for a term of four years, and thereafter the judges must be elected for a term of four years. The commission must establish by order the number of judges to be appointed and the qualifications for their appointment (Section 67.320)

## REIMBURSEMENTS TO BI-STATE DEVELOPMENT AGENCY (Section 70.441)

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

## JUVENILE COURT JURISDICTION (Section 211.031)

The age when the juvenile court will have jurisdiction over a child involving a state or local traffic violation is changed from a child up to 15 1/2 years of age to a child up to 15 years of age.

## VIDEOCONFERENCING OF OFFENDERS (Section 217.670)

The bill allows the Board of Probation and Parole within the Department of Corrections, or a hearing panel of the board, to conduct a hearing with an offender by means of a

videoconference at its discretion. Victims having a right to attend parole hearings may testify at the site where the board is conducting the videoconference or at the institution where the offender is located. The use of videoconferencing cannot be utilized if the offender, victim, or victim's family object to it.

#### PERFECTION OF SECURITY INTERESTS (Section 400.9-311)

Currently, a person in the business of selling or leasing goods is not required to file a statement on property held as inventory to perfect a security interest in the property. The bill removes a person in the business of leasing goods of that kind and requires the person to file the required statement.

#### QUALIFIED SPOUSAL TRUSTS (Section 456.950)

The bill changes the requirements for a qualified spousal trust to allow the trust to consist of both property held in one trust for both spouses and property held in two shares in one trust for each spouse.

#### STATEWIDE COURT AUTOMATION FUND (Section 476.055)

Currently, the provisions regarding the fee assessed in certain court cases which is to be deposited into the Statewide Court Automation Fund expire on September 1, 2013. The bill extends the expiration date to September 1, 2015. The Court Automation Committee is required to complete its duties by September 1, 2017. Currently, the committee must complete its duties prior to September 1, 2015.

#### MUNICIPAL ORDINANCE VIOLATIONS (Section 479.040)

Currently, a city, town, or village with less than 400,000 residents can choose to have violations of its municipal ordinances heard and determined by either a county municipal court or an associate circuit court, and once the choice is made, all municipal ordinance violations will be heard by that court. The bill authorizes a city, town, or village to elect to have violations involving an accused with special needs due to mental disorder or mental illness, or whose special needs, circumstances, and charges cannot adequately be accommodated by the municipal court to be heard and determined by the associate circuit court or county municipal court. The associate circuit court or county municipal court must be able to provide adequate accommodations and resources for specifically handling these matters and must consent to the transfer.

## ST. LOUIS CITY CIRCUIT CLERK (Section 483.015)

Currently, the circuit clerk in the 22nd Judicial Circuit for the City of St. Louis is elected by the qualified voters of the city. The bill requires him or her to be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The clerk must be removable for cause by a majority of the circuit judges and associate judges of the circuit, en banc, in accordance with Supreme Court administrative rules governing court personnel. The elected circuit clerk that is holding office when these provisions become effective must continue to hold office for the duration of his or her elected term.

## CONDEMNATION PROCEEDINGS (Sections 508.050 and 523.010)

Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under Article VI, Section 30(a) of the Missouri Constitution must be brought only in the county where the land or any part of the land lies.

## **CCS SS SB 665 -- REAL PROPERTY**

This bill changes the laws regarding real property.

The bill allows a municipality by ordinance to annex property that the municipality owns that is contiguous with the municipality if the area is to be used only for parks and recreation purposes.

Currently, community college districts and public school districts may only own real property within their boundaries. The bill specifies that this provision will not apply to community college districts.

The bill authorizes the Governor to convey certain state property located in Pike, Macon, DeKalb, Jackson, Johnson, Howell, Ozark, Dallas, St. Clair, St. Louis, and Bates counties to the State Highways and Transportation Commission and to convey an easement located near the Chateau State Owned Office Building in the City of St. Louis.

