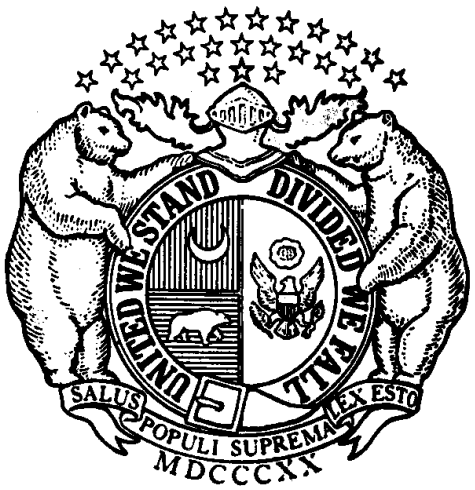
MISSOURI
HOUSE OF REPRESENTATIVES

TIMOTHY W. JONES
SPEAKER

SUMMARIES OF TRULY AGREED TO AND FINALLY PASSED BILLS

97th GENERAL ASSEMBLY
FIRST REGULAR SESSION

2013



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MISSOURI
HOUSE OF REPRESENTATIVES

During the 2013 legislative session, the Missouri General Assembly took important strides toward making our great state of Missouri an even better place to live, work and raise a family. We began the year by putting forth a "Triple E" legislative agenda that focused on three areas vital to the continued prosperity and well-being of all Missourians – economic development, education and energy. From January to mid-May we worked to put our agenda into action as the House and Senate collaborated to pass more than 160 bills that address these key issue areas, as well as a host of other issues that are important to Missouri families and businesses.

As we worked to stimulate our recovering economy, my colleagues and I were able to pass the most significant tax cut package in nearly a century. The legislation would lower the tax rate for all working Missourians and for small employers and larger companies. The goal is to make Missouri a low-tax state where families and businesses can keep more of their hard-earned dollars, and where new businesses will want to relocate.

Building on our economic development efforts, we also approved legislation to fix our bankrupt Second Injury Fund and to make important changes to our workers' compensation system. These much-needed changes will improve our business climate while also ensuring injured workers receive the benefits they are due. We also passed bills to make necessary reforms to our system of unemployment compensation, streamline and improve our business incentive programs that attract new jobs to Missouri, and give the state Department of Economic Development greater flexibility and more options when providing job training assistance to Missourians. All of these actions are designed to make Missouri an ideal location for both employers and employees.

Our education efforts resulted in the passage of legislation that provides the State Board of Education much greater flexibility and authority when trying to improve outcomes in failing school districts. The bill allows state education officials to intervene sooner to turn around struggling Missouri school districts, and gives them additional options for how to govern an unaccredited district. This is an important step that will put our failing schools back on the path to success.

We rounded out our "Triple E" agenda by passing bills with a focus on improving the infrastructure for our utilities here in Missouri. One piece of legislation allows gas corporations to perform additional maintenance to resolve problems with decaying infrastructure, which will save transaction costs in rate cases and create new jobs. Another bill encourages and streamlines the deployment of broadband facilities to help ensure that robust wireless communication services are available throughout Missouri. Both bills put Missouri on a path to a future where our utilities will be able to meet the ever-increasing demands of Missouri citizens.

In addition to our "Triple E" priorities, the 2013 session saw us pass a number of bills that will substantively improve the way we live our lives. Some of the bills we approved will protect the Second Amendment rights of Missouri citizens, prevent "webcam" abortions here in Missouri, ensure cases of child abuse are properly reported and investigated, encourage charitable donations to organizations like pregnancy resources centers and food pantries, and protect our welfare system from fraud and abuse. This year we also approved a proposed constitutional amendment to protect the rights of Missouri farmers.

These legislative accomplishments are meant to provide you, your family and your neighbors with a better quality of life. Within this booklet you will find summaries of the bills I have mentioned, as well as many others. I hope you find this information helpful.

Sincerely,

Speaker Tim Jones

TABLE OF CONTENTS

ABBREVIATIONS

HB — House Bill

HCS — House Committee Substitute

HJR — House Joint Resolution

SB — Senate Bill

SCS — Senate Committee Substitute

SJR — Senate Joint Resolution

SS — Senate Substitute

CCS — Conference Committee Substitute

EFFECTIVE DATE OF BILLS

Unless they have a referendum clause, all bills are subject to approval or veto by the Governor. Regular session bills approved by the Governor become effective on August 28, 2013, unless another date is specified in the bill or the bill contains an emergency clause. A bill with an emergency clause becomes effective upon approval of the Governor except where a later date is specified.

TRULY AGREED TO AND FINALLY PASSED

HOUSE BILLS

OPERATING APPROPRIATIONS SUMMARY

House Bill		FY 2013 Budget	FY 2014 TAFP	FY 2014 After Veto
1	**Public Debt**			
	General Revenue	$ 45,168,930	$ 68,095,974	$ 68,095,974
	Federal Funds	0	0	0
	Other Funds	2,425,406	2,046,748	2,046,748
	Total	$ 47,594,336	$ 70,142,722	$ 70,142,722
2	**Elementary and Secondary Education**			
	General Revenue	$ 2,917,473,811	$ 2,897,809,349	$ 2,897,809,349
	Federal Funds	1,077,754,530	1,098,047,023	1,098,047,023
	Other Funds	1,363,225,930	1,508,047,074	1,508,047,074
	Total	$ 5,358,454,271	$ 5,503,903,446	$ 5,503,903,446
	FTE Total	1,689.76	1,693.76	1,693.76
3	**Higher Education**			
	General Revenue	$ 850,432,626	$ 863,988,647	$ 863,988,647
	Federal Funds	7,064,316	6,064,165	6,064,165
	Other Funds	345,081,189	340,411,690	340,411,690
	Total	$ 1,202,578,131	$ 1,210,464,502	$ 1,210,464,502
	FTE Total	75.67	79.20	79.20
4	**Revenue**			
	General Revenue	$ 84,888,008	$ 100,453,251	$ 100,453,251
	Federal Funds	8,350,708	6,600,729	6,600,729
	Other Funds	355,171,990	364,726,988	364,726,988
	Total	$ 448,410,706	$ 471,780,968	$ 471,780,968
	FTE Total	1,402.55	1,374.55	1,374.55
4	**Transportation**			
	General Revenue	$ 9,344,129	$ 13,644,129	$ 13,644,129
	Federal Funds	174,180,128	175,439,098	175,439,098
	Other Funds	1,966,208,703	1,936,969,449	1,936,969,449
	Total	$ 2,149,732,960	$ 2,126,052,676	$ 2,126,052,676
	FTE Total	5,812.68	5,653.49	5,653.49
5	**Office of Administration**			
	General Revenue	$ 112,500,194	$ 138,351,467	$ 138,351,467
	Federal Funds	81,423,009	106,701,600	106,701,600
	Other Funds	67,686,780	39,123,711	39,123,711
	Total	$ 261,609,983	$ 284,176,778	$ 284,176,778
	FTE Total	2,176.07	2,178.57	2,178.57
5	**Employee Benefits**			
	General Revenue	$ 492,059,783	$ 524,310,621	$ 524,310,621
	Federal Funds	179,160,497	190,445,876	190,445,876
	Other Funds	157,012,713	171,037,687	171,037,687
	Total	$ 828,232,993	$ 885,794,184	$ 885,794,184

House Bill		FY 2013 Budget	FY 2014 TAFP	FY 2014 After Veto
6	**Agriculture**			
	General Revenue	$ 14,596,437	$ 10,448,807	$ 10,448,807
	Federal Funds	4,500,772	4,446,472	4,446,472
	Other Funds	21,545,025	23,290,257	23,290,257
	Total	$ 40,642,234	$ 38,185,536	$ 38,185,536
	FTE Total	413.01	413.58	413.58
6	**Natural Resources**			
	General Revenue	$ 9,466,601	$ 12,853,989	$ 12,853,989
	Federal Funds	74,450,189	59,868,876	59,868,876
	Other Funds	508,980,380	297,951,856	297,951,856
	Total	$ 592,897,170	$ 370,674,721	$ 370,674,721
	FTE Total	1,755.30	1,756.80	1,756.80
6	**Conservation**			
	General Revenue	$ 0	$ 0	$ 0
	Federal Funds	0	0	0
	Other Funds	146,827,160	147,339,487	147,339,487
	Total	$ 146,827,160	$ 147,339,487	$ 147,339,487
	FTE Total	1,812.81	1,812.81	1,812.81
7	**Economic Development**			
	General Revenue	$ 36,566,668	$ 58,351,086	$ 58,326,086
	Federal Funds	272,431,564	222,906,428	222,906,428
	Other Funds	54,095,047	56,156,148	56,156,148
	Total	$ 363,093,279	$ 337,413,662	$ 337,388,662
	FTE Total	934.25	908.75	908.75
7	**Insurance Fin Inst Prof Reg**			
	General Revenue	$ 0	$ 0	$ 0
	Federal Funds	2,666,798	1,773,348	1,773,348
	Other Funds	37,007,548	38,567,165	38,567,165
	Total	$ 39,674,346	$ 40,340,513	$ 40,340,513
	FTE Total	578.33	580.33	580.33
7	**Labor and Industrial Relations**			
	General Revenue	$ 1,744,718	$ 2,204,419	$ 2,204,419
	Federal Funds	65,523,016	67,280,858	67,280,858
	Other Funds	66,679,664	86,584,656	86,584,656
	Total	$ 133,947,398	$ 156,069,933	$ 156,069,933
	FTE Total	824.06	823.06	823.06
8	**Public Safety**			
	General Revenue	$ 62,942,001	$ 64,160,551	$ 64,160,551
	Federal Funds	117,793,049	215,413,587	215,413,587
	Other Funds	378,735,838	390,207,602	390,207,602
	Total	$ 559,470,888	$ 669,781,740	$ 669,781,740
	FTE Total	4,971.41	5,007.21	5,007.21

House Bill		FY 2013 Budget	FY 2014 TAFP	FY 2014 After Veto
9	**Corrections**			
	General Revenue	$ 602,496,808	$ 623,274,962	$ 623,274,962
	Federal Funds	10,253,537	5,895,653	5,895,653
	Other Funds	54,583,675	48,230,921	48,230,921
	Total	$ 667,334,020	$ 677,401,536	$ 677,401,536
	FTE Total	11,038.85	11,022.85	11,022.85
10	**Mental Health**			
	General Revenue	$ 601,962,619	$ 655,315,830	$ 655,285,830
	Federal Funds	736,276,639	895,507,925	895,507,925
	Other Funds	54,835,177	58,414,072	58,414,072
	Total	$ 1,393,074,435	$ 1,609,237,827	$ 1,609,207,827
	FTE Total	7,402.64	7,445.16	7,445.16
10	**Health**			
	General Revenue	$ 270,841,030	$ 277,702,486	$ 277,702,486
	Federal Funds	749,850,856	814,947,687	814,947,687
	Other Funds	22,952,087	19,443,679	19,443,679
	Total	$ 1,043,643,973	$ 1,112,093,852	$ 1,112,093,852
	FTE Total	1,787.66	1,785.66	1,785.66
11	**Social Services**			
	General Revenue	$ 1,499,368,101	$ 1,561,796,448	$ 1,561,796,448
	Federal Funds	4,291,533,147	4,494,955,903	4,494,955,903
	Other Funds	2,433,857,166	2,491,055,970	2,491,055,970
	Total	$ 8,224,758,414	$ 8,547,808,321	$ 8,547,808,321
	FTE Total	7,219.71	7,158.33	7,158.33
12	**Elected Officials**			
	General Revenue	$ 49,614,090	$ 49,376,175	$ 49,376,175
	Federal Funds	19,963,802	21,309,603	21,309,603
	Other Funds	42,540,285	50,107,219	50,107,219
	Total	$ 112,118,177	$ 120,792,997	$ 120,792,997
	FTE Total	986.02	963.52	963.52
12	**Judiciary**			
	General Revenue	$ 170,814,312	$ 173,091,690	$ 173,091,690
	Federal Funds	10,549,761	10,578,824	10,578,824
	Other Funds	13,626,679	14,348,965	14,348,965
	Total	$ 194,990,752	$ 198,019,479	$ 198,019,479
	FTE Total	3,406.05	3,407.05	3,407.05
12	**Public Defender**			
	General Revenue	$ 36,321,545	$ 35,257,358	$ 35,257,358
	Federal Funds	125,000	125,000	125,000
	Other Funds	2,980,952	2,981,482	2,981,482
	Total	$ 39,427,497	$ 38,363,840	$ 38,363,840
	FTE Total	587.13	587.13	587.13

House Bill		FY 2013 Budget	FY 2014 TAFP	FY 2014 After Veto
12	**General Assembly**			
	General Revenue	$ 32,801,178	$ 33,026,615	$ 33,026,615
	Federal Funds	0	0	0
	Other Funds	292,509	292,833	292,833
	Total	$ 33,093,687	$ 33,319,448	$ 33,319,448
	FTE Total	686.17	687.17	687.17
13	**Statewide Leasing**			
	General Revenue	$ 112,403,741	$ 113,289,512	$ 113,289,512
	Federal Funds	21,896,084	22,870,507	22,870,507
	Other Funds	15,509,091	15,438,454	15,438,454
	Total	$ 149,808,916	$ 151,598,473	$ 151,598,473
	Total Operating Budget			
	General Revenue	$ 8,013,807,330	$ 8,276,803,366	$ 8,276,748,366
	Federal Funds	7,905,747,402	8,421,179,162	8,421,179,162
	Other Funds	8,111,860,994	8,102,774,113	8,102,774,113
	Total	$ 24,031,415,726	$ 24,800,756,641	$ 24,800,701,641
	FTE Total	55,560.13	55,338.98	55,338.98

Supplemental & Capital Improvement Appropriations

		FY 2014 TAFP	FY 2014 After Veto
HB 14	**Supplemental - Operating**		
	General Revenue	$ 22,984,056	$ 22,984,056
	Federal Funds	152,691,454	152,691,454
	Other Funds	43,372,606	43,372,606
	Total	$ 219,048,116	$ 219,048,116

HB 17 Reappropriations
Appropriates unexpended balances for capital improvements previously authorized in other appropriations.

		YEAR 1	YEAR 1
HB 18	**Maintenance & Repair**		
	General Revenue	$ 70,000,000	$ 70,000,000
	Federal Funds	20,942,724	20,942,724
	Other Funds	32,115,523	32,115,523
	Total	$ 123,058,247	$ 123,058,247
HB 19	Capital Improvements		
	General Revenue	$ 125,000,000	$ 125,000,000
	Federal Funds	16,308,072	16,308,072
	Other Funds	51,275,626	50,275,626
	Total	$ 192,583,698	$ 191,583,698

SS SCS HCS HB 28 — DEPARTMENT OF NATURAL RESOURCES

This bill changes the laws regarding the Department of Natural Resources. In its main provisions, the bill:

(1) Authorizes the department to submit fingerprints to the State Highway Patrol for the purpose of checking the criminal history of a person seeking employment or the issuance or renewal of a license, permit, certificate, or registration of authority;

(2) Authorizes any county commission to adopt, upon the determination of the State Fire Marshal that it is appropriate, an order or ordinance issuing a burn ban which may carry a penalty of up to a class A misdemeanor for a violation. A state agency responsible for fire management or suppression activities and a person conducting agricultural burning using best management practices will not be subject to the order or ordinance. The county burn ban may prohibit the explosion or ignition of any missile or skyrocket but may not ban the explosion or ignition of other consumer fireworks;

(3) Transfers all powers, duties, and functions of the Land Survey Program and the Land Survey Commission within the Department of Natural Resources to the Department of Agriculture by Type 1 transfer;

(4) Specifies that if the Land Survey Program headquarters are located in any building owned by a state agency or department, the department cannot charge any fee above the amount paid to the Office of Administration for utilization of the building and designates the building that holds the permanent headquarters of the program as the "Robert E. Myers Building";

(5) Renames the Department of Natural Resources Revolving Services Fund as the Department of Agriculture Land Survey Revolving Services Fund and transfers the balance of the funds from the reproduction and sale of land survey documents into the newly created fund;

(6) Requires one member of the Dam and Reservoir Safety Council within the Department of Natural Resources to be from each of the state's three United States Congressional districts with the highest number of dams and requires the council to prepare and present an annual report to the General Assembly by December 31;

(7) Authorizes the State Treasurer to invest all of the moneys in the State Park Earnings Fund in the same manner as other funds are invested. Any interest earned on these investments must be credited to the fund;

(8) Allows the department to designate an area within any state park to serve as a dog park or an off-leash area for domestic household animals;

(9) Creates the Multi-Purpose Water Resource Program Renewable Water Program Fund for the purpose of providing, upon appropriation, grants and financial assistance for water supply storage treatment and water-related facilities under the Multipurpose Water Resource Act;

(10) Eliminates the State Inter-agency Council for Outdoor Recreation and transfers the duties of the council as well as any functions related to state parks or historic sites, recreational trails, outdoor recreation, specified federal grant programs, or any other law to the department;

(11) Defines "disclosure statement" as it relates to a commercial waste processing facility or a solid waste disposal area to mean a sworn statement or affirmation in the form as may be required by the department director and specifies the information that must be included in the statement. The definition of "person" is revised to include a limited liability company, trust, or any other legal entity;

(12) Defines "key personnel" as it relates to a commercial waste processing facility or a solid waste disposal area as the applicant and any person employed by the applicant who is empowered to make discretionary decisions regarding the solid waste operations of the applicant in Missouri or if the applicant has not previously conducted solid waste operations in the state, any officer, director, partner, or any holder of at least 7% of the equity or debt of the applicant. Key personnel also includes the chief executive officer of any federal or state agency or any political subdivision and all key personnel of an entity that operates a landfill or a facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under a contract with or for one of these governmental entities;

(13) Repeals the provisions regarding the filing of a disclosure statement by an applicant for a commercial waste processing facility or a solid waste disposal area permit or a renewal and requires an applicant to file a disclosure statement at the time the application for a permit is filed with the department;

(14) Requires, upon request from the department director, a permit applicant, any person that could reasonably be expected to be involved in the management activities of the solid waste disposal area or solid waste processing facility, or anyone with a controlling interest in a permittee to submit to a criminal background check;

(15) Requires anyone who must file a disclosure statement to provide any assistance or information

requested by the department director or the State Highway Patrol and to cooperate in any investigation or hearing conducted by the director. If the person does not cooperate or provide information, the permit may be denied or revoked;

(16) Requires an applicant to submit any additional information or change in information to the department director within 30 days after the change or addition. Failure to provide the information may result in revocation, denial, or conditional granting of the permit if the director notifies the permittee or applicant of his intention to do so;

(17) Specifies the persons who are exempt from the requirement to file a disclosure statement;

(18) Requires, after permit issuance, each facility to annually update the disclosure form by March 31;

(19) Exempts political subdivisions from the requirement to file and update a disclosure form;

(20) Requires any person seeking a permit to operate a solid waste disposal area, processing facility, or resource recovery facility to disclose, concurrently with the filing of the permit application, any convictions in this state for a violation of county or county equivalent public health or land use ordinances related to the management of solid waste. If the department finds that there is a continuing pattern of violations, it may deny the application;

(21) Exempts a municipal utility located in Greene County from being required to get preliminary site investigation approval to proceed with a utility waste landfill detailed site investigation;

(22) Specifies that any person or entity operating a solid waste processing facility or disposal area that has had its permit suspended or that has received other penalties may appeal the decision to the department. A bond may be required in order to stay the effect until the appeal is resolved. No judicial review can be available until all administrative remedies are exhausted;

(23) Includes dam and reservoir safety-, well installation-, oil and gas-, and solid waste permit-related appeals in the provisions governing the administrative appeals process and requires the Administrative Hearing Commission to render a final decision rather than a recommended decision in these cases;

(24) Extends from December 31, 2013, to December 31, 2018, the 50-cent fee that is collected on the retail sale of a lead-acid battery as well as the fees for any hazardous waste generated;

(25) Adds a member with an interest in the retail petroleum industry to the Hazardous Waste Management Commission. Currently, three of the seven members of the commission must be knowledgeable of and may be employed in agriculture, the waste generating industry, and the waste management industry;

(26) Authorizes the department director to conduct a comprehensive review, with stakeholder input, of the fee structures for the generation of hazardous waste, clean water permits, and air pollution control permits. Upon completion of the review of a fee structure, the department must submit proposed changes to the respective commission for its review. The commission must follow specified steps in adopting the recommended changes and establishing the changes into rule;

(27) Repeals the provision requiring a hazardous waste disposal or treatment facility owner to obtain a permit before conducting postclosure activities;

(28) Repeals the provisions requiring a hazardous waste facility to submit a profile of the environmental and economic characteristics of the area including the extent of any air pollution, groundwater contamination, and health characteristics when applying for or renewing a hazardous waste facility permit;

(29) Repeals the provision requiring the department to conduct a review every five years of certain permitted hazardous waste facilities;

(30) Repeals the provision that prohibits the department from issuing a license or permit to anyone who is determined to habitually engage in hazardous waste management practices that pose a threat to human health or the environment;

(31) Extends from December 31, 2013, to December 31, 2018, the industrial mineral permit fees utilized to regulate and ensure reclamation of surfaced mined lands;

(32) Allows an applicant for multiple environmental permits or certifications to directly petition the department director for a unified permit schedule and to obtain the permits or certifications in a coordinated and streamlined process;

(33) Requires the department director to develop and implement a process to coordinate the processing of multiple environmental permits, certifications, or permit modifications from a single applicant;

(34) Requires, by December 1, 2013, and annually thereafter, the department to develop a list of all documents it uses to implement enforcement actions or penalties that have not been established in statute or by rule. The department must provide the list and all documents referenced to the Joint Committee on Administrative Rules within the General Assembly for a review, in consultation with the department, to determine if the documents should be subject to the rulemaking process;

(35) Creates the Department of Natural Resources Revolving Services Fund for all funds received by the department from specified services and specifies how the funds can be used;