## **HCS SS SCS SB 682 -- INTERVENTIONAL PAIN MANAGEMENT**

This bill prohibits any person other than a licensed physician from performing specified interventions in the course of diagnosing or treating chronic, persistent, and intractable pain or pain occurring outside of a surgical, obstetrical, or post-operative course of care. The techniques limited to a licensed physician are ablation of targeted nerves; placement of drugs in the spinal column under fluoroscopic guidance; or laser or endoscopic disectomy, or the surgical placement infusion pumps, and or spinal cord stimulators. These provisions cannot be construed to prohibit or restrict the performance of surgical or obstetrical anesthesia services or post-operative pain control by a certified registered nurse anesthetist or licensed anesthesiologist assistant. The State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration may promulgate rules to implement the provisions of the bill but cannot define or regulate the scope of practice of certified registered nurse anesthetists.

The provisions of the bill expire four years after the effective date.

## **SS SCS SB 689 -- CRIMES AGAINST THE ELDERLY AND DISABLED**

Currently, a person commits the crime of elder abuse in the second degree, a class B felony, if he or she recklessly and purposely causes serious physical injury to a person 60 years of age or older or an adult with a disability. This bill revises the provision so that a person will be guilty of the crime if he or she recklessly or purposely causes serious physical injury.

The bill revises the crime of financial exploitation of an elderly or disabled person to include if a person knowingly by undue influence obtains control over an elderly or disabled person's property with the intent to permanently deprive the person of the use, benefit, or possession thereby benefitting the person or detrimentally affecting the elderly or disabled person. As used in these provisions, "undue influence" means the use of influence by someone who exercises authority over an elderly or disabled person in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony and includes the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.

The bill specifies that it is unlawful for any person receiving or in possession of funds of

a Medicaid-eligible elderly or disabled person residing in a licensed facility to fail to remit to the facility all moneys owed to the facility resident from any source. The Family Support Division within the Department of Social Services is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney for the purposes of investigating or prosecuting any suspected violation of these provisions. The prosecuting or circuit attorney, upon successful prosecution, may request the circuit court to order, as a condition of sentence and/or probation, restitution of all amounts unlawfully withheld from a facility. Any order of restitution must provide that 10% of any restitution amount paid must be paid to the prosecuting or circuit attorney successfully prosecuting the violation to compensate for the costs of prosecution with the remaining amount to be paid to the facility.

### **SCS SB 715 -- MEMBERS OF THE STATE MILITIA**

This bill allows the Adjutant General to waive the maximum age requirement for a member of the state militia on a case-by-case basis. Currently, the maximum age for service is 64 years.

The bill repeals the provision regarding the procedure by which a member of the state military may file a complaint regarding his or her commanding officer.

### **CCS#2 SS SCS SB 719 -- TRANSPORTATION**

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

(1) Specifies that the successful completion of a military motorcycle rider training course that meets or exceeds the Motorcycle Safety Foundation curriculum standards by an applicant who is an active member of the United States armed forces must constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle and that no further driving test can be required to obtain a motorcycle or motortricycle license or endorsement;

(2) Repeals provisions regarding the issuance of a temporary boater education permit to a nonresident and allows any person or company that rents or sells vessels to issue



a temporary boating safety identification card to a nonresident of the state to operate a rented vessel or a vessel being considered for sale for a period of up to seven days.  
The bill:

- (a) Requires the applicant meet the minimum age requirements;
  - (b) Requires the applicant for a temporary boater education permit to provide a valid driver's license establishing that he or she is a nonresident and sign an affidavit stating that he or she has reviewed the Missouri State Highway Patrol Handbook of Missouri Boating Laws and Responsibilities;
  - (c) Requires the State Highway Patrol to charge a \$9 fee to be deposited into the Water Patrol Division Fund for the identification card;
  - (d) Specifies that a nonresident is eligible for only one card;
  - (e) Requires a person or company issuing a temporary boating safety identification card to be able to transmit the applicant's information and payment to the patrol using an electronic online registration process developed and provided by the patrol. The electronic online registration process must allow the applicant to pay the fee by credit card or debit card;
  - (f) Requires the patrol to develop, by rule, a boating safety checklist for each applicant;  
and
  - (g) Specifies that the provisions regarding the issuance of a temporary boater safety identification card expire December 31, 2022;
- (3) Requires that the "Year Manufactured" on an outboard motor title reflect the year a dealer purchased it from the manufacturer or if it is purchased on or after July 1 of any year, to reflect the following year unless the manufacturer indicates a specific model or program year; and
- (4) Exempts the normal and customary use of public roads by commercial and noncommercial organizations to transport persons or vehicles from the prohibition on the use of the roads without written permission from the Department of Natural Resources.

The provisions of the bill regarding boater safety identification cards and the use of

state park roads contain an emergency clause.

### **SCS SB 729 -- COUNTY PURCHASES**

This bill specifies that Boone and Greene counties are not required to obtain bids on purchases of \$6,000 or less. Currently, the amount required is \$4,500 or less for all counties.

Currently, a county may waive competitive bidding when the county commission determines that there is only one feasible source for the supply. The commission must post notice for proposed purchases of \$3,000 or more and also advertise in the newspaper for purchases of \$5,000 or more. The bill changes the notice and advertising requirements for Boone and Greene counties, so that they are only required to advertise and post notice on a proposed purchase of \$6,000 or more.

### **SB 736 -- SPECIAL ROAD AND BRIDGE TAX IN ST. FRANCOIS COUNTY**

This bill exempts St. Francois County from the requirement that certain specified counties spend at least 25% of its revenue from the county's special road and bridge tax levied upon property situated in cities, towns, or villages within the county be spent on the repair and improvement of existing roads and bridges within the cities, towns, and villages from which the revenue accrued.

### **CCS HCS SS SB 749 -- RELIGIOUS BELIEFS AND CONVICTIONS**

This bill changes the laws regarding the protection of the religious beliefs and moral convictions of certain persons and entities. The bill specifies that rights guaranteed under the bill are in addition to those guaranteed under Section 376.805, RSMo, relating to health plan coverage of abortion, and Section 376.1199, relating to health plan coverage of certain obstetrical and gynecological benefits and pharmaceutical coverage.

An employee or any other person, employer, health plan provider or sponsor, health

care provider, or other entity cannot be compelled to obtain coverage for or be discriminated against or penalized for declining or refusing coverage for abortion, contraception, or sterilization in a health plan if the items or procedures are contrary to the religious beliefs or moral convictions of the employee, employer, health plan provider or sponsor, health care provider, or any other entity or person. No health plan, plan sponsor, health care provider, employer, employee, or other entity or person can be discriminated against by any governmental entity, public official, or entity acting in a governmental capacity for its or his or her unwillingness, based on religious beliefs or moral convictions, to obtain or provide coverage for, pay for, participate in, or refer for abortion, contraception, or sterilization in a health plan.

The Missouri Attorney General can bring a civil action in any appropriate state or federal court whenever he or she has reasonable cause to believe that a law that protects the religious beliefs or moral convictions of the entities or persons has been or is threatened to be denied. These provisions cannot preclude a private cause of action by any person or entity aggrieved by a violation of the provisions of the bill or be considered a limitation on any other remedy permitted by law. A court may order any appropriate relief, including recovery of damages, payment of reasonable attorney fees, costs, and expenses.

The bill defines "sterilization" as any elective medical procedure for which the sole purpose is to make an individual incapable of reproduction.

Currently, a health carrier may issue a health benefit plan that excludes coverage for contraceptives based on a moral, ethical, or religious objection. The bill requires a health carrier to offer and issue a plan to any person or entity. Any health benefit plan issued must provide clear and conspicuous written notice on the employee's health benefit plan application and contract about an optional rider for an elective abortion and that the employee has the right to exclude and not pay for coverage of elective abortions if the coverage is contrary to his or her religious beliefs and moral convictions.