(36) Requires Missouri state parks that are designated swim beaches to utilize a standard that measures E. coli using the federal Environmental Protection Agency's Method 1603 or an equivalent method that measures culturable E. coli with the geometric mean based on weekly sampling of a specified number of forming units and statistical threshold value;

(37) Requires the department to post signs stating "Swimming is Not Recommended" if a beach exceeds the established geometric mean standard;

(38) Specifies that the department reserves the right to close a beach in the event of a documented health risk including, but not limited to, wastewater by-pass, extremely high sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious disease;

(39) Changes the requirements for neighbor notification for Class I concentrated animal feeding operations. Currently, neighbor notification is required before filing an application for a construction permit. The bill requires notification before filing an application to acquire an operating permit for a new or expanded facility;

(40) Specifies that the owner or operator of a flush system animal waste wet handling facility to visually inspect the gravity outfall lines, recycle pump stations, recycle force mains, and any other accessory for any release to any containment structure once per week and visually inspect any lagoon where the water is less than 12 inches from an emergency spillway once per day;

(41) Requires the department to allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. The department must incorporate new water quality requirements into an existing permit at the time of renewal unless there is a compelling reason to implement the requirements earlier through permit modifications. All new permit applicants may be required to meet new water quality standards or classifications;

(42) Repeals the requirement that a proposed water contaminant or point source that will be subject to any federal water pollution control act or specified state laws or regulations must apply to the department director for a permit at least 30 days prior to construction, installation, or establishment. It will be unlawful for a person to construct, build, replace, or make a major modification to a point source or collection system that is principally designed to convey or discharge human sewage to waters of the state unless the person obtains a construction permit from the Clean Water Commission within the department;

(43) Requires any point source that proposes to construct an earthen storage structure for domestic, agricultural, or industrial process wastewater to obtain a construction permit. All other construction-related activities are exempt from the permit requirement but are subject to specified conditions;

(44) Allows an entity that doesn't charge a service connection fee and requests a nonsubstantive modification to a sewage treatment permit to pay a $100 fee to the department. Currently, the fee for a modification is 25% of the annual operating fee assessed;

(45) Extends, from September 1, 2013, to December 31, 2018, the Clean Water Commission's authority to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control;

(46) Authorizes the department director to grant a provisional variance when it is determined that compliance on a short-term basis with the limitations in the clean water law or the related rules and regulations due to conditions beyond reasonable control will result in an arbitrary or unreasonable hardship that exists solely because of the regulatory requirement in question and the costs of compliance are substantial and certain;

(47) Specifies that the department director must consider the hardship imposed by requiring compliance and the adverse impact from granting a variance when granting a variance due to conditions beyond reasonable control;

(48) Specifies that a variance can be granted for up to 45 days and may be extended by the department director for up to an additional 45 days, but a variance cannot last longer than 90 days in one calendar year;

(49) Specifies the application process for a variance and requires a $250 fee with each petition. The department director must investigate each petition and take action within 14 days of its receipt;

(50) Specifies that if the department director grants a provisional variance, he or she must notify the petitioner and file a written copy of the decision with the Clean Water Commission. The commission must maintain copies of all provisional variances;

(51) Requires the Division of State Parks within the department to hold a stakeholder meeting in each park district once a year. A stakeholder may petition the Director of State Parks regarding any policy or park issue that has been presented to the relevant facility manager and district supervisor;

(52) Establishes the Joint Committee on Solid Waste Management District Operations within the General Assembly to examine solid waste management district operations, including the efficiency, efficacy, and reasonableness of costs and expenses of the districts to Missouri taxpayers. The committee must prepare a final report to the General Assembly by December 31, 2013; and

(53) Repeals the provisions requiring the department to assess the transportation system serving a proposed site for a new hazardous waste resource, recovery treatment, or disposal facility as part of its review for a permit.

The provisions of the bill regarding the review of specified fee structures will expire August 28, 2023.

The provisions of the bill regarding the exemption for a municipal utility in Greene County from being required to get preliminary site investigation approval for a utility landfill permit are severable and the effective date of that section for the purpose of conducting the public involvement activity will be the date of approval of the preliminary site investigation.

The provisions of the bill regarding state parks designated swim beaches and the department director's review of the clean water fee structure under Section 644.057, RSMo, contain an emergency clause.

SS#2 HB 34 — PREVAILING WAGES

This bill changes the way that the Department of Labor and Industrial Relations determines the prevailing hourly rate of wages on public works projects. In its main provisions, the bill:

(1) Defines "adjacent county," "collective bargaining agreement," "labor organization" or "union," and "previous six annual wage order reporting periods" as they relate to prevailing wages on a public works project;

(2) Repeals the provision requiring an irrevocable contribution by a contractor or subcontractor to be made to a trustee or third person pursuant to a fund, plan, or program for it to be taken into account in determining the prevailing hourly rate of wages and specifies that any irrevocable contribution to a fund, plan, or program must be taken into account;

(3) Requires the department to accept and consider information regarding local wage rates that is submitted in an electronic or paper format;

(4) Specifies that for construction work, other than work for the Highways and Transportation Commission within the Department of Transportation, the prevailing rate for an occupational title in a locality, other than third and fourth classification counties and Newton County, will be the wage rate that the department determines to be the most commonly paid as measured by the number of hours worked at each wage rate for that occupational title in the locality. When no wages have been reported, the department must ascertain and consider the applicable wage rates established by collective bargaining agreements, if any;

(5) Specifies that for construction work other than work for the commission:

(a) The prevailing rate for an occupational title in a locality in third and fourth classification counties and Newton County will be determined after considering the total number of hours worked for the time period in that occupational title that are not paid pursuant to a collective bargaining agreement and the total number of hours worked that are paid pursuant to a collective bargaining agreement. If the total number of hours that are not paid pursuant to a collective bargaining agreement in the aggregate exceeds the total number of hours that are paid pursuant to a collective bargaining agreement in the aggregate, the prevailing rate will be the wage most commonly paid that is not paid pursuant to a collective bargaining agreement as measured by the number of hours worked at that wage rate for that occupational title in the locality. If the total number of hours that are paid pursuant to a collective bargaining agreement in the aggregate exceeds the total number of hours that are not paid pursuant to a collective bargaining agreement in the aggregate, the prevailing rate will be the wage most commonly paid that is paid pursuant to a collective bargaining agreement as measured by the number of hours worked at that wage rate for that occupational title in the locality; or

(b) If no work has been performed within a particular occupational title during the reporting period in the locality at any wage rate, the prevailing rate for that occupational title will be determined as follows:

(i) If wages were reported for an occupational title within the previous six annual wage order reporting periods and the prevailing wage rate was determined by hours worked pursuant to a collective bargaining agreement in the most recent annual wage order reporting period where wages were reported, the current collective bargaining agreement wage rate will be the prevailing wage rate for that occupational title in that locality;

(ii) If wages were reported for an occupational title within the previous six annual wage order reporting periods and the prevailing wage rate was not determined by hours worked pursuant to a collective bargaining agreement in the most recent annual wage order reporting period where wages were reported, the wage rate paid in the most recent annual wage order reporting period when wages were reported will be the prevailing wage rate for that occupational title in that locality;

(iii) If no wages were reported for an occupational title within the previous six annual wage order reporting periods, the department must examine hours and wages reported in all adjacent Missouri counties during the same periods. The most recent reported wage rate in a given wage order period in the adjacent Missouri county with the most reported hours actually worked for that occupational title in the wage period during the previous six annual wage order reporting periods will be used to determine the prevailing wage rate; or

(iv) If no wages were reported for an occupational title within any adjacent Missouri county within the previous six annual wage order reporting periods, the rate paid pursuant to the current collective bargaining agreement will be the prevailing wage rate for that occupational title in that locality; and

(6) Specifies that only an annual wage order for a particular occupational title in a locality that is based on the number of hours worked under a collective bargaining agreement can be altered once each year. Currently, any annual wage order for a particular occupational title in a locality may be altered once each year.

SS HCS HB 58 — PORTABLE ELECTRONICS INSURANCE

This bill repeals the requirement that a vendor have actual policies or certificates of coverage available to prospective customers at every location that is authorized to sell, solicit, or negotiate portable electronics insurance and have brochures which disclose that the portable electronics insurance coverage is primary over any other collateral coverage. The bill requires a policy or certificate of coverage issued after January 1, 2015, to contain a disclosure that it is a primary insurance policy for the portable electronic item and requires that the policy or certificate be made available to a prospective customer at the point of sale or delivered within 60 days of enrollment for coverage.

The bill contains an emergency clause.

HB 68 — STATE DESIGNATIONS

This bill designates the month of November as "Pancreatic Cancer Awareness Month" and encourages Missourians to participate in appropriate activities and events to increase awareness of pancreatic cancer, which is incurable and has a low rate of survival due to the advanced stage of the disease when symptoms typically present themselves.

The last full week in October is designated as "Respiratory Syncytial Virus (RSV) Awareness Week" and encourages Missourians to observe the week with appropriate activities and events.

CCS SCS HB 103 — TRANSPORTATION

This bill changes the laws regarding transportation.

COLLEGIATE REGULATION OF VEHICULAR TRAFFIC (Sections 174.700 - 174.712 and 544.157, RSMo)

The bill allows the governing body of any state college or university to establish regulations to control vehicular traffic on campus. The regulations must be consistent with state law and must be printed and distributed for public use. College or university police officers have the authority to enforce the general motor vehicle laws of Missouri and the regulations adopted by the governing board on the campus. There must be adequate signs displaying the speed limit on thoroughfares. A violation will have the same effect as a municipal ordinance with penalty provisions and points assessed. State college or university police officers must be certified under Chapter 590 and will have the same powers as other law enforcement officers.

LICENSE PLATE TABS (Section 301.301)

Currently, any person replacing a stolen license plate tab may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied by a police report corresponding to the stolen tab or tabs. The bill repeals the provision and allows the application to be accompanied by a notarized statement verifying that the tab or tabs were stolen.

COLLEGIATE SPECIALTY LICENSE PLATES (Section 301.449)

Currently, only a community college or a four-year public or private institution of higher education or a foundation or organization representing the college or institution located in Missouri may authorize or may, by the Director of the Department of Revenue, be authorized to use the school's official emblem to be affixed on a multiyear personal license plate. The bill allows any institution located outside of the state that had a license plate issued by the department containing its official emblem prior to August 28, 2012, to continue authorizing the use of its official emblem on the plates.

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

The bill increases the penalty for a moving violation or traffic offense occurring within an active emergency zone. An "active emergency zone" is an area that is visibly marked by emergency responders

on or around a highway where an active emergency or incident removal is temporarily occurring.

A person convicted of a first moving violation or traffic offense within an active emergency zone must be assessed a fine of $35 in addition to any other fine authorized by law. A second or subsequent offense within an active emergency zone must be assessed a fine of $75 in addition to any other fine.

The bill makes it a class C misdemeanor to pass another vehicle in an active emergency zone, and a person who pleads guilty to or is convicted of a speeding or passing violation must be assessed a fine of $250 for a first offense and $300 for any subsequent offense in addition to any other fine authorized by law.

A person commits the offense of endangerment of an emergency responder if, while in an active emergency zone with emergency responders present, he or she:

(1) Exceeds the posted speed limit by 15 m.p.h. or more;

(2) Passes another vehicle;

(3) Fails to stop for a flagman, an emergency responder, or a traffic control signal in the active emergency zone;

(4) Drives through or around an active emergency zone via any lane that is not for motorists;

(5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally strikes or moves a barrel, barrier, sign, or other device for a reason other than to avoid an obstacle or emergency or to protect the health and safety of another person.

When injury or death does not result from the offense, a person who pleads guilty to or is convicted of endangering an emergency responder is subject to a fine of up to $1,000 and assessed four points to his or her license. If death or injury results, the person commits the offense of aggravated endangerment of an emergency responder and is subject to a fine of up to $5,000 if a responder is injured and $10,000 if death resulted and 12 points will be assessed to his or her license.

A person cannot be cited for or found guilty of endangerment or aggravated endangerment of an emergency responder if the act or omission is the result of a vehicle's mechanical failure or the negligence of another person.

REVENUE FROM TRAFFIC VIOLATIONS
(Section 302.341)

Currently, if a city, town, or village receives more than 35% of its annual general operating revenue from traffic fines and court costs for traffic violations occurring on state highways within its jurisdiction, all revenues in excess of the 35% threshold must be sent to the Department of Revenue to be distributed annually to the schools of the county in the same manner as other penalty proceeds are distributed.

The bill expands this requirement to include a county, removes the requirement that the violation occur on a state highway, and reduces the threshold to more than 30%. The political subdivision must include an accounting of the percent of annual general operating revenue from fines and court costs for traffic violations, including charges amended from traffic violations, within the comprehensive annual financial report that it submits to the State Auditor. Any city, town, village, or county that fails to make an accurate or timely report or fails to send in excess revenues from traffic violations to the Director of the Department of Revenue must immediately lose jurisdiction on all traffic-related charges until it meets these requirements.

COMMERCIAL DRIVER'S LICENSES
(Sections 302.700 - 302.755 and 304.820)

The bill changes the laws regarding commercial motor vehicles to conform with Federal Motor Carrier Safety Administration regulations. In its main provisions, the bill:

(1) Revises the definition of "disqualification" to include the suspension, revocation, or cancellation of a commercial driver's instruction permit;

(2) Defines "electronic device" as a device that includes but is not limited to a cell phone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;

(3) Defines "mobile telephone" as a mobile communication device that is classified as or uses a commercial mobile radio service but does not include a two-way or citizens band radio service;

(4) Revises the definition of "serious traffic violation" to include a violation of state or local law on motor vehicle traffic control prohibiting texting or the use of a mobile telephone while driving a commercial motor vehicle;

(5) Defines "texting" as manually entering text into or reading text from an electronic device, including short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a call on a mobile telephone, or engaging in another form of electronic text retrieval or entry;

(6) Requires an applicant for a commercial driver's license to maintain the appropriate class of commercial driver's instruction permit issued by this state or another state for a minimum of 14 days prior to the date of completing skills testing;

(7) Changes the laws regarding the amount of time a military member must be regularly employed to receive a waiver from the commercial motor vehicle driving skills test. Currently, the member must be regularly employed in a job requiring the operation of a commercial motor vehicle and must have operated the vehicle for at least 60 days during the two years immediately preceding his or her application for a commercial driver's license. The bill requires the military member to be regularly employed in a military position within the last 90 days for the member to obtain the skills test waiver;

(8) Changes nonresident commercial driver's licenses to nondomiciled commercial driver's licenses and changes the provisions for obtaining a nondomiciled commercial driver's license;

(9) Requires a commercial driver's instruction permit to include the same information as a commercial driver's license and contain the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT";

(10) Requires a disqualification period to be in addition to any other previous periods of disqualification in a manner consistent with federal law unless the major or serious violations are a result of the same incident; and

(11) Prohibits a person from texting or using a hand-held mobile telephone while operating a moving commercial motor vehicle. Currently, only a person younger than 21 years of age is prohibited from texting while driving. A person convicted of texting or using a hand-held mobile telephone while driving a commercial motor vehicle may have his or her commercial driver's license disqualified.

USE OF CERTAIN VEHICLES IN MUNICIPALITIES (Sections 304.013 and 304.032)

A municipality may adopt an ordinance or resolution that allows all-terrain vehicles or utility vehicles to operate on the streets and highways under its jurisdiction. The person operating an all-terrain or utility vehicle must maintain proof of financial responsibility or any other insurance policy providing liability coverage for the vehicle.

PERMISSIVE YELLOW-LIGHT INTERVALS (Section 304.120)

An ordinance cannot prohibit the operator of a motor vehicle from being in an intersection while a red signal is being displayed if the operator of the motor vehicle entered the intersection during a yellow signal interval. This provision supersedes any local law, ordinance, order, rule, or regulation enacted by a county, municipality, or other political subdivision that is to the contrary.

IDLE REDUCTION TECHNOLOGY (Section 304.180)

Currently, a vehicle equipped with idle reduction technology is allowed to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds. The bill increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit.

TRANSPORTATION OF AGRICULTURAL COMMODITIES (Section 307.400)

The bill repeals the provision which specifies that the federal regulations regarding hours of service do not apply to Missouri drivers transporting agricultural commodities or farm supplies if certain conditions are met.

Currently, certain federal regulations regarding the equipment and operation of motor vehicles do not apply to a commercial motor vehicle that transports property in intrastate commerce if the vehicle has a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less. The bill specifies that the exception must not apply to a covered farm vehicle that requires a placard for hazardous materials under federal law.

CATALYTIC CONVERTERS (Section 407.300)

Currently, scrap dealers must keep documentation for any transaction involving certain metals. The bill adds catalytic converters to the types of metal requiring documentation. Records for transactions involving catalytic converters must be kept regardless of the dollar value of the scrap.

LAND CONVEYANCES (Sections 1-7)

The bill authorizes the Governor to convey tracts of land in Taney, St. Clair, Osage, Madison, Greene, Andrew, and Ozark counties to the State Highways and Transportation Commission.

The provisions of the bill regarding collegiate specialty license plates contain an emergency clause.

SCS HCS HB 110 — SELECTION OF PUBLIC OFFICIALS

(Vetoed by the Governor)

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

(1) Specifies that when there is a vacancy in the Office of Lieutenant Governor, the Governor must issue a writ of election within 30 days, and the

election must be held at the next general election. The candidates for the position will be chosen during a primary election. During the vacancy, the duties of the Lieutenant Governor will be performed by his or her chief administrative assistant, except the Lieutenant Governor's duties as President of the Senate will be performed by the President Pro Tem of the Senate. In the case of an impeachment, the office will remain vacant until the impeachment is determined. If acquitted, the Lieutenant Governor must be reinstated in office;

(2) Prohibits the Governor from making an appointment to the St. Louis County Board of Election Commissioners during the legislative interim;

(3) Repeals the current provisions regarding the areas from which the political party committee members in Jackson County are to be elected and requires them to be elected from state representative districts that are in any way contained in the county. Two men and two women must be elected from each committee district formed from a legislative district that is wholly contained in the county, two men and two women must be elected from each committee district formed from a legislative district that is predominantly contained in the county, and one man and one woman must be elected from each committee district formed from a legislative district that is partially but not predominantly contained in the county; and

(4) Makes the public administrator for the City of St. Louis an appointed position. Currently, all public administrators must be elected by the voters in the county or city in which he or she serves. The administrator must be appointed by a majority of the judges of the 22nd Judicial Circuit. The qualifications and requirements for the position must meet those for an elected public administrator.

SS#2 SCS HB 116 — AUDITS

This bill changes the laws regarding audits.

OFFICE OF STATE AUDITOR
(Sections 29.005 - 29.351, 50.1030 - 70.605, and 103.025 - 169.020, RSMo)

The bill changes the laws regarding the responsibilities of the Office of the State Auditor. In its main provisions, the bill:

(1) Specifies that when conducting an audit, the audit objectives as defined in the standards established by the Comptroller General of the United States must determine the type of audit to be conducted, which may include financial and performance audits. Neither the audit type nor the audit objectives must be mutually exclusive. The objectives that may be included in an audit are specified;

(2) Repeals the provision requiring the State Auditor to prescribe the form of books, receipts, vouchers, and documents required to separate and verify each transaction and the form of reports and statements required for the administration of the officer or for the information of the public;

(3) Repeals the provision requiring the State Auditor to postaudit the accounts of all state agencies and audit the accounts of all appointed officers of the state and institutions supported by the state at least once every two years, and any executive department or agency of the state upon the request of the Governor;

(4) Allows all audits to be made at the State Auditor's discretion without advance notice to the organization being audited. An audit must be conducted upon the request of Governor as allowed under Section 26.060;

(5) Requires the State Auditor, on his or her own initiative and as often as deemed necessary, to make or cause to be made audits of all or any part of the activities of state agencies;

(6) Requires the State Auditor to make or cause to be made audits of all or any parts of political subdivisions and other entities as authorized by state law;

(7) Allows, at his or her discretion, the State Auditor in selecting audit areas and in evaluating current audit activity to consider and utilize the relevant audit coverage and applicable reports of the audit staffs of the various state agencies, independent contractors, and federal agencies;

(8) Authorizes the State Auditor to contract with a federal audit agency or any governmental agency on a cost reimbursement basis to perform audits of federal grant programs administered by state departments and institutions in accordance with agreements negotiated between the auditor and the contracting federal audit agencies or any governmental agency;

(9) Requires the State Auditor to make any comments, suggestions, or recommendations deemed appropriate concerning any aspect of the agency's activities and operations in reports of audits and reports of special investigations;

(10) Requires the State Auditor to audit the state treasury at least once a year;

(11) Allows the State Auditor to examine the banking accounts and records of the State Treasurer, a state agency, or any political subdivision at any bank or financial institution as long as the bank or financial institution is not required to produce the requested records until the State Auditor, State Treasurer, state agency, or political subdivision reimburses the reasonable document production costs of the bank or institution;

(12) Allows, as often as he or she deems necessary, the State Auditor to conduct a detailed review of the bookkeeping and accounting systems in use in the various state agencies to evaluate the adequacy of the systems, recommend changes to the agency, and notify the General Assembly of the recommended changes;

(13) Requires, through appropriate tests, the State Auditor to determine the propriety of the data presented in the state comprehensive annual financial report and express his or her opinion in accordance with generally accepted government auditing standards;

(14) Requires the State Auditor to provide a report to the Governor, Attorney General, and other appropriate officials of any facts known that pertain to the apparent violation of laws or instances of an officer or employee not meeting a required duty;

(15) Requires the State Auditor or his or her designated representative to supply a copy of a draft report at the conclusion of an audit to the official, or his or her designated representative, whose office was subject to the audit and to discuss the draft with him or her. The auditee must provide responses to any recommendations contained in the draft report within 30 days from the receipt of the draft;

(16) Requires the State Auditor to notify the General Assembly, Governor, director of each state agency audited, and others deemed appropriate that an audit report has been published along with specified information. The distribution requirements of the report are specified in the bill;

(17) Prohibits the audit function established in the bill from being construed to infringe upon or deprive the General Assembly or the executive or judicial branches of state government of any rights, powers, or duties vested in or imposed upon them by statute or the Missouri Constitution or being construed by the courts in a manner inconsistent with Article II of the Missouri Constitution;

(18) Requires the State Auditor to be responsible for receiving reports of allegations of improper governmental activities and to adopt the necessary policies and procedures to provide for the investigation or referral of the allegations;

(19) Requires the State Auditor to maintain a complete file of all audit reports and reports of other examinations, investigations, surveys, and reviews issued under his or her authority. Audit work papers and related supportive material must be kept confidential and must be retained according to an agreement between the State Auditor and the State Archives within the Office of the Secretary of State but may be made available for inspection by duly authorized representatives of the state and federal government in connection with an official matter, including criminal investigations;

(20) Authorizes the State Auditor to make or cause an audit to be made of any public employee retirement or public employee health care system operating within the state;

(21) Requires the State Auditor to provide various means, which must include a telephone hotline, electronic mail, and Internet access, to receive reports of allegations of improper governmental activities and to periodically publicize this contact information. An individual who makes a report may choose to remain anonymous if he or she chooses;

(22) Requires, upon receiving an allegation of improper governmental activity of a state agency, political subdivision, or state or political subdivision officer or employee, the State Auditor to conduct an initial review. He or she may investigate any allegation that is deemed to be credible and must refer the allegation to the appropriate state agency responsible for the enforcement or administration of the matter when it is believed that the allegation is outside his or her authority;

(23) Repeals the provisions in Section 29.235 regarding audit standards and the summons of persons and documents in any examination;

(24) Authorizes the State Auditor to examine all books, accounts, records, reports, and vouchers of any state agency or political subdivision that he or she is authorized by law to audit, including state tax returns under specified circumstances;

(25) Authorizes the State Auditor to examine and inspect all property, equipment, and facilities in the possession of any state agency, political subdivision, or any individual, private corporation, institution, association, board, or other organization that were provided through state or federal funding;

(26) Requires all contracts or agreements entered into as a result of the award of a grant by a state agency or political subdivision to include a clause describing the State Auditor's access under these provisions;

(27) Allows the State Auditor to obtain the services of certified professionals and experts as he or she deems necessary or desirable to carry out the duties and functions assigned under these provisions;

(28) Prohibits any state agency from contracting for auditing services without consulting with and the prior written approval of the State Auditor;

(29) Allows the State Auditor or his or her authorized representative to have the power to subpoena witnesses, take testimony under oath, depose witnesses, and assemble records and documents. If a person refuses to comply with a subpoena, the State Auditor must seek to enforce the subpoena

before a court of competent jurisdiction to require the attendance and testimony of witnesses and the production of documents and other records;

(30) Specifies that any person who willfully makes or causes to be made to the State Auditor or his or her designated representatives any false, misleading, or unfounded report for the purpose of interfering with the performance of any audit, special review, or investigation or hinders or obstructs the State Auditor's duties will be guilty of a class A misdemeanor. Any person or entity who refuses or fails to comply with any other audit provision under Chapter 29 will be deemed guilty of a class A misdemeanor;

(31) Requires the board of directors of the Missouri County Employees' Retirement System to arrange for annual audits of the system and the operations of the board by a certified public accountant or firm. Currently, the State Auditor must provide the audit every two years;

(32) Repeals the provision requiring the State Auditor to examine the independent audits conducted of the records and accounts of specified retirement systems at least once every three years and report the results to the boards and the Governor; and

(33) Repeals the provisions regarding receiving or riding on free transportation provided to examiners, establishing accounting systems for all state officers and agencies, reporting findings from examinations of state institutions and officials, proof of payment of fees, and the criminal penalty for failure to comply.

ACCOUNTABILITY OF PUBLIC FUNDS (Sections 33.087, 33.300, and 37.850)

Every department and division of the state receiving any grant of federal funds of $1 million or more must document and make the following information easily available to the public on the Missouri Accountability Portal within 30 days of the receipt or transferal of funds:

(1) Any amount of funds received from the federal government;

(2) The name of the federal agency disbursing the funds;

(3) The purpose for which the funds are being received;

(4) The name of any state agency to which any portion of the funds are transferred by the initial receiving department or division, the amount transferred, and the purpose for which those funds are transferred; and

(5) An accounting of how the department or division receiving the transferred funds used the funds and any statistical impact that can be discerned as a result of the usage of the funds.

The bill removes the State Auditor from the Board of Fund Commissioners.

The Missouri Accountability Portal must also include an easy-to-search database of:

(1) All bonds issued by any public institution of higher education or political subdivision or its designated authority after August 28, 2013;

(2) All obligations issued or incurred by any political subdivision of this state or its designated authority pursuant to redevelopment plans and projects;

(3) The revenue stream pledged to repay the bonds or obligations; and

(4) All debt incurred by any public charter school.

The Governor must submit a report stating all amounts withheld from the state's operating budget for the current fiscal year. The report must be conspicuously posted on the accountability portal website, searchable by the amounts withheld or released from each individual fund, and searchable by the total amount withheld or released from the operating budget.

Every political subdivision, including an institution of higher education, must supply the required database information to the Office of Administration within seven days of issuing or incurring a corresponding bond or obligation. Information regarding any obligation incurred prior to the effective date of the bill must be supplied within 90 days.

Every school district and public charter school must supply the information to the Department of Elementary and Secondary Education within seven days of issuing a bond or incurring a debt. Information regarding any bond issued or debt incurred prior to the effective date of the bill must be supplied to the department within 90 days. The department must deliver the information to the Office of Administration within 48 hours of receiving the information.

AUDITS OF SECOND CLASSIFICATION COUNTY ACCOUNTS (Sections 50.055 and 50.057)

The accounts of any county of the second classification or the accounts of any officer or office of the county may be audited at any time if the county commission determines that it is desirable or necessary. Currently, the accounts of a second classification county may be audited every odd-numbered year if the county commission determines that an audit is desirable or necessary. The audit can be performed by a certified public accountant or the State Auditor. The audit may cover all receipts, disbursements, and the property inventory of every officer or office of the county unless the audit is requested only for a particular officer of office.

The bill specifies that a first or second classification county or the county commission must pay all of the

expenses incurred in performing an audit when it is conducted by the State Auditor with the moneys deposited into the Petition Audit Revolving Trust Fund.

COUNTY BUDGETS (Section 50.622)

Any county is authorized to amend its annual budget twice during any fiscal year when there is a verifiable decline in funds of at least 2% that could not have been estimated or anticipated when the budget was adopted. Currently, a county is only authorized to amend its annual budget when it receives additional funds that could not be estimated.

Any decrease in appropriations cannot unduly affect any one officeholder and cannot impact any dedicated fund authorized by law. The county must provide 30 days' notice of a public hearing regarding any amendment to the county budget, including a published summary of the proposed reductions and an explanation of the shortfall.

Before any reduction affecting an elected officeholder can occur, negotiations must take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall.

County commissioners can reduce the budgets of departments under their direct supervision and responsibility at any time without these restrictions.

These provisions cannot restrict a charter county from amending its budget pursuant to the terms of its charter.

POLICE RETIREMENT SYSTEM OF ST. LOUIS
(Sections 86.200, 86.257, and 86.263)

Currently, any member of the Police Retirement System of St. Louis who has completed at least 10 years of creditable service and has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the performance of his or her official duties or by his or her own negligence must be retired by the Board of Police Commissioners upon certification by the medical director of the retirement system, the application of the member or the board, and the approval of the board of trustees of the retirement system. The bill lowers the creditable service requirement to five years once the retirement system's annual actuarial valuation is at least 80% as required by Section 105.660 and requires the certification to be performed by the medical board of the retirement system upon application of the board or any successor body.

The bill defines "medical board" as a board of three physicians of different disciplines appointed by the trustees of the police retirement board who are responsible for arranging and passing upon all medical examinations required to determine disability retirement eligibility.

The bill modifies the requirements that determine if the board of police commissioners should retire a member in active service if he or she is permanently unable to perform all the essential job functions of a police officer as established by the board or any successor body.

KANSAS CITY POLICE AND CIVILIAN EMPLOYEE RETIREMENT SYSTEMS
(Sections 86.900 - 86.1630)

The bill changes the law regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City.

Regarding the Police Retirement System of Kansas City, the bill:

(1) Creates a two tier retirement system. A Tier I member is any person who became a member prior to August 28, 2013, and who remains a member on that date. A Tier II member is any person who became a member on or after August 28, 2013;

(2) Specifies that the final average compensation for a Tier I member will be calculated by averaging the highest 24 months of service in which monthly contributions were made whether consecutive or otherwise;

(3) Specifies that the final average compensation for a Tier II member will be calculated by averaging the highest 36 months of service in which monthly contributions were made whether consecutive or otherwise;

(4) Requires the city's contribution rate to meet the annual actuarially required contributions as determined by a qualified professional actuary selected by the retirement board plus $200 per month for each member entitled to receive a supplemental benefit under specified provisions of law;

(5) Requires a member accruing creditable service to contribute a percentage of his or her compensation to his or her pension fund as determined by the retirement board. The bill repeals the provision requiring the deduction to be at least 6% of the member's compensation;

(6) Prohibits creditable service from being allowed for any period of time when a member was not making contributions unless the member is on leave for military service;

(7) Allows a member in active service on or after August 28, 2013, to accrue up to 32 years of creditable service;

(8) Limits the accumulation of creditable service to five years for a member on leave of absence for military service except for certain situations authorized by federal law;

(9) Repeals the mandatory retirement provision. Currently, a member can retire after 25 years but must retire after 30 years of creditable service;

(10) Specifies that the pension of a Tier I member retiring on or after August 28, 2013, after completing 25 or more years of creditable service will be 2.5% of the member's final compensation times the number of years of his or her total creditable service up to 80% of the member's final average compensation;

(11) Specifies that a Tier II member can retire after 27 or more years of creditable service, and the base pension will be 2.5% of his or her final average compensation times the number of years of total creditable service, up to 80% of the member's final average compensation. A Tier II member can also choose a 75% or 100% optional joint and survivor benefit;

(12) Allows a Tier II member who has been terminated and has at least 15 years of creditable service to choose to receive his or her base pension beginning the first day of the month following the month he or she turns 60 years of age;

(13) Prohibits any member convicted of a felony prior to separation from active service from receiving any retirement benefits except for the return of his or her accumulated contribution;

(14) Specifies that any member who has to retire after August 28, 2013, due to a job-related illness or injury will receive 80% of his or her final compensation as a base pension. This amount may be reduced by the amounts paid or payable under any workers' compensation law;

(15) Allows a Tier II member to be eligible for a partial lump sum option plan. The normal pension of any member choosing the partial lump sum option will be reduced as specified in the bill;

(16) Specifies that a Tier II member retiring with at least 32 years of creditable service may receive a cost-of-living adjustment (COLA) of up to 3% of his or her base pension beginning the year after retirement. Any member retiring with less than 32 years of creditable service will be eligible to receive a COLA in the year following the year in which he or she would have reached 32 years of creditable service;

(17) Allows any Tier II member retiring due to disability caused by performance of duty to be eligible to receive a COLA in the year following retirement. Eligibility for a COLA for a non-duty related disability retirement will begin following the fifth year after retirement or the year following the year in which he or she would have attained 32 years of creditable service, whichever is earlier;

(18) Specifies when the surviving spouse or child of a Tier II member is eligible to receive a COLA;

(19) Allows an eligible Tier II member to receive a supplemental retirement benefit of $200 per month;

(20) Specifies that a surviving spouse of a retired Tier II member who has not elected an optional annuity allowed under Section 86.1151 is entitled to a base pension payable for life equal to 50% of the member's base pension upon receipt of the proper proof of the member's death;

(21) Specifies that a Tier II member will be fully vested after 27 years of creditable service or after turning 60 years of age with 15 years of creditable service; and

(22) Changes from January 10 to October 15 the date that the retirement board must certify to the chief financial officer of the city the amount to be paid by the city under the retirement pension system for the succeeding fiscal year.

Regarding the Civilian Employees' Retirement System, the bill:

(1) Creates a two tier retirement system. A Tier I member is any person who became a member prior to August 28, 2013, and who remains a member on that date. A Tier II member is any person who became a member on or after August 28, 2013;

(2) Limits the accumulation of creditable service to five years for a member on leave of absence for military service except for certain situations authorized by federal law;

(3) Specifies that the normal retirement date for a Tier II member will be the later of when he or she reaches the age of 67 or completes 20 years of employment;

(4) Allows a Tier II member to choose early retirement at age 62 if he or she has five years of creditable service. The benefits will be reduced as specified in the bill;

(5) Allows a Tier II member to choose early retirement at any time after the member's age and years of creditable service equals or exceeds 85; and

(6) Specifies that a Tier II member becomes fully vested when he or she reaches 67 years of age or completes 20 years of employment, whichever is later, or when the sum of the person's age and years of creditable service equals or exceeds 85.

MISSOURI SENIOR SERVICES PROTECTION FUND (Section 208.1050)

The bill creates the Missouri Senior Services Protection Fund. Moneys in the fund are to be allocated for services for low-income seniors and people with disabilities. The State Treasurer must deposit $55,100,000 into the fund in four equal installments on or before July 15, 2013, by October 15, 2013, by January 15, 2014, and by March 15, 2014.

AUDITS OF TRANSPORTATION DEVELOPMENT DISTRICTS (Section 238.272)

The State Auditor may audit each transportation development district not more than once every three years with the cost of the audit that the district must pay limited to not more than 3% of the gross receipts received by the district. Currently, the State Auditor must audit each district at least once every three years and may audit more frequently if he or she deems it appropriate with the costs of the audit to be paid by the district.

The provisions of the bill regarding decreasing a county budget will expire July 1, 2016.

The provisions of the bill regarding the Missouri Senior Services Protection Fund contain an emergency clause.

CCS SS SCS HCS HB 117 — INITIATIVE AND REFERENDUM PETITIONS

This bill changes the laws regarding initiative and referendum petitions. In its main provisions, the bill:

(1) Requires the official ballot title to appear on an initiative or referendum petition;

(2) Requires a petition circulator to swear or affirm under penalty of perjury that all statements that he or she makes are true and correct; he or she has never been convicted of, found guilty of, or pled guilty to any offense involving forgery; and he or she is at least 18 years old and to disclose if he or she is a paid or unpaid volunteer and, if paid, to list the payer;

(3) Specifies that a petition circulator is deemed registered at the time he or she delivers a signed circulator's affidavit to the Office of the Secretary of State;

(4) Prohibits an individual who has been convicted of, found guilty of, or pled guilty to an offense involving forgery in Missouri or an offense involving forgery under the laws of any other jurisdiction if the offense would be considered forgery under this state's laws from qualifying as a petition circulator;

(5) Specifies that a person commits the crime of petition signature fraud, a class A misdemeanor, if he or she intentionally submits petition signature sheets with the knowledge that the person whose name appears on the sheet did not actually sign the petition, causes a voter to sign a petition other than the one he or she intended to sign, forges or falsifies signatures, knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition, or knowingly causes a petition circulator's signatures to be submitted for counting and knows that the circulator has committed the crime of petition signature fraud or causes the signatures to be submitted with reckless indifference as to whether the circulator has complied with specified provisions related to signature fraud;

(6) Specifies that any person employed by or serving as an election authority who has reasonable cause to suspect that a person has committed petition signature fraud must immediately report or cause a report to be made to the appropriate prosecuting authorities. Failure to report or cause a report to be made will be a class A misdemeanor;

(7) Allows a person who submits a sample sheet to or files an initiative petition with the Secretary of State to withdraw the petition upon written notice to the Secretary of State and requires the Secretary of State to vacate the certification of the official ballot title within three days of receiving the notice;

(8) Requires the Joint Committee on Legislative Research to hold a public hearing in Jefferson City within 30 days of the certification that a petition contains a sufficient number of valid signatures to take public comment concerning the proposed measure. The meeting must be a public meeting under the Open Meetings and Records Law, commonly known as the Sunshine Law. Within five business days after the end of the hearing, the committee must provide a summary of the hearing to the Secretary of State or his or her designee and the Secretary of State must post a copy of the summary on its website;

(9) Requires an action challenging the official ballot title or the fiscal note of a proposed constitutional amendment to be extinguished if it is not fully and finally adjudicated within 180 days of filing unless a court finds good cause to extend the period. Good cause can only consist of court-related scheduling issues and cannot include requests for continuance by the parties;

(10) Requires the person submitting a sample sheet to submit a copy of the filed statement of committee organization required under Section 130.021, RSMo, showing the date that the statement was filed if a committee or person other than the individual submitting the sample sheet is funding any portion of the drafting or submitting of the sample sheet;

(11) Requires the Secretary of State to conspicuously post on its website, within two business days of receipt of any sample sheet, the text of the proposed measure, a disclaimer stating that the text may not constitute the full and correct text, and the name of the person or organization submitting the sample sheet. Failure to post will be considered a violation under the Open Meetings and Records Law. The posting must be removed within three days of the withdrawal or the rejection of a petition. Currently, the Secretary of State must send written notice to the person who submitted the

petition sheet of its approval or rejection within 30 days after submission of the petition sheet. The bill changes the required notification to within 15 days;

(12) Specifies that if the petition form is approved, the Secretary of State must make a copy of the sample petition available on its website. The Secretary of State must accept public comments regarding the proposed measure for 15 days after the petition is approved as to form and provide copies of the comments upon request. Currently, the Secretary of State must prepare and transmit a summary statement of the measure to the Attorney General within 10 days of the approval of the petition form. The bill requires the Secretary of State to prepare and transmit the summary statement within 23 days of receipt of the approval; and

(13) Requires signatures for statutory initiative petitions to be filed no later than six months prior to the general election during which the petition's ballot measure is submitted for a vote and to be collected no earlier than the day after the day upon which the previous general election was held.

The provisions of the bill become effective November 4, 2014, except for those related to the crime of petition signature fraud which become effective August 28, 2013.

The bill contains a severability clause and if any provision of the bill is found to be unconstitutional, the remaining provisions will remain valid with specified exceptions.

HCS HB 128 — TAXATION

This bill changes the laws regarding taxation.

PROPERTY TAX BILLS

Currently, the collector in all counties except charter counties and counties under township organization is required to mail a statement of all real and tangible personal property tax due to each resident taxpayer at least 30 days before the taxes are delinquent. The bill allows a collector to electronically transmit the required statement to the electronic address provided and authorized by the taxpayer to the collector instead of mailing it. Any electronic address provided by a taxpayer for this purpose must be a closed record under the Open Meetings and Records Law, commonly known as the Sunshine Law. If the county collector certifies that the tax statement was mailed less than 30 days before the delinquent date and the taxpayer paid the taxes within 15 days after the delinquent date or 15 days after the certified mailing date, whichever is later, no penalty or interest can be imposed.

TAXES EXCLUDED FROM TAX INCREMENT FINANCING REDEVELOPMENT PLANS

The bill adds payments in lieu of taxes imposed on sales for the purpose of operating and maintaining a metropolitan park and recreation district and the taxes imposed on sales pursuant to Section 650.399, RSMo, for emergency communication systems in St. Louis County for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, to those funds that are not required to be deposited in specified segregated accounts within the special allocation fund by municipal financial officers.

DIVISION OF INTERSTATE INCOME FOR MISSOURI CORPORATE INCOME TAXATION

The bill authorizes an alternative method for calculating the Missouri taxable income of the interstate income of a corporation. Currently, to determine the Missouri taxable income of a corporation with interstate income, the in-this-state sales are added to one-half of the sales partially occurring in this state and this amount is divided by the total amount of sales. That amount is multiplied by the net income of the corporation to determine the Missouri taxable income. A sale is in this state if the seller's shipping point and the purchaser's destination point are both in Missouri. A sale is partially in this state if the seller's shipping point is in this state and the purchaser's destination point is outside this state or vice versa.

The bill determines the Missouri taxable income of a corporation by dividing the in-this-state sales by the total amount of sales and multiplying this fraction by the net income of the corporation. A sale is in this state if the purchaser's destination point is in this state. A sale is not in this state if the purchaser's destination point is outside Missouri.