The provisions of the bill regarding the protection of religious beliefs and moral convictions contain an emergency clause.

## **SS SCS SB 755 -- HOUSE OF WORSHIP PROTECTION ACT**

This bill establishes the House of Worship Protection Act which specifies that a person

commits the crime of disrupting a house of worship if he or she intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making unreasonable noise either within the house or so near it as to disturb the order and solemnity of the worship services; intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship; or seeks access to a house of worship by force, threat, or physical obstruction. Disrupting a house of worship is a class B misdemeanor for a first offense, a class A misdemeanor for a second offense, and a class D felony for any third or subsequent offense. "House of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.

## **CCS HCS SS SB 769 – STATE AND LOCAL STANDARDS**

This bill changes the laws regarding Jackson County Transit Authority taxes, enterprise zones, residential construction regulatory systems, anemometer towers, and health information organizations.

### **JACKSON COUNTY TRANSIT AUTHORITY TAXES**

Sales taxes levied by the Jackson County Transit Authority cannot be deposited into a special allocation fund for the purposes of tax increment financing.

### **ENTERPRISE ZONES**

The bill specifies that the exemptions from the assessment and payment of one-half of the taxes imposed on improvements to real property in an enterprise zone or in an enhanced enterprise zone only apply if the political subdivision or municipality levies ad valorem taxes.

### **RESIDENTIAL CONSTRUCTION REGULATORY SYSTEMS**

The bill specifies that if any city, town, village, or county adopts, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection district wholly or partially located therein is prohibited from enforcing or implementing a residential construction regulatory

system. Any regulatory system adopted by a fire protection district must be treated as advisory only and cannot be enforced. Fire protection districts will have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes and can inspect residential dwellings but cannot charge a fee for the services.

## **ANEMOMETER TOWERS**

The bill requires an anemometer tower, which is a wind speed testing tower, that is located outside of a municipality's boundaries and is 50 feet or more in height and whose appearance is not otherwise mandated by state or federal law to have certain safety markings. The top third of the tower must be painted in equal, alternating bands of aviation orange and white, each outside guy wire must have two attached marker balls, the vegetation around guy wire anchor points must contrast with surrounding vegetation, and guy wires must have safety sleeves. If the adjacent land is grazed, the area surrounding the anchor point must be fenced. An owner of an anemometer tower in existence as of August 28, 2012, is given until January 1, 2014, to comply with these requirements. A violation of these provisions is a class B misdemeanor.

## **HEALTH INFORMATION ORGANIZATIONS**

No law or rule promulgated by an agency of the state may impose a fine or penalty against a health care provider, hospital, or health care system for failing to participate in any particular health information organization.

## **SCS SB 789 -- DNA PROFILING**

This bill changes the laws regarding DNA profiling analysis. In its main provisions, the bill:

(1) Requires a surcharge to be assessed for deposit into the DNA Profiling Analysis Fund in all criminal cases in which the defendant is found guilty except for traffic violations in which the defendant is found guilty of a misdemeanor. Currently, it is assessed in all criminal cases, except traffic violations, in which the defendant pleads guilty or nolo contendere to or is convicted;

(2) Repeals the provision requiring the moneys collected by the surcharge to be

deposited into the General Revenue Fund if the state's general revenue did not increase by 2% or more from the previous fiscal year and extends the expiration date from August 28, 2013, to August 28, 2019, regarding the assessment of the surcharge;

(3) Specifies that the moneys deposited into the DNA Profiling Analysis Fund are to be used by the State Highway Patrol Crime Laboratory for the purposes of the DNA Profiling System;

(4) Requires a DNA sample to be collected from any person found guilty of any felony offense who moves to Missouri under an interstate compact or other reciprocal agreement;