HB 133 — REINSURANCE

This bill changes the laws regarding the accreditation requirements for reinsurance companies in order to comply with the federal Nonadmitted and Reinsurance Reform Act of 2010 that became effective July 21, 2011. In its main provisions, the bill:

(1) Modifies the requirements for a reinsurer to be eligible for accreditation by requiring the reinsurer to demonstrate to the Director of the Department of Insurance, Financial Institutions and Professional Registration that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic

insurers. An assuming insurer is deemed to meet the requirement at the time of its application if it maintains a surplus regarding policyholders in an amount not less than $20 million and its accreditation has not been denied by the director within 90 days after submission of its application;

(2) Allows the director with principal regulator oversight of a trust to authorize a reduction in the required statutory trusteed surplus at any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years but a finding based on an assessment risk that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review and must consider all material risk factors. The minimum required trusteed surplus must not be reduced to an amount less than 30% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;

(3) Requires credit to be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the director as a reinsurer in this state and secures its obligations in accordance with specified requirements. In order to be eligible for certification, an assuming insurer must:

(a) Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction as determined by the director;

(b) Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the director by rule;

(c) Maintain financial strength ratings from two or more acceptable rating agencies deemed acceptable by the director by rule;

(d) Submit to the jurisdiction of Missouri, appoint the director as its agent for service of process in this state, and agree to provide security for 100% of its liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

(e) Agree to specified informational filing requirements as determined by the director; and

(f) Satisfy any other requirements deemed relevant by the director;

(4) Specifies that an association, including an incorporated and an individual unincorporated underwriter, may be a certified reinsurer if it meets the above requirements and it:

(a) Satisfies its minimum capital and surplus requirements through the capital and surplus equivalents of the association and its members, including a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members in an amount determined by the director to provide adequate protection;

(b) Prohibits incorporated members of the association from engaging in any business other than underwriting as a member of the association and subjects the incorporated members to the same level of regulation and solvency control by the association's domiciliary regulator as the unincorporated members; and

(c) Provides, within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, to the director an annual certification by the association's domiciliary regulator of the solvency of each underwriter member or if a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the association;

(5) Requires the director to create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in the jurisdiction is eligible to be considered for certification by the director as a certified reinsurer. To determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the director must evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction and consider the rights, benefits, and extent of reciprocal recognition afforded to reinsurers licensed and domiciled in the United States. A qualified jurisdiction must agree to share information and cooperate with the director with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction must not be recognized as a qualified jurisdiction if the director has determined that it does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered at the discretion of the director;

(6) Allows the director to consider a list of qualified jurisdictions published by the National Association of Insurance Commissioners (NAIC) in determining qualified jurisdictions. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the director may suspend the reinsurer's certification indefinitely in lieu of revocation;

(7) Requires the director to assign a rating to each certified reinsurer giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the director by rule. The director must publish a list of all certified reinsurers and their ratings;

(8) Specifies that a certified reinsurer maintaining a multi-beneficiary trust to secure its obligations must maintain separate trust accounts for its obligations incurred under the reinsurance agreements. It

must be a condition to the grant of certification that the certified reinsurer must have bound itself by the language of the trust and agreement with the director with principal regulatory oversight of each trust account to fund, upon termination of the trust account, out of the remaining surplus of the trust any deficiency of any other trust account;

(9) Requires with respect to obligations incurred by a certified reinsurer in a multibeneficiary trust, the director to order the certified reinsurer to provide sufficient security for the incurred obligations within 30 days if the security is insufficient. If the reinsurer fails to do so, the director can allow credit in the amount of the required security for one year. Following the one-year period, the director must impose reductions in the allowable credit upon a finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due;

(10) Specifies that if an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the director can defer to that jurisdiction's certification and to the rating assigned by that jurisdiction, and the assuming insurer will be considered to be a certified reinsurer in this state;

(11) Allows a certified reinsurer that ceases to assume new business to request to maintain its certification in inactive status in order to qualify for a reduction in security for its in-force business. An inactive reinsurer must continue to comply with all applicable requirements, and the director must assign a rating the takes into account, if relevant, the reasons why the reinsurer is not assuming new business;

(12) Allows the director to suspend or revoke a reinsurer's accreditation or certification if the reinsurer ceases to meet the requirements for accreditation or certification. The director must give the reinsurer notice and opportunity for a hearing. The suspension or revocation must not be effective until after the hearing with specified exceptions. The bill specifies the effects of a suspension or revocation upon the eligibility for granting credit for reinsurance; and

(13) Requires a ceding insurer to take steps to manage its reinsurance recoverables proportionate to its own book of business and to diversify its reinsurance program. A domestic ceding insurer must notify the director within 30 days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceed 50% of the domestic ceding insurer's last reported surplus to policyholders or after it is determined that the reinsurance recoverables are likely to exceed that limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer. A ceding insurer must take steps to diversify its reinsurance program. A domestic ceding insurer must notify the director within 30 days after ceding to any single assuming insurer or group of affiliated assuming insurers more than 20% of the ceding insurer's gross written premium in the prior calendar year or after it has determined that the reinsurance ceded is likely to exceed the limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer.

The bill becomes effective January 1, 2014.

SS SCS HB 142 — UTILITIES

This bill changes the laws regarding utilities.

TAX EXEMPTION FOR SOLAR SYSTEMS

The bill adds solar systems not held for resale to the list of property and items that are exempt from taxation for state, county, or local purposes under Section 137.100, RSMo.

WATER AND SEWER CORPORATIONS

The bill requires the Missouri Public Service Commission to consider water and sewer corporations as a single group of public utilities for the purposes of the fiscal year assessment of the utilities to fund the expenses incurred by the commission as reasonably attributable to the regulation of public utilities as specified under Section 386.370. Currently, they are to be considered separately.

The bill prohibits a person, public utility, or other corporation purchasing, acquiring, taking, or holding 50% or more of the capital stock issued by a water or sewer corporation that regularly provides service to 8,000 or fewer customers without notifying the commission within 30 days of the acquisition and prohibits the transfer without the consent of the commission when it is delinquent in filing its annual report with the commission, is six months or more delinquent in paying its commission assessment, or is in violation of any other commission or Department of Natural Resources rule or regulation.

The bill specifies that the commission may approve the acquisition of a small water corporation by a large water corporation based on specified criteria. For purposes of ratemaking, the commission must place the area of the smaller water utility in a service area of the acquiring larger public water utility based on factors including geography, contiguousness, and operational or other factors. This consolidation must be approved by the commission in its order approving the acquisition.

JOINT MUNICIPAL UTILITY COMMISSION ACT

The bill clarifies that the governing body of each contracting municipality may vote to issue municipal bonds to finance its individual interest in a specified

project. Approval by three-fourths of all of the governing bodies is required to issue the bonds.

SOLAR REBATE REQUIREMENTS FOR ELECTRIC UTILITIES

The bill modifies the solar rebate requirement for electric utilities under Section 386.890. A solar rebate is capped at 1% of the average retail rate increase ignoring a utility's own investment in solar-related projects. A utility must file to suspend a rate tariff based on the rebate cap at least 60 days prior to the change taking effect. A solar rebate is set at $2 per watt for a system operational on or before June 30, 2014, and decreases annually as specified in the bill until the rebate is phased out on June 30, 2020. As a condition of receiving a rebate, a customer must transfer the right, title, and interest in and to the renewable energy credits to the utility for a period of 10 years from the date the system was installed and operational as confirmed by the utility. Solar rebate expenses that cause an electric utility to exceed the maximum average retail rate increase while a tariff filing is under consideration by the commission must be considered prudently incurred costs that a utility may recover outside a normal rate case under Section 393.1030. The bill does not modify the energy portfolio requirements under Section 393.1030.

ENERGY EFFICIENCY PROGRAMS

Currently, any customer of an electrical corporation that has received a Missouri Low-Income Housing Tax Credit or a Historic Structures Rehabilitation Tax Credit is not eligible for participation in any demand-side program offered by an electrical corporation under the Missouri Energy Efficiency Investment Act if the program offers a monetary incentive to the customer. The bill specifies that this exclusion from eligibility will not apply to any low-income customer who would otherwise be eligible to participate in a demand-side program.

SCS HB 148 — CHILD CUSTODY AND VISITATION RIGHTS FOR MILITARY PERSONNEL

This bill establishes the child custody and visitation rights of a deploying military parent. In its main provisions, the bill:

(1) Defines "deploying parent" as a parent of a child younger than 18 years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child younger than 18 years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component;

(2) Prohibits a court from entering a final order modifying the terms of an existing custody or visitation order until 90 days after the military parent's deployment ends unless there is a written agreement by both parties;

(3) Specifies that deployment or the potential for deployment must not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms of an existing order;

(4) Allows an existing order establishing the terms of custody or visitation to be temporarily modified to make reasonable accommodation for the parties due to a deployment and specifies the terms that must be included in the temporary order;

(5) Specifies that a temporary modification of an order ends no later than 30 days after the return of the deploying parent and the terms of the original custody order are automatically reinstated;

(6) Allows a court to delegate a deploying parent's visitation rights, or a portion of the rights, to a family member with a close and substantial relationship to the minor child for the duration of the deployment if it is in the best interest of the child and the family member does not have a history of perpetrating domestic violence;

(7) Specifies certain obligations that the non-deploying parent must have to the deploying parent under any order entered;

(8) Requires a deploying parent to provide a copy of his or her deploying orders to the non-deploying parent promptly and without delay prior to the deployment;

(9) Prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise visitation rights;

(10) Specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the federal Uniform Child Custody Jurisdiction and Enforcement Act; and

(11) Specifies the factors a court must consider in awarding attorney fees and costs in a custody determination.

SCS HB 152 — SCHOOL OFFICERS

This bill allows the school board of any school district to commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses through a memorandum of understanding with each law enforcement agency and county sheriff's office that

has law enforcement jurisdiction over the school district's premises and location of school activities if the memorandum does not grant statewide arrest authority. Currently, only the school board of the Blue Springs School District has this authority.

The bill requires the Missouri State Training Center for the D.A.R.E. Program to develop the curriculum and certification requirements for school resource officers and specifies the minimum training requirements.

HCS HB 159 — PROOF OF SCHOOL DISTRICT RESIDENCY

This bill specifies that when the family of a student in Missouri lives with other family members or in a military family support community because one or both of the child's parents are deployed under specified active duty military orders, the student may attend the school district in which the family member's residence or family support community is located without providing proof of residency in the district.

HB 163 — ELECTIONS

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

(1) Allows a council member in a third class city to serve a four-year term if the city passes an ordinance or a majority of the voters approve a proposal on the ballot. The four-year terms will begin with those elected to the council after the adoption of the ordinance or the approval of the ballot question (Section 77.030, RSMo);

(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 one of 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 for the office (Section 78.090);

(3) Prohibits a city in which a hospital is located that is organized and operated under Chapter 96, that has not received money from the city during the prior 20 years, and is licensed by the Department of Health and Senior Services for 200 or more beds from selling, leasing, or otherwise transferring all or substantially all of the property without a resolution adopted by at least two-thirds of the members of the board of trustees, a majority vote of the city council, and the approval of the voters of the city. If voters fail to approve the measure, the question may not be resubmitted to the voters sooner than 12 months from the date of the last question, after the adoption of another resolution by at least two-thirds of the board of trustees, and a subsequent vote by a majority of the city council to submit the question to the voters again. The criteria for the sale of the property, the payment of interest and principal on outstanding debt, and the use of assets donated to the hospital are specified in the bill (Section 96.229);

(4) Specifies that if there is not a candidate for an open position on a county 911 emergency services board, an election will not be held for that position, and it must be considered vacant and be filled under the provisions of Section 190.339. If there is only one candidate for each open position, an election will not be held, and the candidate or candidates must assume office at the same time and in the same manner as if elected (Section 190.335); and

(5) Makes the public administrator for the City of St. Louis an appointed position. Currently, all public administrators must be elected by the voters in the county or city in which he or she serves. The administrator must be appointed by a majority of the judges of the 22nd Judicial Circuit. The qualifications and requirements for the position must meet those for an elected public administrator (Sections 473.730 - 473.737).

The provisions of the bill regarding the sale, lease, or transfer of the property of specified hospitals contain an emergency clause.

SS SCS HCS HB 175 — COLLECTION OF LOCAL GOVERNMENT FUNDS

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

(1) Clarifies that a collector-treasurer in a township county is authorized to retain a collection fee only for the collection of current and delinquent real estate and personal property taxes (Section 54.280, RSMo);

(2) Requires, prior to any assessment being levied against any real property and specified liens against real property being imposed within a neighborhood improvement district, the county or city clerk of the governing body establishing the district to record a document with the recorder of deeds in the county where the land is located that contains each owner of record of property within the district at the time of recording who must be identified as grantors and indexed by the recorder, the governing body establishing the district and the title of any official or agency responsible for collecting or enforcing any assessments identified as grantees and indexed by the recorder, the legal description of the property within the district, and the identifying number or a

copy of the resolution or ordinance establishing the district (Section 67.457);

(3) Authorizes the county collector in Jackson County to assess a fee for the collection of special property assessments in a neighborhood improvement district. Currently, only the Boone County collector can assess this fee (Section 67.463);

(4) Specifies that a lien on property for an unpaid special assessment in a neighborhood improvement district in specified first classification counties, charter counties, and the City of St. Louis may also be foreclosed in the same manner as a tax upon real property by land tax sale under Chapter 141. Currently, these liens may only be foreclosed in the same manner as a tax upon real property by a land tax sale under Chapter 140 or by a judicial foreclosure proceeding (Section 67.469);

(5) Authorizes any county to add a special assessment levied for a community improvement district to the annual real estate tax bills for the properties being benefited by the district. Currently, only the county collector in Boone County has this authorization. An unpaid special assessment on January 1 is considered delinquent and enforcement of the delinquent bill is governed by the laws concerning delinquent and back taxes. A lien may be foreclosed in the same manner as a tax upon real property by land tax sales (Section 67.1521);

(6) Allows a county clerk to deliver an electronic copy of the back tax book to the county collector. Currently, he or she must deliver the book (Section 140.050);

(7) Specifies that a person other than the owner or a lien holder who pays the original property taxes plus interest cannot invoke a lien on the property or person without the knowledge and consent of the owner. Any lien invoked without the knowledge and consent of the owner will be null and void (Section 140.115);

(8) Authorizes a county collector to use the procedures in Section 140.150 for selling property with delinquent property taxes or special assessments. Currently, he or she is authorized to only use the procedures for a delinquent special assessment within a neighborhood improvement district (Sections 140.150 and 140.160);

(9) Specifies that any additional moneys from the sale of real estate for delinquent taxes or other debt that is placed in a trust fund for the owners of the property when the property sells for a greater amount than the debt will become part of the permanent school fund of the county if the funds are not called for as part of a redemption or collector's deed issuance within three years (Section 140.230);

(10) Repeals the provisions authorizing the county collector to retain a 50-cent fee for each certificate of purchase issued and the 25-cent fee for noting any assignment of any certificate when recording a certificate of purchase of land sold at a tax sale. The collector continues to be authorized to receive the fee necessary to record the certificate of purchase in the office of the county recorder (Section 140.290);

(11) Clarifies that before the owner of record or the holder of any other publicly recorded claim on a property can transfer ownership or execute an additional lien on the property, he or she must first redeem the property under Section 140.340 (Section 140.405);

(12) Repeals the provision requiring the county clerk to witness the county collector signing the deed given to the property purchaser at a tax sale (Section 140.460);

(13) Repeals the provision authorizing the county collector to charge $1.50 to a person applying for a tax deed for property acquired from a land sale (Section 140.470); and

(14) Clarifies that for the provisions relating to real estate taxes in township counties, "collector" means "collector-treasurer" instead of "treasurer and ex officio collector" (Section 140.665).

SS HB 184 — TAXATION

This bill changes the laws regarding the sales tax on motor vehicles, the transient guest tax in Pettis County, and enhanced enterprise zones and establishes the Missouri Works Program.

SALES TAX ON MOTOR VEHICLES
(Sections 32.087 and 144.020 - 144.615, RSMo)

The bill prohibits state and local use taxes on the sale of motor vehicles, trailers, boats, or outboard motors. State and local sales taxes must be imposed on the sale of these items at the time of titling in Missouri, regardless of whether the item was purchased in this state. The residence of the purchaser will be used for determining the local tax rate that should apply. The rate of tax for motor vehicles, trailers, boats, or outboard motors sold at retail must be the sum of the state sales tax and the local sales tax.

All local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the sale of motor vehicles, trailers, boats, or outboard motors purchased out-of-state when titling in Missouri. If a taxing jurisdiction does not hold the vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. A taxing jurisdiction may, at any time, hold a vote to repeal the tax. Language repealing the tax must

also be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting it.

TRANSIENT GUEST TAX IN PETTIS COUNTY
(Section 67.1010)

The provision prohibiting Pettis County from using revenue from its transient guest tax to pay salaries is repealed.

ENHANCED ENTERPRISE ZONES
(Section 135.960)

The bill revises the process for designating an enhanced enterprise zone by repealing the requirement that the governing authority notify the Director of the Department of Economic Development of the public hearing regarding the designation at least 30 days prior to the required hearing and to publish the notice in the newspaper. After a public hearing, the governing authority of the political subdivision may adopt an ordinance or resolution to designate an area as an enhanced enterprise zone rather than filing a petition requesting the designation with the department as is currently required.

MISSOURI WORKS PROGRAM
(Sections 620.2000 - 620.2020)

The Missouri Works Program is established to provide tax incentives through retained withholding taxes and refundable income and financial institutions tax credits for qualified companies. The program provides entitlement and discretionary benefits for qualified companies that offer health insurance to employees and pay at least 50% of the premiums. Tax credits provided under the program are fully transferable and must be used within one taxable year following the taxable year in which they are issued.

A qualified company may retain an amount equal to the withholding tax for new jobs for five years from the date the jobs are created, or for six years if the company is an existing Missouri business, if the company creates 10 or more new jobs at an average wage of 90% or more of the county average wage; the company creates two or more new jobs at a project facility located in a rural area at an average wage of 90% or more of the county average wage and the company commits at least $100,000 to new capital investment at the facility within two years; or if the company creates two or more new jobs at a project facility located within an enhanced enterprise zone, the average wage of the new jobs equals or exceeds 80% of the county average wage, and the company commits to making at least $100,000 in new capital investment at the project facility within two years. The department may award a qualified company tax credits of up to 6% of new payroll to be issued each year for five years, or six years if the company is an existing Missouri business, if the total amount of tax credit and retained withholding benefits do not exceed 9% of the new payroll in any year. The amount of tax credits awarded cannot exceed the projected net fiscal benefit to the state as determined by the Department of Economic Development and cannot exceed the least amount necessary to obtain the company's commitment to initiate the project. In determining the amount of tax credits to award, the department must consider specified factors. When the department approves a notice of intent to receive tax credits, it must enter into a written agreement with the qualified company that specifies, at a minimum, the committed number of new jobs, new payroll, and new capital investment for each year during the project period; the date or time period during which the tax credits will be issued; clawback provisions as may be required by the department; and any other provisions that the department may require. In lieu of these benefits a qualified company may, for a period of five years from the date the new jobs are created or for six years if the company is an existing Missouri business, retain an amount equal to the withholding tax from the new jobs that would otherwise be withheld and remitted equal to 6% if the company creates 100 or more new jobs and the average wage of the new payroll equals or exceeds 120% of the county average wage of the county in which the project facility is located or 7% if it creates 100 or more new jobs and the average wage equals or exceeds 140% of the county average wage. The department must issue a refundable tax credit for any difference between the allowed benefit amount and the amount of withholding tax retained by the company if the withholding tax is not sufficient to provide the entire amount of benefit due.

A qualified company that produces 10 or more jobs at the required wage may also receive tax credits of up to 3% of new payroll for five years, or six years if the company is an existing Missouri business, if the total benefits awarded do not exceed 9% of new payroll in any year. The amount of awarded tax credits to a company cannot exceed the projected net fiscal benefit to the state as determined by the department and cannot exceed the least amount necessary to obtain the company's commitment to initiate the project. In determining the amount of tax credits to award, the department must consider specified factors. No benefits can be available for a qualified company that has performed significant, project-specific site work at the project facility, purchased machinery or equipment related to the project, or has publicly announced its intention to make new capital investment at the facility prior to receipt of a proposal for benefits or the approval of

its notice of intent, whichever occurs first.

A benefit for retained jobs, not to exceed $6 million in the aggregate in any fiscal year, may be awarded if the department determines that there is a significant probability that the qualified company would relocate to another state in the absence of these benefits. A qualified company may be authorized to retain an amount not to exceed 100% of the withholding tax from full-time jobs for 10 years if the average wage of the retained jobs equals or exceeds 90% of the county average wage. In order to be eligible to receive these benefits, the qualified company must agree to retain at least 50 jobs for 10 years and to make a new capital investment at the project facility within three years in an amount equal to 50% of the total benefits offered to the company. Upon approval of a notice of intent to request benefits, the department and company must enter into a written agreement with specified requirements.

The department is required to respond to a written request for a proposed benefit award under the program within five business days of the receipt of the request. The response must contain a proposal of benefits or a written refusal stating the reasons for the refusal. Failure by the department to respond to a notice of intent within 30 days will result in it being deemed approved. A qualified company may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There cannot be a limit on the number of project periods a qualified company may participate in the program.

The benefits available to the company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs must first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If a company also participates in a job training program utilizing withholding tax, the company cannot retain withholding tax under this program but the department must issue a refundable tax credit for the full benefit amount under this program. The annual maximum amount of tax credits can be increased by an amount equivalent to the withholding tax retained under a jobs training program.

A qualified company receiving benefits under the program must provide an annual report of the number of jobs and other information as may be required by the department to document the basis for program benefits available no later than 90 days prior the end of the company's tax year immediately following the tax year for which the benefits are attributed. Any taxpayer who is awarded benefits under this program who knowingly hires an individual who is not allowed to work legally in the United States must immediately forfeit the benefits and repay an amount equal to any state tax credits already redeemed and any withholding taxes already retained. If an applicant owes any delinquent taxes, fees, or assessments, any tax credit issued will be first applied to the delinquency.

Beginning August 28, 2013, no new benefits can be authorized for any project that has not already been approved by the department under the Development Tax Credit Tax Program, the Rebuilding Communities Tax Credit Program, the Enhanced Enterprise Zone Tax Credit Program, and the Missouri Quality Jobs Program. A company receiving benefits under the Missouri Works Program cannot benefit under the Manufacturing Jobs Act. The total amount of all tax credits authorized for each fiscal year under the Missouri Works Program, including any outstanding authorizations for tax credits under the other four specified programs, cannot exceed $106 million for Fiscal Year 2014, $111 million for Fiscal Year 2015, and $116 million for FY 2016 and thereafter.

By no later than January 1, 2014, the department must provide quarterly reports on the program to the General Assembly including, at a minimum, a list of all applicants, a list of the amount of new or retained jobs and new capital investment that are directly attributable to the authorized tax credits, documentation of the estimated net state fiscal benefit for each authorized project and the actual benefit realized upon completion of the project or activity, and the department's response time for each request for a proposed benefit award under the program.

The provisions of the bill regarding the Missouri Works Program expire six years after the effective date.

The provisions of the bill regarding the sales tax on motor vehicles are nonseverable and if any provision is held to be invalid for any reason, the decision will invalidate all of the remaining provisions.

SCS HB 196 — JOB TRAINING PROGRAMS

This bill changes the laws regarding the reporting requirements for unemployment benefits, requires the Department of Economic Development to establish the Missouri Works Training Program, and establishes the Missouri Works Job Training Joint Legislative Oversight Committee.

The bill repeals the provision requiring a claimant for unemployment benefits to report in person to an office of the Division of Employment Security within the Department of Labor and Industrial Relations at least once every four weeks in order to be eligible for continued benefits and the provision exempting

a claimant from reporting once every four weeks in person if he or she resides in a county with an unemployment rate of 10% or more and in which the county seat is more than 40 miles from the nearest division office. The bill specifies that a claimant for unemployment benefits may satisfy the reporting requirements by reporting by Internet communication or any other means deemed acceptable by the division.

The Department of Economic Development is required to establish the Missouri Works Training Program to assist qualified companies in the training of employees in new jobs and the retraining or upgrading of the skills of full-time employees in retained jobs. The program is to be funded through appropriations to the Missouri Works Job Development Fund, formerly the Missouri Job Development Fund; the Missouri Works Community College New Jobs Training Fund, formerly the Missouri Community College Job Training Program Fund; and the Missouri Works Community College Job Retention Training Fund, formerly the Missouri Community College Job Retention Training Program Fund. The department must prioritize funding to assist qualified companies in targeted industries. The bill specifies the requirements for a qualified company to receive benefits, how the benefits will be calculated, and the penalties for failing to meet any requirements under the program.

The provisions regarding the Missouri Job Training Joint Legislative Oversight Committee are repealed and the Missouri Works Job Training Joint Legislative Oversight Committee is established consisting of three members of the House of Representatives appointed by the Speaker and three members of the Senate appointed by the President Pro Tem. An annual report must be submitted by October 1 to the Governor, Speaker of the House of Representatives, and President Pro Tem of the Senate regarding all assistance provided to industries under these provisions during the preceding fiscal year.

The provisions of the bill regarding the Missouri Works Training Program will expire July 1, 2019.

The provisions of the bill regarding reporting requirements for unemployment benefits contain an emergency clause.

HB 212 — SECURED TRANSACTIONS

This bill changes the laws regarding secured transactions under the Uniform Commercial Code. It its main provisions, the bill:

(1) Specifies that the term "certificate of title" includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral;

(2) Specifies that the term "health-care-insurance receivable" includes an interest in or claim under an insurance policy that is a right to payment for health-care goods or services to be provided;

(3) Defines a "public organic record" as a record that is available to the public for inspection and is:

(a) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record to amend or restate the initial record;

(b) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state that amends or restates the initial record if a state statute governing business trusts requires that the record be filed with the state; or

(c) A record consisting of legislation by a state legislature or the United States Congress that forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States that amends or restates the name of the organization;

(4) Specifies that a "registered organization" means an organization formed or organized solely under the law of a single state of the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. It includes a business trust that is formed or organized under the law of a single state if a state statute governing business trust requires that the trust's organic record be filed with the state;

(5) Allows a registered organization, branch, or agency to designate its state of location by designating its main office, home office, or other comparable office;

(6) Specifies the rules that apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction;

(7) Specifies the requirements a financing statement naming an original debtor who is located in another jurisdiction must meet to perfect a security interest in the collateral had the debtor not changed its location;

(8) Specifies when a financing statement sufficiently provides the name of the debtor;

(9) Allows a person to file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person who filed

the record was not entitled to do so under Sections 400.9-509(d), RSMo, and specifies the information that the statement must contain;

(10) Specifies when a security interest perfected immediately before this bill takes effect is a perfected security interest;

(11) Specifies when a security interest that is unperfected immediately before this bill takes effect becomes a perfected security interest;

(12) Specifies when the filing of an initial financing statement filed before this law takes effect continues the effectiveness of that financing statement;

(13) Determines the priority of conflicting claims to collateral; and

(14) Specifies that Section 400.4A-108 applies to a funds transfer that is a remittance transfer as defined in the Electronic Funds Transfer Act unless the remittance transfer is an electronic funds transfer as defined in the act.

SS SCS HCS HB 215 — CRIMINAL PROCEDURES

This bill changes the laws regarding criminal procedures.

CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE (Section 43.518, RSMo)

The bill replaces the Chairman of the Circuit Court Budget Committee with the Chairman of the Joint Legislative Committee on Court Automation for the purpose of service on the Criminal Records and Justice Information Advisory Committee within the Department of Public Safety.

SEXUAL OFFENSES (Sections 160.261 - 217.010, 217.703, 339.100, 556.036 - 556.061, 558.018, 558.026, 559.115, 559.117, 566.020 - 566.226, 589.015, 590.700, and 632.480)

The bill changes the laws regarding certain sexual offenses. In its main provisions, the bill:

(1) Renames the crime of forcible rape to rape in the first degree and specifies that a person commits the crime if he or she has sexual intercourse with an individual who is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(2) Renames the crime of forcible sodomy to sodomy in the first degree and specifies that a person commits the offense if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(3) Renames the crime of sexual assault to rape in the second degree;

(4) Renames the crime of deviate sexual assault to sodomy in the second degree;

(5) Renames the crime of sexual abuse to sexual abuse in the first degree and specifies that a person commits the offense if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(6) Renames the crime of "sexual misconduct in the second degree" to "sexual misconduct in the first degree";

(7) Renames the crime of "sexual misconduct in the third degree" to "sexual misconduct in the second degree";

(8) Renames the crime of "sexual misconduct" to "sexual abuse in the second degree";

(9) Specifies that a real estate broker's or salesperson's license must be revoked and an applicant must not be issued a license if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of rape in the first or second degree, sodomy in the first or second degree, or sexual abuse in the first or second degree;

(10) Specifies that a prosecution for rape in the first degree, attempted rape in the first degree, sodomy in the first degree, or attempted sodomy in the first degree may be commenced at any time;

(11) Defines the terms "domestic violence," "family," and "household member" as they apply to certain information that an insurance company cannot disclose to be the same as they are defined in Section 455.010;

(12) Specifies that a prosecution for an unlawful sexual offense involving a person 18 years old or younger must be commenced within 30 years after the victim reaches the age of 18 unless the prosecution is for rape in the first degree, attempted rape in the first degree, sodomy in the first degree, or attempted sodomy in the first degree, in which case the prosecution may be commenced at any time;

(13) Includes being in a drug-induced state or for any other reason being manifestly unable or known by the actor to be unable to make a reasonable judgment to the list of those who are incapable of giving consent to sexual activity; and

(14) Repeals the provision which specifies that a person is not incapacitated with respect to an act committed upon him or her if he or she became unconscious, unable to appraise the nature of the person's conduct, or unable to communicate unwillingness to an act after consenting to the act.

JUVENILE OFFENDERS (Section 217.345)

The bill changes the age requirement for a first-time offender to enter correctional treatment programs from younger than 17 years of age to younger than 18 years of age and repeals the provisions allowing the Department of Corrections to establish a regimented training program for juvenile offenders. The programs must include the physical separation of an offender who is younger than 18 years of age from an offender older than 18 years of age. Currently, the programs must include the physical separation of an offender who is younger than 17 years of age from an offender older than 17 years of age. The provisions requiring prosecuting attorneys to maintain records regarding the sentencing of offenders younger than 17 years of age, including any treatment programs to which the offender has been assigned, and the provisions requiring the department to submit an evaluation report to the Governor and General Assembly concerning offenders younger than 17 years of age and the programs available to them are also repealed.

DOMESTIC VIOLENCE
(Sections 375.1312 and 455.010 - 527.290)

The bill changes the laws regarding domestic violence. In its main provisions, the bill:

(1) Changes the term "abuse" to "domestic violence" as it applies to orders of protection;

(2) Specifies that a court must have jurisdiction to also enter an order of protection restraining or enjoining a respondent from committing or threatening to commit domestic violence or stalking;

(3) Allows any person who has been subject to domestic violence to seek a protective order. Currently, any adult who has been subject to domestic violence may seek a protective order;

(4) Requires the court to deny an ex parte order of protection and dismiss the petition request if the petitioner is not authorized to seek relief pursuant to Section 455.020;

(5) Specifies that if the respondent of an ex parte order of protection is younger than 17 years of age, unless otherwise emancipated, service of process must be made upon a custodial parent or guardian of the respondent or a guardian ad litem appointed by the court requiring that person to appear and bring the respondent before the court at the time and place stated;

(6) Specifies that if an ex parte order is entered and the respondent is younger than 17 years of age, the court must transfer the case to the juvenile court for a hearing on a full order of protection. Currently, if an ex parte order is entered and the allegations in the petition would give rise to jurisdiction under Section 211.031 because the respondent is younger than 17 years of age, the court must transfer the case to juvenile court;

(7) Specifies that if the petitioner has proved the allegation of domestic violence or stalking by a preponderance of the evidence at a hearing and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court must issue a full order of protection for at least 180 days and not more than one year;

(8) Requires notice of an ex parte or full order of protection to be served at the earliest time, and service of the notice must take priority over service in other actions except for actions of a similar emergency nature;

(9) Repeals the provision requiring the court to set the motion to dismiss any order of protection or order for child support, custody, temporary custody, visitation, or maintenance for hearing and both parties to have an opportunity to be heard; and

(10) Specifies that any system operated by the judiciary which is designed to provide public case information electronically must not post notice of a legal change in name if the petitioner is the victim of a crime which includes an act of domestic violence, the victim of child abuse, or the victim of domestic violence.

ELECTRONIC MONITORING
(Sections 544.455 and 557.011)

Currently, a judge may release a person charged with a crime pending trial and place him or her on house arrest with electronic monitoring or allow a person convicted of a crime to serve all or any portion of his or her sentence on house arrest with electronic monitoring if the person can afford the costs of the monitoring. The bill allows a judge to place the person on house arrest with electronic monitoring if the county commission agrees to pay the costs of the monitoring from its general revenue.

DEPARTMENT OF CORRECTIONS PROGRAMS
(Sections 559.036 and 559.115)

Currently, the Department of Corrections must provide a report and recommendations for the terms and conditions of probation to the court after 100 days of incarceration if the department determines that an offender is not successful in a program. The court must then release the offender on probation or order the offender to remain incarcerated to serve the sentence imposed. The bill specifies that if the department determines the offender has not successfully completed a 120-day program, the

offender must be removed from the program and the court advised of the removal. The department may recommend the terms and conditions of probation. The court has the power to grant probation or order execution of the offender's sentence. The court must consider other authorized dispositions if the court is advised that an offender is not eligible for placement in a 120-day program. Except when an offender has been found to be a predatory sexual offender, the court must request the department to conduct a sexual offender assessment if the defendant has pled guilty or been found guilty of a class B sexual abuse felony. The bill repeals a provision requiring the court to request certain offenders be placed in the sexual offender assessment unit of the department and requires the department to provide to the court a report on the offender and may recommend the terms and conditions of an offender's probation. The sexual offender assessment must not be considered a 120-day program. The bill specifies the process for granting probation to an offender who has completed the assessment.

RESTITUTION
(Sections 559.100, 559.105, and 570.120)

The bill requires restitution to be paid through the office of the prosecuting or circuit attorney. These provisions cannot prohibit the prosecuting attorney or circuit attorney from contracting with or utilizing another entity for the collection of the restitution and costs. Each prosecuting or circuit attorney who takes any action to collect restitution must collect from the person paying restitution an administrative handling cost of $25 for restitution in an amount of less than $100, $50 for an amount between $100 and $249, and an additional fee of 10% of the total restitution for an amount of $250 or more. The maximum fee for administrative handling costs cannot exceed $75.

The moneys collected by the prosecuting or circuit attorney must be deposited into the newly created Administrative Handling Cost Fund to be expended by the prosecuting or circuit attorney for office supplies and equipment, capital outlay, trial preparation expenses, additional staff, and employees' salaries. Any restitution collected from a person found guilty of passing a bad check must also be deposited into the fund.

Currently, any person who has been found guilty of or pled guilty to the offense of tampering in the first degree involving an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle without the owner's consent or stealing a motor vehicle, watercraft, or aircraft may be ordered by the court to make restitution to the victim. The bill allows the court to order restitution to be paid by any person who has been found guilty or has pled guilty to any offense as a condition of probation or parole. The list of allowable expenses for restitution is revised to include, but not be limited to, a victim's reasonable expenses to participate in the prosecution of the crime.

Currently, any person eligible to be released on parole for the offense of tampering or stealing may be required as a condition of parole to make restitution. The bill requires any person eligible to be released on parole to make restitution as a condition of parole.

The court may set an amount of restitution to be paid by any person who has been found guilty of an offense to the victim for the victim's losses due to the offense that may be taken from the inmate's account at the Department of Corrections while he or she is incarcerated; and upon release from imprisonment, the payment of any unpaid balance may be collected as a condition of conditional release or parole.

POSSESSION OF CHILD PORNOGRAPHY
(Section 573.037)

Currently, a person commits the crime of possession of child pornography, a class C felony, if he or she possesses any child pornography or obscene material portraying what appears to be a minor less than 18 years of age. The bill specifies that the offense of possession of child pornography is a class C felony if the person possesses one still image of child pornography or one obscene still image.

Currently, the possession of child pornography is a class B felony if the person possesses more than 20 still images or one video of child pornography or has previously pleaded or been found guilty of the offense. The bill also makes it a class B felony to possess more than 20 obscene still images or one obscene video.

The bill specifies that a person who has committed the offense of possession of child pornography is subject to separate punishments for each item of child pornography or obscene material he or she possesses.

FORENSIC EXAMINATIONS OF CHILDREN
(Section 595.220)

The Department of Public Safety must establish rules for reimbursing the costs of forensic examinations for children younger than 14 years of age, including establishing conditions and definitions for emergency and non-emergency forensic examinations and may, by rule, establish additional qualifications for appropriate medical providers performing non-emergency forensic examinations for children younger than 14 years of age. The

department must provide reimbursement regardless of whether or not the findings indicate that the child was abused.

INDIGENT DEFENDANTS
(Sections 600.011 and 600.040 - 600.064)

The bill redefines "assistant public defenders," "deputy directors," "deputy district defenders," "district defenders," and "division directors" to reflect the current administrative structure of the Public Defender System and specifies that the deputy director exercises the duties of the director on a temporary basis only, when the director is absent or has resigned, until the Public Defender Commission appoints a new director.

The director is required to prepare a plan to establish district offices with boundaries that coincide with existing judicial circuits. The director must submit the plan to the Chair of the Judiciary Committee of the House of Representatives and the Chair of the Judiciary Committee of the Senate, with fiscal estimates, by December 31, 2014. The plan must be implemented by December 31, 2018.

Currently, an indigent person is eligible for public defender services when detained or charged with a misdemeanor that will likely result in confinement. The bill specifies that a person is only eligible when the prosecuting attorney has requested a jail sentence. An indigent defendant charged with a violation of probation is only eligible for representation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights.

Notwithstanding the rulemaking authority of the Director of the State Public Defender System and the Public Defender Commission, neither the director nor the commission may limit the availability of a district office or a public defender to accept cases based on a determination that the office has exceeded a caseload standard. The director, commission, any division director, district defender, deputy district defender, or assistant public defender may not refuse to provide the required representation without prior approval from a court of competent jurisdiction.

A district defender is authorized to file a motion to request a conference to discuss caseload issues involving an individual public defender or defenders, but not the entire office, with the presiding judge of a circuit court served by the office. The circuit clerk must provide a copy of the motion to the prosecuting attorney who serves the circuit court. If the motion is approved, a date for the conference must be set within 30 days of the filing of the motion, and notice of the date must be sent to the district defender and the prosecuting attorney. Within 30 days of the conference, the judge must issue an order granting or denying relief. In order to grant relief, the judge must find that the public defender or defenders will be unable to provide effective assistance of counsel due to caseload issues.

In the order, the judge may appoint private counsel to represent any eligible defendant; investigate the financial status of any eligible defendant; determine, with the express concurrence of the prosecuting attorney, whether any cases can be disposed of without the imposition of a jail or prison sentence and allow those cases to proceed without counsel; modify the conditions of release for a defendant represented by a public defender; place cases on a waiting list for a public defender; and grant continuances.

The prosecuting attorney and district defender have 10 days to appeal the order. The appeal must be expedited by the appellate court in every manner practicable. The commission and the Missouri Supreme Court have the authority to make rules to implement these provisions.

Prior to appointing private counsel to represent an indigent defendant, the court must investigate the defendant's financial status to verify that the defendant does not have the means to obtain counsel; provide each appointed lawyer, upon request, with an evidentiary hearing on the propriety of the appointment; and determine whether the private counsel to be appointed has the necessary experience, education, and expertise in criminal defense to provide effective counsel. A judge is prohibited from requiring a lawyer to advance any amount of personal funds for the cost of defending an indigent defendant.

If an employee of the General Assembly is appointed to represent an indigent defendant during the time period beginning January 1 and ending June 1 of each year or whenever the General Assembly is in a veto or special session or is holding an out-of-session committee hearing, the judge must postpone the trial and court proceedings to a date that does not fall during these times or appoint a different lawyer who is not an employee of the General Assembly.

Private counsel appointed to represent an indigent defendant may seek payment of litigation expenses from the Public Defender System, but the expenses must not include counsel fees and must be limited to those reasonably necessary expenses approved in advance by the director.

SEXUALLY VIOLENT PREDATORS
(Section 632.498)

Currently, a sexually violent predator who has been civilly committed is allowed to petition the court for conditional release over the objections of the Director of the Department of Mental Health. The petition must be served upon the court that

committed the person, the department director, the head of the facility housing the offender, and the Attorney General. The bill requires the petition to also be served to the prosecuting attorney of the jurisdiction into which the committed person is to be released.

ELECTRONIC MONITORING INFORMATION (Section 632.505)

The bill specifies that the Department of Corrections must provide, upon request, access by the chief of the local law enforcement agency to the information gathered by the global positioning system or other technology used to monitor a person who has been granted conditional release from the department upon the determination by a court or jury that he or she is not likely to commit acts of sexual violence if released when the person is being electronically monitored and remains in the county, city, town, or village where the releasing facility is located. The information obtained must be closed and cannot be disclosed to any person outside the agency except upon an order of the court supervising the conditional release.

DEFINITION OF SEXUALLY VIOLENT OFFENSE (Section 1)

The bill specifies that it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases citing, interpreting, applying, or following those cases. These provisions are to be applied retroactively.

The provisions of the bill regarding the prohibition on limiting the availability of a district office or a public defender to accept a case because of exceeding the caseload standard under Section 600.062 and the provisions regarding sexually violent offenses under Section 632.480 contain an emergency clause.

SCS HCS HB 233 — STATE EMPLOYEE BENEFITS

This bill changes the laws regarding the Missouri State Employee Retirement System (MOSERS) and the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (MPERS) so that they are consistent for both systems. In its main provisions, the bill:

(1) Revises the definition of "beneficiary" to include more than one person or entity;

(2) Specifies that the definition of an "employee," effective August 28, 2007, is a person who works at least 1,040 hours a year and makes the definition consistent in the provisions regarding all plans;

(3) Changes the term "guardian" to "conservator" in the provisions regarding surviving children benefits to clarify that a conservator is authorized to control the finances of minor children and a guardian controls other life decisions;

(4) Specifies that in all cases in which an error in any record has been made regarding a member's or beneficiary's benefit under MPERS or MOSERS, a correction cannot be made unless the system discovers or is notified of the error within 10 years after the initial date of the error;

(5) Removes the requirement that the Social Security number of the member and the alternate payee be included on a division of benefits order pursuant to a dissolution of marriage and requires their dates of birth to be included to make the provisions consistent with those regarding the Year 2000 Plan (MSEP);

(6) Specifies that a division of benefits order issued pursuant to a dissolution of marriage cannot require the applicable retirement system to continue payments to an alternative payee if the member's retirement benefit is suspended or waived but must resume when the retiree begins to receive retirement benefits in the future;

(7) Specifies that a cost-of-living adjustment (COLA) paid under MOSERS or MPERS cannot accrue while a retiree is employed less than 1,040 hours in a year and in-service COLAs will not accrue based on any additional service due to the reemployment;

(8) Clarifies that any member retiring under MOSERS or MPERS or any member of the Public School Retirement System who is employed by a department other than an institution of higher education must be credited with all of his or her unused sick leave as reported by the last department that employed him or her prior to retirement when calculating his or her years of service;

(9) Specifies that the transfer of creditable service between the retirement systems will become effective at the time the person files written notification of his or her election with the retirement boards affected by the service transfer. Currently, the transfer becomes effective on the first day of the second month following the month in which the person files the written notification;

(10) Specifies that if a person elects to change from the closed plan to the Year 2000 Plan, he or she must remain in the closed plan until his or her annuity starting date;

(11) Specifies that an additional benefit increase, lump sum benefit payment, or cost-of-living adjustment cannot be adopted unless the plan's

actuary determines that the funded ratio of the most recent periodic actuarial valuation is 80% prior to adoption and at least 75% after adoption. Currently, the adoption of an additional benefit increase, lump sum benefit payment, or a cost-of-living increase is not required to be based on the funded ratio of the most recent periodic actuarial valuation. This provision must not prevent a plan from adopting any provision that is necessary to maintain a plan's status as a qualified trust; and

(12) Specifies that a minor child as it applies to the Judicial Plan under MOSERS means any child younger than 21 years of age to make the provisions consistent with the provisions of the other plans administered by MOSERS.

HCS HB 235 — COUNTY CANDIDATE QUALIFICATIONS

Currently, a candidate for county treasurer must be at least 21 years of age and a resident of the state and the county in which he or she is a candidate for at least one year prior to the date of the general election for the office. This bill exempts a candidate in a county with a charter form of government from these requirements.

A candidate for the office of county collector, county treasurer, or county collector-treasurer must provide the election authority with a copy of a signed affidavit from a surety company authorized to do business in Missouri indicating that he or she meets the statutory bond requirements for the office for which the candidate is filing.

SS HB 253 — TAXATION

(Vetoed by the Governor)

This bill changes the laws regarding taxation.

STREAMLINED SALES AND USE TAX AGREEMENT

The bill requires the Director of the Department of Revenue to enter into the Streamlined Sales and Use Tax Agreement with one or more states to simplify and modernize sales and use tax administration in order to substantially reduce the burden of tax compliance for all sellers and types of commerce.