(5) Requires any person subject to DNA collection and profiling analysis to provide a DNA sample at the time of registering as a sexual offender;

(6) Specifies that when a DNA sample is taken from an arrestee for any offense under Section 650.055.1(2), RSMo, and the prosecutor declines prosecution, the arresting agency must notify the crime laboratory within 90 days of warrant refusal and the crime laboratory must expunge from the database all DNA records and destroy the DNA sample taken at the arrest for which the prosecutor declined prosecution unless the crime laboratory determines within 30 days that the person is otherwise obligated to submit a DNA sample for any other qualifying offense or arrest that would require a sample to be taken and retained; and

(7) Defines "expunge" as to destroy an individual's DNA sample and remove the DNA record from the state DNA database.

## **SCS SB 835 -- REGULATION OF FIREWORKS**

This bill changes references to fireworks classifications by referencing the Code of Federal Regulations when defining consumer fireworks, display fireworks, fireworks, and proximate fireworks and removes the reference to American Pyrotechnics Association standards. The bill specifies that ground salutes, commonly known as cherry bombs, M-80's, M-100's, and M-1,000's, which exceed the limits set for consumer fireworks, display fireworks, or proximate fireworks for explosive composition, are prohibited in Missouri for consumer use. These provisions do not prohibit a manufacturer, distributor, or any other person possessing the proper permits as

specified by state and federal law from storing, selling, shipping, or otherwise transporting fireworks.

The bill contains an emergency clause.

### **SCS SB 837 -- PYRAMID SALES SCHEMES**

This bill revises the definition of "franchise" as it applies to pyramid sales schemes to include a commercial arrangement between a wholesaler and a supplier with or without the grant of a license to use a trade name, trademark, service mark, or related characteristic, and whether or not there is a community of interest in the marketing of goods or services.

The bill specifies that Section 407.400, RSMo, as amended, must be interpreted as set forth by the court in *High Life Sales Company v. Brown-Forman Corporation*, 823 S.W.2d 493 (Mo. 1992) and *Brown-Forman Distillers Corp. v. McHenry*, 566 S.W.2d 194 (Mo. 1978) rather than in *Missouri Beverage Company, Inc. v. Shelton Brothers, Inc.* 796 F. Supp. 2d 988 (W.D. Mo. 2011), *aff'd*, 11-2456 (8th Cir. February 28, 2012) and the legislature declares that the federal court's interpretation of the subdivision as set forth in the Missouri Beverage case must be abrogated in favor of the preceding cases.

### **SCS SJR 51 -- NONPARTISAN SELECTION OF JUDGES**

Upon voter approval, this proposed constitutional amendment changes the composition of the Appellate Judicial Commission and the selection process for the appointment of judges to the Supreme Court and the Court of Appeals. The number of individuals submitted by the Appellate Judicial Commission for consideration by the Governor for a vacancy in the Supreme Court or Court of Appeals is increased from three to four.

Currently, the commission consists of a judge of the Missouri Supreme Court chosen by its members; three attorney members, one elected by members of the Missouri Bar in each appellate district; and three non-attorney members, one appointed by the Governor from each appellate district. The resolution changes the membership to consist of seven voting members and one nonvoting member including a former judge

of the court of appeals or the Supreme Court who has not lost a retention election or been removed for cause to serve as the nonvoting member selected by the members of the Supreme Court whose first term will begin January 15, 2013; a member of the Missouri Bar from each court of appeals district elected by its members in each district; and four citizens appointed by the Governor, one from each court of appeals district and one from the state at-large. The appointed members will serve staggered terms so that the term of two members will end on January 15, 2015, and the term of two members will end on January 15, 2017. The terms of all subsequently appointed members will end four years after the termination of the prior term. Vacancies occurring in unexpired terms must be filled for the remainder of the unexpired term. These changes take effect on January 15, 2013.