The bill specifies that:

(1) When a city annexes or detaches property, the city clerk must forward a certified copy of the ordinance to the department director within 10 days. The tax rate in the added or abolished territory must become effective on the first day of the calendar quarter 120 days after the sellers receive notice of the change (Section 32.087.18, RSMo);

(2) When a political subdivision changes the tax rate or the local sales tax boundary, the change must become effective on the first day of the calendar quarter 120 days after the sellers receive notice of the change (Section 32.087.19);

(3) When specified political subdivisions repeal an existing tax, the repeal must become effective on the first day of the calendar quarter 120 days after notice to sellers (Sections 66.620 - 67.1545, 67.1775, 67.2000, and 67.2530); and

(4) When a seller fails to properly collect taxes based on certain information provided by the department, the seller will be relieved from the tax liability (Sections 144.123 - 144.124).

The bill also:

(1) Requires the department to establish the necessary rules to implement the compliance provisions of the agreement. The state must be represented as a member of the agreement for amending the agreement by three delegates including a person appointed by the Governor, a member of the General Assembly appointed by mutual consent of the President Pro Tem of the Senate and the Speaker of the House of Representatives, and the department director or his or her designee. The delegates must make an annual report by January 15 on the status of the agreement (Section 32.070);

(2) Authorizes the department director to retain 1% of the amount of any local sales or use taxes collected by the department for the cost of collection (Section 32.086);

(3) Requires the department director to perform all functions regarding the administration, collection, enforcement, and operation of all sales taxes. All state and local sales taxes must have the same base which means that exemptions at the state and local level must be identical (Sections 32.087 and 66.620-67.2530);

(4) Defines "delivery charges," "food," "bottled water," "candy," "ancillary services," "lease or rental," "purchase price," and "sales price" as they apply in the streamlined agreement. The bill also defines "engages in business activities within the state" and "maintains a place of business in this state" as they relate to the collection of taxes and defines "tangible personal property" to exclude specified digital products, digital audio-visual works, digital audio works, and digital books (Section 144.010);

(5) Establishes rules to determine the taxability of bundled transactions involving both taxable and nontaxable goods or services (Section 144.022);

(6) Requires uniform sourcing rules to determine what tax rates will apply to certain transactions (Sections 144.040 - 144.043);

(7) Requires the department director to participate in an on-line registration system that will allow sellers

to register in this state and other member states. Registration with the central registration system and the collection of sales and use taxes in this state must not be used as a factor in determining whether the seller has nexus with this state for any tax at any time (Section 144.082);

(8) Requires the department director to establish rules and regulations for the remittance of sales and use taxes that allow for payments by all remitters and requires a seller to submit its sales and use tax returns electronically in a simplified format approved and prescribed by the department director (Section 144.084);

(9) Authorizes a deduction from taxable sales for a seller for bad debts attributable to taxable sales that have become uncollectable (Section 144.105);

(10) Requires the department director to provide and maintain an electronic database that describes boundary changes for all taxing jurisdictions and the effective dates of the changes for sales and use tax purposes, a database of all sales and use tax rates for all taxing jurisdictions, and a database that assigns each five- and nine-digit zip code to the proper rates and taxing jurisdictions. The department director must complete a taxability matrix detailing taxable property and services (Sections 144.123 - 144.124);

(11) Authorizes an amnesty to certain out-of-state sellers with uncollected or unpaid sales or use tax if the seller was not registered in Missouri in the prior 12-month period before the effective date of the state's participation in the streamlined agreement (Section 144.125); and

(12) Requires the department director to provide a monetary allowance under the automated collection system of 2% of the amount of remittance that sellers and certified service providers are allowed for collecting and remitting the state and local sales taxes. Currently, sellers are allowed to keep 2% for collecting and timely remitting the tax. A seller cannot simultaneously receive this monetary allowance and the 2% timely filing deduction (Section 144.140).

TAX AMNESTY

The bill authorizes an amnesty from the assessment or payment of all penalties, additions to tax, and interest on delinquencies of unpaid taxes administered by the Department of Revenue which occurred on or prior to December 31, 2012. A taxpayer must apply for amnesty; pay the unpaid taxes in full from August 1, 2013, to October 31, 2013; and agree to comply with state tax laws for the next eight years from the date of the agreement. If a taxpayer is granted amnesty, he or she will not be eligible to participate in any future amnesty for the same tax. All tax payments received from the tax amnesty program must be deposited into the General Revenue Fund unless otherwise earmarked by the Missouri Constitution (Section 32.383).

COMMUNITY DEVELOPMENT DISTRICT TAX

The bill changes the items that are to be exempt from a community development district tax to the retail sale of fuels used to power motor vehicles, aircraft, locomotives, or watercraft; the retail sale of electricity, piped natural or artificial gas, or other fuels delivered by the seller; and the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes. Currently, the sales of motor vehicles, trailers, boats or outboard motors, and sales to or by public utilities and providers of communications, cable, or video services are exempt (Section 67.1545).

INCOME TAX

The bill:

(1) Modifies the individual income tax rate table. Beginning with the 2014 tax year, the maximum tax rate on personal income will be reduced by 0.5% over a period of 10 years. However, the reduction can only occur if the tax revenues collected in the current year exceed those collected in any of the three prior fiscal years by at least $100 million. After the rate reduction is fully phased-in, the maximum tax rate will be 5.5%. If the federal government passes the Marketplace Fairness Act of 2013, or similar legislation, the maximum rate of tax on personal income will be reduced an additional 0.5% (Sections 143.011 and 143.021);

(2) Creates an individual income tax deduction for business income and phases it in over a five-year period. A taxpayer will be allowed to deduct 10% of business income for the 2014 tax year and, once fully phased-in, will be allowed a 50% deduction for all tax years after the 2017 tax year. A shareholder of a S-corporation and a partner in a partnership will be allowed a proportional deduction based on his or her share of ownership (Section 143.022);

(3) Reduces the tax rate on corporate income by 3% over a period of 10 years, beginning with the 2014 tax year. However, the reduction can only occur if the tax revenues collected in the current year exceed those collected in any of the three prior fiscal years by at least $100 million. After the rate reduction is fully phased-in, the tax rate on corporate income will be 3.25% (Section 143.071); and

(4) Authorizes, beginning January 1, 2014, an additional personal exemption of $1,000 for every individual with a Missouri adjusted gross income of less than $20,000. Currently, the personal exemption for individual income tax is $2,100 (Section 143.151).

WITHHOLDING TAX FILING REQUIREMENTS

Currently, an employer is allowed to file an annual withholding tax return instead of four quarterly returns when the aggregate amount withheld is less than $20 in each of the four preceding quarters. The bill changes the amount to less than $100 in each of the four preceding quarters if the employer is not otherwise required to file a withholding return on a quarterly or monthly basis (Section 143.221).

SALES AND USE TAX

The bill:

(1) Authorizes a state and local sales and use tax exemption for all sales of kidney dialysis equipment and enteral feeding systems; durable medical equipment, prosthetic devices, and mobility enhancing equipment; and over-the-counter drugs prescribed by a licensed health care practitioner (Section 144.030.2(19));

(2) Revises the list of items exempted from state and local sales and use tax to add all sales of piped natural or artificial gas or other fuels delivered by the seller for domestic use and to remove all sales of electrical current, natural, artificial or propane gas, wood, coal, or home heating oil. It also repeals the exemption for all sales of water service for domestic use in the City of St. Louis (Section 144.030.2(24));

(3) Authorizes a sales tax exemption for all sales of new light aircraft, light aircraft kits, or light aircraft parts or components manufactured or substantially completed within this state when sold by the manufacturer to a qualified purchaser (Section 144.030.2(43));

(4) Authorizes a sales tax exemption for all sales of computer printouts, computer output on microfilm or microfiche, and computer-assisted photo compositions (Section 144.030.2(44)); and

(5) Specifies that the 2% timely remittance of payment allowance applies to sales transactions with tax exemptions under Sections 144.210 and 144.212 (Section 144.710).

USE TAX NEXUS

The bill changes the laws regarding the collection of sales and use taxes relating to nexus with Missouri. In its main provisions, the bill:

(1) Voids any ruling, agreement, or contract between the executive branch or any other state agency or department and any person that exempts the person from the collection of sales and use tax unless it is approved by the General Assembly (Section 144.522);

(2) Revises the definition of "engages in business activities within this state" as it relates to the collection of use taxes to remove the provisions including the use of media to purposefully or systematically exploit Missouri's market and being owned or controlled by the same interests that own or control a seller engaged in the same or similar line of business in this state (Section 144.605);

(3) Creates a presumption that a vendor engages in business activities within this state if any person, other than a common carrier acting in its capacity as one, that has a substantial nexus with Missouri performs specified activities in relation to the vendor within this state. The presumption may be rebutted by showing that the person's activities are not significantly associated with the vendor's ability to establish or maintain a market in Missouri for the vendor's sales (Section 144.605);

(4) Creates an additional presumption that a vendor engages in business activities within this state if the vendor enters into an agreement with one or more residents of Missouri to refer potential customers to the vendor and the sales generated by the agreement exceeds $10,000 in the preceding 12 months. This presumption may be rebutted by showing proof that the Missouri resident did not engage in any activity within Missouri that was significantly associated with the vendor's ability to establish or maintain the vendor's market in Missouri in the preceding 12 months (Section 144.605);

(5) Revises the definition of "maintains a place of business in this state" as it applies to the collection of use taxes to exclude a place of business owned or operated by a common carrier acting in that capacity (Section 144.605);

(6) Repeals the provision that exempts a vendor with less than $500,000 total gross receipts in Missouri or $12.5 million nationwide with no selling agents in Missouri and no place of business in this state from the definition of "vendor" as it relates to the collection of use taxes (Section 144.605); and

(7) Specifies that an out-of-state seller not legally required to collect use tax but who chooses to register to collect and remit use tax to file a return for the calendar year by January 31 of the following year. If the amount collected is $1,000 or more, the seller must file a return and remit the tax monthly (Section 144.655).

TRANSPORTATION DEVELOPMENT DISTRICT TAX

The bill changes the items that are exempt from a transportation development district tax to the retail sale or use of fuels used to power motor vehicles, aircraft, locomotives, or watercraft; electricity, piped natural or artificial gas, or other fuels delivered by the seller; and the retail sales or transfer of motor vehicles, aircraft, watercraft, modular

homes, manufactured homes, or mobile homes. Currently, the sale or use of motor vehicles, trailers, boats or outboard motors; all sales of electricity or electrical current, water and gas, natural or artificial; and the sales of service to telephone subscribers are exempt (Section 238.235).

The provisions of the bill regarding the Streamlined Sales and Use Tax Agreement will become effective January 1, 2015.

The provisions of the bill regarding use tax nexus in Section 144.605 will expire January 1, 2015, and the provisions regarding the tax amnesty will expire December 31, 2021.

The provisions of the bill regarding the tax amnesty contain an emergency clause.

CCS HCS HBs 256, 33 & 305 — OPEN MEETINGS AND RECORDS LAW

This bill repeals the expiration date of the provision exempting the disclosure of the operational guidelines and policies by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident that is or appears to be terrorist in nature and has the potential to endanger individual or public safety or health from the Open Meetings and Records Law, commonly known as the Sunshine Law, and specifies that specific response plans are included in the exemption. Financial records related to the procurement of or expenditures relating to the operational guidelines, policies, or plans purchased with public funds must be open. When seeking to close information under this exception, the public governmental body must affirmatively state in writing that disclosure would impair the body's ability to protect the security or safety of persons or real property and that the public interest in nondisclosure outweighs the public interest in disclosure of the records.

The expiration date of the provision exempting existing or proposed security systems and structural plans of real property owned or leased by a public governmental body and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for the protection of that infrastructure from the Open Meetings and Records Law is also repealed.

The bill exempts the portion of a record that identifies security systems, access codes, or authorization codes for security systems of real property from the provisions of the Open Meetings and Records Law.

Any information acquired by a first responder agency by way of a complaint or report of a crime made by telephone contact using the emergency number "911" must be inaccessible to the general public.

Any records or flight logs pertaining to a flight or request for a flight on a state-owned plane after the flight has occurred by an elected member of the executive or legislative branch of government must be open public records under the Open Meetings and Records Law unless otherwise provided by law.

The provisions of the bill, except those regarding information obtained by a first responder and the records or flight logs of a state-owned plane, contain an emergency clause.

HB 278 — FEDERAL HOLIDAYS

(Vetoed by the Governor)

This bill prohibits any state or local governmental entity; public building, park, or school; or public setting or place from banning or restricting the practice, mention, celebration, or discussion of any federal holiday.

SCS HB 301 — PRISONER RE-ENTRY PROGRAM AND SEXUAL OFFENSES

(Vetoed by the Governor)

This bill changes the laws regarding certain sexual offenses and sexually violent offenders and establishes a prisoner re-entry program for certain offenders.

JUVENILES ON THE SEXUAL OFFENDER REGISTRY

Beginning August 28, 2013, the information of a sexual offender whose offense was committed when he or she was younger than 18 years of age cannot be listed on the State Highway Patrol's Sexual Offender Registry website and any offender currently on the website who was required to register as a sexual offender based on an offense that occurred when he or she was younger than 18 years of age must be immediately removed from the website.

The bill allows any person on the sexual offender registry who was a juvenile certified as an adult and convicted of a felony under Chapter 566, RSMo, regarding sexual offenses, that was equal to or more severe than aggravated sexual abuse under federal law or any person 14 years of age or older at the time of the offense who was adjudicated for an offense that was equal to or more severe than aggravated sexual abuse under federal law to file a petition for removal from the registry. The petition cannot be filed

until five years have passed from the later of the date the offender was found guilty of the offense requiring registration or the date the offender was released from custody for the offense. If the person was convicted outside of Missouri, he or she must be a resident of Missouri for at least five years before filing the petition. The court must grant the petition and enter an order directing the removal of the offender's name and information from the registry unless it finds that the offender has been adjudicated of or has charges pending for failure to register or for a subsequent sexual offense that would require registration that occurred after the date the person initially registered; has not successfully completed any required period of supervised release, probation, or parole; or has not been a Missouri resident for at least five years. If the petition is not granted solely because he or she had pending charges for failure to register or an additional offense that requires registration and the charges are subsequently dismissed or he or she is acquitted of the charges, the person may file a new petition at any time after the dismissal or acquittal. If the denial is based on a finding of guilt for an offense that would require registration, no successive petition can be filed. If the denial is based on a finding of guilt for failure to register, the person may file a new petition after five years. If the denial is based on the petitioner not completing a required period of supervised release, probation, or parole, the person may file a new petition at any time after successfully completing the period of release, probation, or parole. Beginning August 28, 2013, regardless of whether an offender's petition is granted under these provisions, the information regarding any person whose offense was committed when he or she was younger than 18 years of age must be immediately removed from the patrol's sexual offender website and any local law enforcement website allowed under Section 589.402.

SEXUAL OFFENSES

The bill:

(1) Renames the crime of forcible rape to rape in the first degree and specifies that a person commits the crime if he or she has sexual intercourse with an individual who is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(2) Renames the crime of forcible sodomy to sodomy in the first degree and specifies that a person commits the offense if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(3) Renames the crime of sexual assault to rape in the second degree;

(4) Renames the crime of deviate sexual assault to sodomy in the second degree;

(5) Renames the crime of sexual abuse to sexual abuse in the first degree and specifies that a person commits the offense if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent or by the use of forcible compulsion;

(6) Renames the crime of "sexual misconduct in the second degree" to "sexual misconduct in the first degree";

(7) Renames the crime of "sexual misconduct in the third degree" to "sexual misconduct in the second degree";

(8) Renames the crime of "sexual misconduct" to "sexual abuse in the second degree";

(9) Specifies that a real estate broker's or salesperson's license must also be revoked and an applicant must also not be issued a license if the licensee or applicant has pleaded guilty to, entered a plea of nolo contrendere to, or been found guilty of rape in the first or second degree, forcible rape, sodomy in the first or second degree, or sexual abuse in the first or second degree;

(10) Specifies that a prosecution for rape in the first degree, attempted rape in the first degree, sodomy in the first degree, or attempted sodomy in the first degree may be commenced at any time;

(11) Defines the terms "domestic violence," "family," and "household member" as they apply to certain information that an insurance company cannot disclose to be the same as they are defined in Section 455.010;

(12) Specifies that a prosecution for an unlawful sexual offense involving a person 18 years old or younger must be commenced within 30 years after the victim reaches the age of 18 unless the prosecution is for rape in the first degree, attempted rape in the first degree, sodomy in the first degree, or attempted sodomy in the first degree, in which case the prosecution may be commenced at any time;

(13) Includes being in a drug-induced state or for any other reason being manifestly unable or known by the actor to be unable to make a reasonable judgment to the list of those who are incapable of giving consent to sexual activity; and

(14) Repeals the provision which specifies that a person is not incapacitated with respect to an act committed upon him or her if he or she became unconscious, unable to appraise the nature of the person's conduct, or unable to communicate unwillingness to an act after consenting to the act.

PRISONER RE-ENTRY PROGRAM

A prisoner re-entry program is established within the Department of Corrections to assist offenders who have served their full sentences without early release and are locating to the City of St. Louis upon release. Subject to appropriations, moneys for the program must be appropriated to the department which must transfer the funds to the City of St. Louis's Department of Health and Human Services which will administer the fund. The city must be responsible for the issuance of a request for proposals to organizations with demonstrated experience in providing re-entry services, including facilitating connections to providers of housing and employment services and physical health, mental health, substance abuse, and other social services. The city and the selected contractor must be jointly responsible to the department for ensuring that the services are provided and must provide the department with all data and records necessary to oversee and measure the effectiveness of the program. The department director is authorized to enter into contracts as are necessary and proper for the implementation of the program.

DEPARTMENT OF CORRECTIONS PROGRAMS

Currently, the Department of Corrections must provide a report and recommendations for terms and conditions of probation to the court after 100 days of incarceration if the department determines that an offender is not successful in a program. The court must then release the offender on probation or order the offender to remain incarcerated to serve the sentence imposed. The bill specifies that if the department determines the offender has not successfully completed a 120-day program, the offender must be removed from the program and the court advised of the removal. The department may recommend the terms and conditions of probation. The court has the power to grant probation or order the execution of the offender's sentence. The court must consider other authorized dispositions if the court is advised that an offender is not eligible for placement in a 120-day program. Except when an offender has been found to be a predatory sexual offender, the court must request the department to conduct a sexual offender assessment if the defendant has pled guilty or been found guilty of a class B sexual abuse felony. The bill repeals a provision requiring the court to request certain offenders be placed in the sexual offender assessment unit of the department and requires the department to provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The sexual offender assessment must not be considered a 120-day program. The bill specifies the process for granting probation to an offender who has completed the assessment.

SEXUALLY VIOLENT OFFENDERS

The bill revises the definition of "sexually violent offense" for purposes of civil commitment to include sexual abuse in the first degree; sexual assault in the first degree; deviate sexual assault in the first degree; the act of abuse of a child involving sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor; or any felony offense that contains elements substantially similar to these offenses.

Currently, a sexually violent predator who has been civilly committed is allowed to petition the court for conditional release over the objections of the department director. The petition must be served upon the court that committed the person, the department director, the head of the facility housing the offender, and the Attorney General. The bill requires the petition to also be served to the prosecuting attorney of the jurisdiction into which the committed person is to be released.

The bill specifies that the Department of Corrections must provide, upon request, access by the chief of the local law enforcement agency to the information gathered by the global positioning system or other technology used to monitor a person who has been granted conditional release from the department upon the determination by a court or jury that he or she is not likely to commit acts of sexual violence if released when the person is being electronically monitored and remains in the county, city, town, or village where the releasing facility is located. The information obtained must be closed and cannot be disclosed to any person outside the agency except upon an order of the court supervising the conditional release.

The bill specifies that it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense" to include, but not be limited to, holdings in Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); and State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012), and all cases citing, interpreting, applying, or following those cases. These provisions are to be applied retroactively.

The provisions of the bill regarding the revision of the definition of "dangerous felony" in Section 556.061 and the provisions regarding sexually violent offenses in Section 632.480 contain an emergency clause.

SCS HCS HBs 303 & 304 — MEMORIAL BRIDGE AND HIGHWAY DESIGNATIONS

This bill makes the following memorial bridge and highway designations:

(1) The portion of Interstate 70 within the City of St. Louis from its western border to mile marker 248 as the "Mark Twain Highway." Currently, the designation is the portion of Interstate 70 within the City of St. Louis to the Illinois border;

(2) The portion of Interstate 70 within the City of St. Louis from mile marker 248 to the Illinois border as the "Andy Gammon Memorial Highway." The costs for the designation must be paid for by private donations;

(3) The Missouri portion of the bridge on Interstate 55, Interstate 64, Interstate 70, and U.S. Route 40 crossing the Mississippi River at St. Louis, commonly known as the Poplar Street Bridge, as the "Congressmen William L. Clay, Sr. Bridge." The costs for the designation must be paid for by private donations;

(4) The bridge on U.S. Highway 65 over CST Overlook Avenue in Greene County as the "Missouri Fallen Soldiers Memorial Bridge." The costs for the designation must be paid for by private donations;

(5) The portion of U.S. Highway 63 in Maries County within the City of Vienna as the "Leona Williams Highway." The costs for the designation must be paid for by private donations;

(6) The Missouri portion of the new Interstate 70 bridge crossing the Mississippi River between Missouri and Illinois as the "Stan Musial Memorial Bridge." The costs for the designation must be paid for by private donations;

(7) The portion of State Highway 32 from the city limits of the City of Farmington northeast to the intersection of State Highway 144 as the "Sergeant Jeffery Kowalski Memorial Highway." The costs for the designation must be paid for by private donations;

(8) The portion of Interstate 70 in the City of St. Louis from Union Boulevard east to Kingshighway Boulevard as "Police Officer Daryl Hall Memorial Highway." The costs for the designation must be paid for by private donations;

(9) The portion of Interstate 70 in Jackson County beginning at Noland Road and continuing eastward to Lee's Summit Road in the City of Independence as the "Clifton J. Scott Memorial Highway." The costs for the designation must be paid for by private donations; and

(10) The portion of U.S. Highway 69 in Clay County beginning at its intersection with Interstate 435 north to its intersection with Interstate 35 as the "Irvine O. Hockaday, Jr. Highway." The costs for the designation must be paid for by private donations.

CCS SS SCS HB 307 — EMERGENCY SERVICE PROVIDERS

This bill changes the laws regarding emergency service providers.

POLITICAL ACTIVITY OF CERTAIN EMERGENCY SERVICE PROVIDERS
(Sections 67.145 and 84.830, RSMo)

The bill specifies that a political subdivision of the state cannot prohibit any first responder from engaging in any political activity while off duty and not in uniform, from being a candidate for elected or appointed public office, or from holding the office unless the political activity or candidacy is otherwise prohibited by state or federal law.

Currently, an employee or officer of the Kansas City Police Department is prohibited from soliciting any assessment, contribution, or payment for any political purpose from any other employee and from soliciting for any purpose in any building or room occupied for the discharge of the official duties of the department. The bill repeals these provisions and specifies that an employee of the department is not allowed to solicit for any political purpose in any building or room occupied for the discharge of the official duties of the department.

The provision prohibiting an employee of the department from directly or indirectly giving, paying, lending, or contributing any part of his or her salary, compensation, money, or other valuable thing to any person on account of or to be applied to the promotion of any political party, political club, or any other political purpose is repealed.

The provision prohibiting an employee of the department from being a member or an official of any political party committee or being a ward committeeman or committeewoman is repealed.

Currently, an employee of the department cannot solicit any person to vote for or against any candidate for public office or poll precincts or be connected with other similar political work on behalf of any political organization, party, or candidate. The bill prohibits these activities only while the employee is on duty or wearing the official department uniform.

REMOVAL OF NON-ELECTED CHIEF LAW ENFORCEMENT OFFICERS (Sections 77.046 - 84.430, 85.551, 106.270, 106.273, and 590.080)

The bill specifies that any non-elected chief law enforcement officer of any political subdivision is subject to removal from office or employment by the appointing authority or political subdivision's

governing body if the governing body issues a written notice to the chief whose removal is being sought no fewer than 10 business days prior to the meeting in which the removal will be considered; the chief has been given written notice as to the governing body's intent to remove him or her that includes specified information; the chief is given an opportunity to be heard before the board with any witnesses, evidence, and counsel of his or her choosing; and the board finds, by two-thirds vote, that there is just cause for the removal. Just cause for removal exists when a chief:

(1) Is unable to perform his or her duties with reasonable competence or safety as a result of a mental condition, including alcohol or substance abuse;

(2) Has committed any act while engaged in the performance of his or her duties that constitutes a reckless disregard for the safety of the public or another law enforcement officer;

(3) Has caused a material fact to be misrepresented for any improper or unlawful purpose;

(4) Acts in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interests of the public or the governing body;

(5) Has been found to have violated any law, statute, or ordinance that constitutes a felony; or

(6) Has been deemed insubordinate or found in violation of a written established policy unless the claimed insubordination or violation was a violation of any federal or state law or local ordinance.

Upon the satisfaction of the removal procedure, the chief must be immediately removed from his or her office; must be relieved of all duties and responsibilities; cannot be entitled to any further compensation or benefits not already earned, accrued, or agreed upon; and must be issued a written notice of the grounds for the removal within 14 days of the removal.

COLLEGIATE REGULATION OF VEHICULAR TRAFFIC (Sections 174.700 - 174.712, and 544.157)

The bill allows the governing body of any state college or university to establish regulations to control vehicular traffic on campus. The regulations must be consistent with state law and must be printed and distributed for public use. College or university police officers have the authority to enforce the general motor vehicle laws of Missouri and the regulations adopted by the governing board on the campus. There must be adequate signs displaying the speed limit on thoroughfares. A violation will have the same effect as a municipal ordinance with penalty provisions and points assessed. State college or university police officers must be certified under Chapter 590 and will have the same powers as other law enforcement officers.

COMMUNITY PARAMEDICS (Sections 190.098 and 190.100)

The bill allows a person to be certified by the Department of Health and Senior Services as a community paramedic if he or she is currently certified as a paramedic; has successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and completes an application form. A community paramedic must practice in accordance with the protocols and supervisory standards established by the medical director and must provide the services of a health care plan if the plan has been developed by the patient's physician, advanced practice registered nurse, or physician assistant and the patient isn't receiving the services from another provider.

An ambulance service must enter into a written contract to provide community paramedic services in another ambulance service area, and the contract may be for an indefinite period of time as long as it includes at least a 60-day cancellation notice by either ambulance service. A person cannot hold himself or herself out as a community paramedic or provide the services of the position unless he or she is certified by the department and the medical director has approved the implementation of the community paramedic program.

FIRE PROTECTION DISTRICTS (Sections 321.015, 321.210, and 321.322)

Currently, a person holding any lucrative office or employment under the state or any of its political subdivisions cannot hold the office of fire protection district director. The bill exempts fire protection districts in Boone, Callaway, Camden, Cape Girardeau, Cole, St. Francois, and Taney counties from this provision.

The filing fee for a candidate for a fire protection district board of director is changed from $10 to a fee of up to the amount equal to the filing fee for a candidate for state representative.

Currently, when certain cities annex property located within the boundaries of a fire protection district, the city takes over the fire protection service for that property, and the district can no longer collect taxes on the property. The bill specifies that when the City of DeSoto annexes property located within a fire protection district, the district is to continue to provide fire and emergency medical services to

the annexed property. The city must pay the fire protection district an amount equal to the tax that the district would have collected on all taxable property included within the annexed area.

SS HCS HB 315 — HEALTH CARE SERVICES

This bill changes the laws regarding health care services. In its main provisions, the bill:

(1) Requires an applicant for a physician's license who graduated from specified medical or osteopathic colleges prior to January 1, 1994, to provide proof of the successful completion of the Federal Licensing Examination (FLEX); the United States Medical Licensing Examination (USMLE); an exam administered by the National Board of Osteopathic Medical Examiners (NBOME); a state board examination approved by the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration; or compliance with specified state rules and regulations. An applicant graduating on or after January 1, 1994, must provide proof of completion of the USMLE or an exam administered by NBOME or proof of compliance with a specified state statute (Section 334.040, RSMo);

(2) Allows the State Board of Registration for the Healing Arts to restrict or limit a person's athletic trainer's license for an indefinite period of time or revoke his or her license upon a finding by the Administrative Hearing Commission that the grounds for disciplinary action are met (Section 334.715);

(3) Revises the definition of "supervision" from control exercised over a physician assistant working within the same facility as the supervising physician 66% of the time the physician assistant provides care with specified exceptions to control exercised over a physician assistant working with a supervising physician and oversight of the activities of and accepting responsibility for the physician assistant's delivery of care. The physician assistant can only practice at a location where the physician routinely provides care, except for existing patients of the supervising physician in the patient's home and correctional facilities. The supervising physician must be immediately available in person or via telecommunication during the time the assistant is providing care. Prior to commencing practice, the supervising physician and physician assistant must attest on a form provided by the State Board of Registration for the Healing Arts that the physician will provide supervision appropriate to the assistant's training and that the assistant will not practice beyond his or her training and experience. Appropriate supervision must require the supervising physician to be working in the same facility as the physician assistant for at least four hours for every 14 days on which the assistant provides patient care. The bill repeals the provisions limiting a physician assistant to practice at locations where the supervising physician is not further than 30 miles away by road (Section 334.735.1);

(4) Specifies that a supervision agreement must limit the physician assistant to practice only at locations where the supervising physician is not further than 50 miles away by road and where the location is not so situated as to create an impediment to effective intervention and supervision of patient care or adequate review of services. The provisions regarding the criteria that the Advisory Commission on Physician Assistants must use in reviewing an application for a waiver for alternate minimum amounts of on-site supervision and the maximum distance from the supervising physician are repealed, and the bill specifies that a physician-physician assistant team working in a rural health clinic under the federal Rural Health Clinic Services Act has no state supervision requirements beyond the minimum requirements under federal law (Section 334.735.2);

(5) Revises the definition of "physician assistant supervision agreement" to require the agreement to contain specified information of the supervising physician and physician assistant, a list of all offices or locations where the physician assistant routinely provides patient care and in which of the offices or locations the supervising physician has authorized the assistant to practice, all specialty or board certifications of the supervising physician, and the manner of supervision between the physician and physician assistant (Section 334.735.7);

(6) Allows the State Board of Nursing in the Division of Professional Registration within the department to cause a complaint to be filed with the Administrative Hearing Commission for specified additional causes and to apply to the commission for an emergency suspension or restriction of a person's license for specified causes. The board must submit existing affidavits and certified court records together with a complaint alleging the facts in support of the board's request and must supply the commission with the last address on file for the licensee. The commission must return a service packet to the board within one business day of the filing of the complaint that includes the board's complaint, any affidavits or records the board intends to rely on that have been filed with the commission, and other information at the discretion of the commission. Within 24 hours of receiving the packet, the board must personally serve the licensee or leave a copy of the packet at all of the licensee's current addresses on file with the board. The licensee may file affidavits and certified court records for consideration by the commission

prior to the hearing. Within five days of the board's filing of the complaint, the commission must review the information submitted by the board and licensee and determine based on that information if probable cause exists and enter the requested order if it finds that there is probable cause. The commission must hold a hearing within 45 days of the board's filing of a complaint. If the commission finds no cause for discipline exists, it must issue its findings of fact, conclusions of law, and an order terminating the emergency suspension or restriction. If the commission does not find probable cause and does not grant the emergency suspension or restriction, the board must remove all references to the emergency suspension or restriction from its public records. The board may also initiate a hearing before the board for discipline of a licensee's license or certificate upon receipt of specified documents (Section 335.066);

(7) Requires, by January 1, 2014, the Board of Registration for the Healing Arts and the State Board of Nursing in the division to establish the Utilization of Telehealth by Nurses. An advanced practice registered nurse who provides nursing services in accordance with a collaborative practice arrangement under Section 334.104 is permitted to provide the services outside the geographic proximity requirements of Section 334.104 if the collaborating physician and the nurse utilize telehealth in the care of the patient and if the services are provided in a rural area located in a health professional shortage area in Missouri. All telehealth providers are required to obtain patient consent before telehealth services are initiated and to ensure confidentiality of medical information (Section 335.175);

(8) Allows the Board of Pharmacy in the division to establish and implement a program for testing drugs or drug products maintained, compounded, filled, or dispensed by a licensee, registrant, or permit holder of the board. The board must pay all testing costs and must reimburse the licensee, registrant, or permit holder for the reasonable, usual, and customary cost of the drug or drug product requested for testing (Section 338.150);

(9) Allows a pharmacist to dispense an emergency supply of medication in the event the pharmacist is unable to obtain refill authorization from the prescriber due to death, incapacity, or when the pharmacist is unable to obtain refill authorization from the prescriber if in the pharmacist's professional judgment, interruption of therapy might reasonably produce undesirable health consequences; the pharmacy previously dispensed or refilled a prescription from the prescriber for the same patient and medication; the medication is not a controlled substance; the pharmacist informs the patient or his or her agent that further refills will only occur upon authorization from the prescriber; and the pharmacist documents the emergency dispensing in the patient's prescription record as established by board rule. The pharmacist or permit holder must promptly notify the prescriber or his or her office of the emergency dispensing. If the pharmacist is unable to obtain refill authorization, the amount dispensed must not exceed a seven- day supply. In the event of the prescriber's death, incapacity, or inability, the amount dispensed must not exceed a 30-day supply. An emergency supply may not be dispensed if the pharmacist has knowledge that the prescriber has otherwise prohibited or restricted emergency dispensing for the applicable patient (Section 338.200);

(10) Adds the following classes of pharmacy permits: Class M: Specialty (bleeding disorder), Class N: Automated dispensing system (health care facility), Class O: Automated dispensing system (ambulatory care), and Class P: Practitioner office/ clinic (Section 338.220);

(11) Prohibits a contract between a health carrier or health benefit plan and a dentist from requiring the dentist to provide services to insureds under a dental plan at a fee established by the carrier or plan if the services are not covered under the plan (Section 376.1226); and

(12) Requires a health carrier or health benefit plan that offers or issues plans on or after January 1, 2014, that provide coverage for prescription eye drops to provide coverage for the refilling of an eye drop prescription prior to the last day of the prescribed dosage period without regard to a coverage restriction for early refill of a renewal as long as the prescribing health care provider authorizes the early refill and the health carrier or health benefit plan is notified. The coverage must not be subject to any greater deductible or co-payment than other similar health care services provided by the health plan. The bill exempts specified supplemental insurance policies from these provisions (Section 376.1237).

The provisions of the bill regarding utilization of telehealth by nurses expire six years after the effective date of the bill, and the provisions regarding the early refill of a prescription for eye drops expire January 1, 2017.

HB 316 — DIVISION OF TOURISM SUPPLEMENTAL REVENUE FUND

This bill extends the expiration date of the provisions regarding the Division of Tourism Supplemental Revenue Fund from June 30, 2015, to June 30, 2020.

SCS HB 322 — MOTOR VEHICLE INSURANCE POLICIES

This bill allows the proof of financial responsibility required for vehicle registration to be provided by displaying an electronic image of an insurance identification card on a mobile electronic device. The person presenting the device must assume all liability for any damage that may occur to the device except for damage willfully or maliciously caused by a department employee or agent. The employee or agent must only view the evidence of financial responsibility and not any other content on the device. The insurance identification card that contains proof of insurance information for a motor vehicle may be produced in a paper or an electronic format. An acceptable electronic form includes the display of an electronic image on a cellular phone or any other type of portable electronic device. A photocopy or an image displayed on a mobile electronic device that contains the policy information must be satisfactory evidence of insurance in lieu of an insurance identification card.

Any person who knowingly or intentionally produces, manufactures, sells, or otherwise distributes a fraudulent photocopy or image displayed on a mobile electronic device intended to serve as an insurance identification card is guilty of a class D felony. Any person who knowingly or intentionally possesses a fraudulent photocopy intended to serve as an insurance identification card or knowingly or intentionally uses a fraudulent image displayed on a mobile electronic device is guilty of a class B misdemeanor.

The display of an image of the insurance card on a mobile electronic device must not serve as consent for a police officer, commercial vehicle enforcement officer, commercial vehicle inspector, or other person to access other contents of the device in any manner other than to verify the image of the insurance card. The person presenting a mobile electronic device as proof of financial responsibility to a peace officer, commercial vehicle enforcement officer, or commercial vehicle inspector must assume all liability for any damage to the device except for any damage willfully or maliciously caused by the officer or inspector.

The apportionment plan for providing service to applicants for insurance under Section 303.200, RSMo, applies to personal automobile and commercial motor vehicle liability policies. "Personal automobile" is defined in the bill. If the total premium volume for any one plan established for handling coverage for personal automobile risks exceeds $10 million in a year, a company with more than 5% market share of the risks in Missouri cannot be excused from accepting and servicing applicants and policies of the plan for the next year unless the governing body of the plan votes to allow any company with the market share the option to be excused.

The bill allows any notice to a party or any other required document in an insurance transaction or that is to serve as evidence of insurance coverage to be delivered, stored, and presented by electronic means so long as it meets the requirements of the Uniform Electronic Transactions Act. The criteria for obtaining a customer's consent to receive electronic documents are specified in the bill. A discount may be offered to an insured who elects to receive notices and documents electronically.

Certain insurance policy forms and endorsements with non-personal information may be made available on an insurer's website in lieu of mailing or delivering a paper copy. The criteria for posting documents to a website are specified in the bill. Policy forms and endorsements must be retained for five years after they are withdrawn from use or replaced with other forms and endorsements. The policy forms and endorsements must be available on the insurer's website in a format that enables the insured to print and save the forms and endorsements using programs or applications that are widely available on the Internet and free to use. At policy issuance and renewal, the insurer must provide clear and conspicuous notice to the insured that it does not intend to mail or deliver a paper copy of the forms or documents. The notice must provide instructions on how the insured may access the forms and endorsements on the insurer's website. A customer must be informed that he or she has the right to a paper copy of the policy forms and endorsements at no cost and must be provided with a toll-free phone number or the number of the insured's producer by which the insured can make this request.

SCS HB 329 — FINANCIAL INSTITUTIONS

(Vetoed by the Governor)

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

(1) Specifies that the value of any funds, up to $9,999, that are placed into an irrevocable personal funeral trust account where the trustee of the account is a state or federally chartered financial institution authorized to exercise trust powers in Missouri must not be taken into account or considered an asset of the person in determining his or her eligibility for public assistance if the funds are restricted to be used only for the burial, funeral, preparation of the body, or other final disposition of the person whose funds were deposited into the trust account. A person or entity cannot charge more than 10% of the total amount deposited into a trust in order

to create or set up the trust, and any fees charged for the maintenance of the trust cannot exceed 3% of the trust assets annually. A contract with any cemetery, funeral establishment, or any provider or seller cannot be required in regard to funds placed into a trust account under these provisions;

(2) Requires the Director of the Division of Finance within the Department of Insurance, Financial Institutions and Professional Registration to visit and examine a private trust company at least once each 36 months. A private trust company is one that does not engage in trust company business with the general public or otherwise hold itself out as a trustee or fiduciary for hire and instead operates for the primary benefit of a family, relative of the same family, or single family lineage, regardless of whether compensation is received or anticipated;

(3) Increases the maximum fee that a creditor can charge on a loan for 30 days or longer that is other than open-end credit as specified in the bill from 5% to 10% of the principal amount of the loan but not to exceed $75. If an open-end credit contract is tied to a transaction account in a depository institution and the contract provides for loans of 31 days or longer, the maximum credit advance fee that a creditor may charge is increased from the lesser of $25 or 5% of the credit advanced to up to the lesser of $75 or 10% of the credit advanced;

(4) Repeals the provisions requiring the directors of the Division of Finance and the Division of Credit Unions within the department to examine and determine the number and total dollar amount of residential real estate loans originated, purchased, or foreclosed and the number of residential real estate loan applications denied by a financial institution with an office in a county or city with a population over 250,000. The bill requires the division directors to report specified information annually to the Governor and the department director with regard to state financial institutions in each county or city with a population of more than 250,000. The report must include the number and type of violations, a statement of enforcement actions taken, the names of institutions found to be in violation, the number and nature of complaints received, and the action taken on each complaint. The report must be maintained by each division as a public document for five years;

(5) Changes the provisions regarding the required hearing when a person alleges to have been aggrieved as a result of a violation of the specified provisions regarding residential loans. Currently, the division directors must conduct a hearing when he or she has reason to believe that a violation has occurred or does exist based on an examination, an investigation of a complaint that has not been resolved by negotiation, a report by the financial institution as required under Section 408.592, RSMo, or any public document or information. The bill requires the division director to conduct the hearing if he or she has reason to believe that a violation has occurred or does exist; and

(6) Adds any money or assets payable to a participant or beneficiary from or any interest of any participant or beneficiary in a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A, or 409 of the Internal Revenue Code of 1986, as amended, to the list of property that must be exempt from attachment and execution in a bankruptcy proceeding whether the participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise.

SS HB 331 — UTILITIES

This bill changes the laws regarding utilities.

PUBLIC UTILITY RIGHT-OF-WAY PERMITS

The management costs or rights-of-way management costs cannot include payment by a public utility right-of-way user for attorney fees and costs in connection with issuing, processing, or verifying a right-of-way permit or other applications or agreements.

If a political subdivision fails to act on an application for a right-of-way permit within 31 days, the application must be deemed approved.

The bill allows a public utility that has had its right-of-way permit revoked by a political subdivision to bring an action in any court of competent jurisdiction if it believes that the political subdivision has violated specified provisions of law. The court must rule on any petition for review in an expedited manner by moving the petition to the head of the docket. Nothing can deny the authority of its right to a hearing before the court.

A political subdivision cannot require a public utility that has legally been granted access to the political subdivision's right-of-way prior to August 28, 2011, to enter into an agreement or obtain a permit for general access to or the right to remain in the right-of-way of the subdivision.

UNIFORM WIRELESS COMMUNICATIONS INFRASTRUCTURE DEPLOYMENT ACT

The Uniform Wireless Communications Infrastructure Deployment Act is established to encourage and streamline the deployment of broadband facilities and to help ensure that robust wireless communication services are available throughout Missouri. The bill:

(1) Prohibits an authority as specified in the bill with jurisdiction over wireless communications infrastructure from taking actions that could result in a non-uniform market for wireless service in Missouri. The prohibition does not include state courts having jurisdiction over land use, planning, or zoning decisions made by an authority. The prohibitions include:

(a) Requiring an applicant to submit information about or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site;

(b) Evaluating an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities including, without limitation, the option to add wireless infrastructure to existing facilities instead of constructing a new wireless support structure or for substantial modifications of a support structure or vice versa. However, an applicant for a new wireless support structure may be required to state in its application that it conducted an analysis of adding on to existing wireless towers within the same search ring defined by the applicant;

(c) Dictating the type of wireless facilities, infrastructure, or technology to be used by the applicant by requiring an applicant to construct a distributed antenna system in lieu of constructing a new wireless support structure;

(d) Requiring the removal of existing wireless support structures or wireless facilities, wherever located, as a condition for approval of an application;

(e) Imposing environmental testing, sampling, or monitoring requirements or other compliance measures regarding radio frequency emissions on wireless facilities that are categorically excluded under the Federal Communications Commission's rules for radio frequency emissions under 47 CFR 1.1307(b)(1) or other applicable federal law;

(f) Establishing or enforcing regulations or procedures for RF signal strength or the adequacy of service quality;

(g) Rejecting an application in conformance with 47 U.S.C. Section 332(c)(7)(b)(4), in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions;

(h) Imposing any restrictions with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration;

(i) Prohibiting the placement of emergency power systems that comply with federal and state environmental requirements;

(j) Charging an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application that is not required for similar types of commercial development within the authority's jurisdiction. Fees imposed by an authority for or directly by a third-party entity providing review or technical consultation to the authority must be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. The total charges and fees cannot exceed $500 for a collocation application or $1,500 for an application for a new wireless support structure or for a substantial modification of a wireless support structure except when mutually agreeable to the applicant and the authority. An authority or any third-party entity cannot include within its charges any travel expenses incurred in a third-party's review of an application and an applicant cannot be required to pay or reimburse an authority for consultation or other third-party fees based on a contingency or result-based arrangement;

(k) Imposing surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused facilities can be removed unless the authority imposes similar requirements on other permits for other types of commercial development or land uses;

(l) Conditioning the approval of an application on the applicant's agreement to provide space on or near the wireless support structure for authority or local governmental services at less than the market rate for space or to provide other services via the structure or facilities at less than the market rate for the services;

(m) Limiting the duration of the approval of an application;

(n) Discriminating or creating a preference on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when establishing rules or procedures for siting wireless facilities or for evaluating applications;

(o) Imposing any requirements or obligations regarding the presentation or appearance of facilities including, but not limited to, those relating to the kind or type of materials used and those relating to arranging, screening, or landscaping of facilities if the requirements or obligations are unreasonable;

(p) Imposing any requirements that an applicant purchase, subscribe to, use, or employ facilities, networks, or services owned, provided, or operated by an authority, in whole or in part, or by any entity in which an authority has a competitive, economic, financial, governance, or other interest;

(q) Conditioning the approval of an application on, or otherwise requiring, the applicant's agreement to

indemnify or insure the authority in connection with the authority's exercise of its police power-based regulations; or

(r) Conditioning or requiring the approval of an application based on the applicant's agreement to permit any wireless facilities provided or operated, in whole or in part, by an authority or by any entity in which an authority has a competitive, economic, financial, governance, or other interest to be placed at or connected to the applicant's wireless support structure;

(2) Allows an authority to continue to exercise zoning, land use, planning, and permitting authority within its territorial boundaries with regard to the siting of new wireless support structures and an application for substantial modifications of wireless support structures subject to specified provisions of state law and subject to federal law. The authority must review, within 120 days of receiving an application to construct a new wireless support structure or within the additional time as may be mutually agreed to by an applicant and an authority, the application as to its conformity with applicable local zoning regulations and advise the applicant in writing of its final decision to approve or disapprove the application. An applicant that applies for a substantial modification must include a copy of a lease, letter of authorization, or other agreement from the property owner evidencing his or her right to pursue the application and must comply with applicable local ordinances concerning land use and the appropriate permitting processes. The authority must, within 120 days of receiving an application to construct a new wireless support structure or within 90 days of receiving an application for a substantial modification of wireless support structures, review the application as to its conformity with applicable local zoning regulations and advise the applicant in writing of its final decision to approve or deny the application. Procedures for extending these deadlines and fixing deficiencies are also specified in the bill. A party aggrieved by the final action of an authority or its inaction may bring an action in any court of competent jurisdiction;

(3) Requires an application for additions to or replacement of wireless facilities to be reviewed for compliance with specified applicable building permit requirements, national codes, and recognized industry standards. An application must include a copy of a lease, letter of authorization, or other agreement from the property owner evidencing the applicant's right to pursue the application. The authority must, within 45 days, review the application as to its conformity with applicable building permit requirements and consistency with the provisions of the act and advise the applicant in writing of its final decision to approve or deny the application. Procedures for expediting or extending the deadline and for fixing deficiencies are also specified in the bill;

(4) Specifies that the provisions of the bill do not authorize an authority, except when acting solely in its capacity as a utility, to mandate, require, or regulate the placement, modification, or attachment of any new wireless facility on new, existing, or replacement poles owned or operated by a utility, to expand the power of an authority to regulate any utility, or to restrict any utility's rights or authority or negate any utility's agreement regarding requested access to or the rates and terms applicable to the placement of any wireless facility on new, existing, or replacement poles, structures, or existing structures owned or operated by a utility;

(5) Prohibits an authority from instituting a moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or attachments to existing facilities of wireless communication infrastructure if the moratorium exceeds six months and if the legislative act establishing it fails to state reasonable grounds and good cause for the moratorium. A moratorium must not affect a pending application;

(6) Prohibits an authority from charging a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless support structure on an authority's property in excess of the current market rates for rental or use of similarly situated property. An authority may not offer a lease or contract to use public lands to locate a wireless support structure on an authority's property that is less than 15 years in duration unless the applicant agrees to accept a lease or contract of less than that time. A process for the resolution of any dispute over the market value lease payment using appraisers is also specified in the bill; and

(7) Specifies that these provisions cannot provide an applicant for a wireless facility permit the power of eminent domain or the right to compel any private or public property owner, the Department of Conservation, or the Department of Natural Resources to lease or sell property for the construction of a new wireless support structure or to locate or cause the joining or expansion of a wireless facility on an existing structure or wireless support structure.

UTILITY CROSSINGS THROUGH A RAILROAD RIGHT-OF-WAY

The bill establishes procedures for utilities regulated by the Missouri Public Service Commission; rural electric cooperatives; municipally owned utilities; providers of telecommunications service, wireless

communications, or other communications-related service; and specified nonprofit electrical corporations in third classification counties to construct a facility as specified in the bill over, under, or across a railroad right-of-way.

After the land management company receives a copy of the notice from the utility, it must send a complete copy of the notice to the railroad or railroad corporation within two business days. A utility cannot commence a crossing until the railroad or railroad corporation has approved the crossing. The railroad or railroad corporation must have 30 days from the receipt of the notice to review and approve or reject the proposed crossing. It can reject a proposed crossing only if special circumstances exist. The utility may propose an amended crossing proposal if a proposed crossing is rejected, and the railroad or railroad corporation will have an additional 30 days to review and approve or reject the amended proposal. The railroad or railroad corporation must not unreasonably withhold approval. The utility must be deemed to have authorization to commence the crossing activity upon the approval and the payment of the fee and any other specified required payments. The land management company and the utility must maintain and repair its own property within the railroad right-of-way and bear responsibility for its own acts and omissions, except that the utility must be responsible for any bodily injury or property damage. The railroad or railroad corporation may require the utility and the land management company to obtain reasonable amounts of comprehensive general liability insurance and railroad protective liability insurance coverage for a crossing and to provide proof of the coverage. A utility must have immediate access to a crossing for repair and maintenance of existing facilities in case of an immediate threat to life and upon notification to the applicable railroad or railroad corporation. The engineering specifications must comply with the clearance requirements as established by the National Electrical Safety Code, the American Railway Engineering and Maintenance of Way Association, and the standards of the applicable railroad or railroad corporation that are in effect and apply to conditions at a particular crossing.

Unless otherwise agreed by the parties and subject to Section 389.588, RSMo, a utility that locates its facilities within the railroad right-of-way for a crossing, other than a crossing along a state highway or other public road, must pay the land management company a one-time standard crossing fee of $1,500 for each crossing plus the costs associated with modifications to existing insurance contracts of the land management company. The standard crossing fee must be in lieu of any license, permit, application, plan review, or any other fees or charges to reimburse the land management company for the direct expenses incurred by the company as a result of the crossing. The utility must also reimburse the land management company for any actual flagging expenses associated with a crossing in addition to the standard crossing fee.

The provisions of the bill cannot prevent a land management company and a utility from otherwise negotiating the terms and conditions applicable to a crossing or the resolution of any disputes relating to the crossing so long as they do not interfere with the rights of a railroad or railroad corporation and cannot impair the authority of a utility to secure crossing rights by easement through the exercise of the power of eminent domain.

If a utility and land management company cannot agree that special circumstances exist, the dispute must be submitted to binding arbitration in accordance with the commercial rules of arbitration in the American Arbitration Association. However, either party may also pursue relief in a court of proper jurisdiction, and the land management company and utility is entitled to reasonable attorney fees if they prevail. If a dispute involves only compensation associated with a crossing, the utility may proceed with the installation of a crossing while the arbitration is pending.

These provisions cannot override or nullify the condemnation laws of this state or confer the power of eminent domain power on any entity not granted the power prior to August 28, 2013.

The provisions of the bill apply to a crossing commenced after August 28, 2013, and to a crossing commenced prior to August 28, 2013, if the agreement concerning the crossing has expired or is terminated.

CIVIL IMMUNITY REGARDING EMERGENCY INFORMATION REQUESTS

The bill also establishes immunity from liability from a cause of action for a provider of communications-related service for providing information, facilities, or assistance to a law enforcement official or agency in response to a request under specified emergency situations and specifies that a provider can establish protocols by which it can voluntarily disclose call location information.

PRICE CAP WAIVERS

The bill allows specified alternative local exchange telecommunications companies providing basic local telecommunications services that are currently regulated by the Missouri Public Service Commission and have maximum price caps to seek a waiver

from the commission for the price cap regulations in the same manner as a waiver for other rules and regulations.

TELECOMMUNICATIONS REGULATIONS

The bill changes the laws regarding telecommunications regulations. The bill:

(1) Allows a telecommunications company to include any, all, or none of its rates, terms, or conditions for any, all, or none of its retail services in a tariff filed with the commission;

(2) Exempts specified telecommunications companies that hold a state charter or are licensed to do business under Chapter 392 from most rules and regulations relating to the retail services under Chapter 386, except to the extent that a company elects to remain subject to certain commission orders, rules, or statutes by notifying the commission. A telecommunications company must collect the universal service fund surcharge from its end users in the same competitively neutral manner as other telecommunications and interconnected voice over Internet protocol service providers; report the intrastate telecommunications service revenues necessary to calculate the commission assessment, universal service fund surcharge, and telecommunications programs under Section 209.255; and comply with the emergency location requirements;

(3) Exempts broadband and other Internet protocol-enabled services from the regulations under Chapters 386 and 392 except that interconnected voice over Internet protocol services must continue to be subject to the fees and registration requirements enforced by the commission under Section 392.550;

(4) Specifies that the commission retains jurisdiction over all matters delegated to it by federal law and the bill does not modify these duties in any way; and

(5) Allows a telecommunications company to register with the commission and obtain certification using the same process as used for interconnected voice over Internet protocol service as specified in Section 392.550.3.

CCS SS HB 336 — EMERGENCY SERVICES

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

(1) Specifies that a political subdivision of the state cannot prohibit any first responder from engaging in any political activity while off duty and not in uniform, from being a candidate for elected or appointed public office, or from holding the office unless the political activity or candidacy is otherwise prohibited by state or federal law. Currently, an employee of the Kansas City Police Department is prohibited from soliciting any assessment, contribution, or payment for any political purpose from any other employee and from soliciting for any purpose in any building or room occupied for the discharge of the official duties of the department. The bill repeals these provisions and specifies that an employee of the department is not allowed to solicit for any political purpose in any building or room occupied for the discharge of the official duties of the department. The provision prohibiting an employee of the department from directly or indirectly giving, paying, lending, or contributing any part of his or her salary, compensation, money, or other valuable thing to any person on account of or to be applied to the promotion of any political party, political club, or any other political purpose is repealed. The provision prohibiting an employee of the department from being a member or an official of any political party committee or being a ward committeeman or committeewoman is repealed. Currently, an employee of the department cannot solicit any person to vote for or against any candidate for public office or poll precincts or be connected with other similar political work on behalf of any political organization, party, or candidate. The bill prohibits these activities only while the employee is on duty or wearing the official department uniform;

(2) Increases the maximum salary that may be paid to the chief of police and officers of the Kansas City Police Department;

(3) Requires any member of the Police Retirement System of St. Louis who becomes permanently unable to perform the duties of a police officer as a result of an injury or illness not exclusively caused or induced by the actual performance of his or her official duties or by his or her own negligence to be retired by the Board of Police Commissioners upon certification by the medical board of the retirement system after having completed at least five years of creditable service once the retirement system's actuarial valuation is at least 80% as required by Section 105.660, RSMo, and the certification by the medical board of the retirement system upon application of the board or any successor body. Currently, a member must be retired by the Board of Police Commissioners upon certification by the medical director of the retirement system, the application of the member or the board, and the approval of the board of trustees of the retirement system and after the member has completed at least 10 years of creditable service. The bill defines "medical board" as a board of three physicians of different disciplines appointed by the trustees of the police retirement board who are responsible for

arranging and passing upon all medical examinations required to determine disability retirement eligibility. The bill modifies the requirements that determine if the board of police commissioners should retire a member in active service if he or she is permanently unable to perform all the essential job junctions of a police officer as established by the board or any successor body;

(4) Includes the taxes imposed on sales pursuant to Section 650.399 for emergency communication systems in St. Louis County for redevelopment plans and projects approved by ordinance after August 28, 2013, to those funds that are not required to be deposited in specified segregated accounts within the special allocation fund by municipal financial officers;

(5) Allows a person to be certified by the Department of Health and Senior Services as a community paramedic if he or she is currently certified as a paramedic; has successfully completed a community paramedic certification program from a college, university, or educational institution that has been approved by the department or accredited by a national accreditation organization approved by the department; and completes an application form. A community paramedic must practice in accordance with the protocols and supervisory standards established by the medical director and must provide the services of a health care plan if the plan has been developed by the patient's physician, advanced practice registered nurse, or physician assistant and the patient isn't receiving the same services from another provider. An ambulance service must enter into a written contract to provide community paramedic services in another ambulance service area, and the contract may be for an indefinite period of time as long as it includes at least a 60-day cancellation notice by either ambulance service. A person cannot hold himself or herself out as a community paramedic or provide the services of the position unless he or she is certified by the department and the medical director has approved the implementation of the community paramedic program;

(6) Exempts fire protection districts in Boone, Callaway, Camden, Cape Girardeau, Cole, St. Francois, and Taney counties from the provision prohibiting a person from holding the office of fire protection district director while holding any lucrative office or employment under the state or any of its political subdivisions;

(7) Changes the filing fee for a candidate for a fire protection district board of director member from $10 to a fee of up to the amount equal to the filing fee for a candidate for state representative; and

(8) Specifies that when the City of DeSoto annexes property located within a fire protection district, the district is to continue to provide fire and emergency medical services to the annexed property. The city must pay the fire protection district an amount equal to the tax that the district would have collected on all taxable property included within the annexed area. Currently, when certain cities annex property located within the boundaries of a fire protection district, the city takes over the fire protection service for that property, and the district can no longer collect taxes on the property.

HB 339 — FAILURE TO COMPLY WITH MOTOR VEHICLE FINANCIAL RESPONSIBILITY LAW

(Vetoed by the Governor)

This bill requires an uninsured driver who is the owner of the vehicle or a driver operating a vehicle with or without permission who is uninsured to waive the ability to have a cause of action or otherwise collect for noneconomic loss against an insured motorist alleged to be at fault for an accident. The waiver must not apply if it can be proven that the accident was caused by a person under the influence of drugs or alcohol or who is convicted of involuntary manslaughter or second degree assault. The provisions must not apply to an uninsured driver who has lost his or her insurance coverage for failure to pay unless the notification of termination or nonrenewal was provided by the insurer at least six months prior to the accident. A reduction in a damage award based on the provisions of the bill must not be disclosed to the trier of fact. Any passenger in the uninsured motor vehicle is not subject to the recovery limitation.

SS SCS HCS HB 345 — TELECOMMUNICATIONS

This bill changes the laws regarding telecommunications practices and municipal pole attachments.

TELECOMMUNICATIONS PRACTICES

The bill prohibits an authority from instituting a moratorium on the permitting, construction, or issuance of approval of new wireless support structures, substantial modifications of wireless support structures, or attachments to existing facilities of wireless communication infrastructure if the moratorium exceeds six months and if the legislative act establishing it fails to state reasonable grounds and good cause for the moratorium. A moratorium must not affect any pending application. An authority may not charge a wireless service provider or wireless infrastructure provider any rental, license, or other fee to locate a wireless support structure on an authority's property in excess of the

current market rates for rental or use of similarly situated property. An authority may not offer a lease or contract to use public lands to locate a wireless support structure on an authority's property that is less than 15 years in duration unless the applicant agrees to accept a lease or contract for a shorter period of time. The process for the resolution of any dispute over fair market value lease payments using appraisers appointed by both parties is specified in the bill.

These provisions cannot provide an applicant for a wireless facility permit the power of eminent domain or the right to compel any private or public property owner, the Department of Conservation, the Highways and Transportation Commission within the Department of Transportation, or the Department of Natural Resources to lease or sell property for the construction of a new wireless support structure or to locate or expand a wireless facility on an existing structure or wireless support structure.

MUNICIPAL POLE ATTACHMENTS

The bill requires any pole attachment fees, terms, and conditions demanded by a municipal utility pole owner or controlling authority of a municipality, not including a wireless antenna attachment or an attachment by a wireless communications provider to a pole, to be nondiscriminatory, just, and reasonable and not subject to any required franchise authority or government entity permitting. The rental fee will be considered nondiscriminatory, just, and reasonable if it is agreed upon by the parties or based on cost but it cannot be more than the fee that would apply if it was calculated based on the specified federal cable service rate formula. These provisions will not supersede existing pole agreements established prior to August 28, 2013. Voluntary arbitration is allowed and if the parties cannot agree on a single arbitrator, the arbitration will be conducted by the American Arbitration Association. The arbitrated fee may exceed the fee resulting from the application of the cable service rate formula only if it is based on a written finding that it is based on competent and substantial evidence that the revenues produced under the cable service rate formula and other payments do not sufficiently recover the direct costs and a reasonable share of the fully allocated costs attributable to the attachment. A municipal pole owner may be authorized to exceed the rate of return cost components of the Federal Communications Commission formula if it is necessary to comply with Article X of the Missouri Constitution. When no prior contract exists, the attaching entity may proceed with its attachments under the agreed upon terms and conditions while the arbitration is pending.

These provisions cannot be construed as conferring any jurisdiction or authority to the Missouri Public Service Commission to regulate the fees, terms, or conditions for pole attachments or for any state agency to assert any jurisdiction over pole attachments regulated by 47 U.S.C. Sec. 224.

HCS HB 349 — PROPERTY-CARRYING COMMERCIAL MOTOR VEHICLE LICENSE PLATES

Currently, a property-carrying commercial motor vehicle registered at a gross weight in excess of 12,000 pounds is only issued one license plate. This bill allows an applicant for registration of this type of vehicle to request and be issued two plates. If two plates are issued, the Director of the Department of Revenue must place distinguishing marks on the plates indicating one is for the front and one is for the rear of the vehicle. The department director may assess and collect an additional charge not to exceed $15 for the second plate.

SCS HCS HB 351 — HEALTH CARE PROVIDERS

This bill changes the laws regarding the licensure and inspection of hospitals and the furnishing of medical records. In its main provisions, the bill:

(1) Prohibits a city in which a hospital is located that is organized and operated under Chapter 96, RSMo, that has not received money from the city during the prior 20 years, and is licensed by the Department of Health and Senior Services for 200 or more beds from selling, leasing, or otherwise transferring all or substantially all of the property without a resolution adopted by at least two-thirds of the members of the board of trustees, a majority vote of the city council, and the approval of the voters of the city. If voters fail to approve the measure, the question may not be resubmitted to the voters sooner than 12 months from the date of the last question, after the adoption of another resolution by at least two-thirds of the board of trustees, and a subsequent vote by a majority of the city council to submit the question to the voters again. The criteria for the sale of the property, the payment of interest and principal on outstanding debt, and the use of assets donated to the hospital are specified in the bill;

(2) Increases the amount a health care provider may charge for the search and retrieval of medical records and the cost of supplies and labor for copying the records from $21.36 plus 50 cents per page to $22.82 plus 53 cents per page plus, if the provider has contracted for off-site records storage and management, any additional labor costs of outside retrieval up to $21.36. The current outside retrieval maximum cost is $20. The fee amounts

can be adjusted annually based on the federal Consumer Price Index. The records must be provided electronically once payment for the search, retrieval, and copying is paid or $100 total, whichever is less, and if:

(a) The person requesting the records requests electronic delivery in a format of the provider's choice;

(b) The health care provider stores the records completely in an electronic health record; and

(c) The health care provider is able to provide the requested records and an affidavit, if requested, in an electronic format;

(3) Requires the Department of Health and Senior Services to review and revise its regulations governing hospital licensure and enforcement to promote efficiency and eliminate duplicate regulations and inspections by or on behalf of state agencies and the Centers for Medicare and Medicaid Services (CMS);

(4) Requires the regulations adopted by the department to include, but not be limited to, the following:

(a) Requiring each citation or finding of a regulatory deficiency to refer to the specific written regulation; any state-associated written interpretive guidance developed by the department; and any publicly available, professionally recognized standards of care that are the basis of the citation or finding;

(b) Ensuring, subject to appropriations, that its hospital licensure regulatory standards are consistent with and do not contradict the federal CMS Conditions of Participation (COP) and associated interpretive guidance. The department is not precluded from enforcing standards produced by the department which exceed the federal CMS' COP and associated interpretive guidance as long as the standards produced by the department promote a higher degree of patient safety and do not contradict the federal CMS' COP and associated interpretive guidance;

(c) Establishing and publishing guidelines for complaint investigations including, but not limited to, a process for reviewing and determining which complaints warrant an onsite investigation based on a preliminary review of available information from the complainant; other appropriate sources; and when not prohibited by CMS, the hospital;

(d) Requiring a complaint investigation performed by the department to be focused on the specific regulatory standard and departmental written interpretive guidance and publicly available professionally recognized standard of care related to the complaint. During any complaint investigation, the department must cite any serious and immediate threat discovered that may potentially jeopardize the health and safety of patients;

(e) Providing a hospital with a report of all complaints made against it with specified details;

(f) Ensuring that hospitals and their personnel have the opportunity to participate in annual continuing training sessions when the training is provided to state licensure surveyors with prior approval from the department director and CMS when appropriate; and

(g) Establishing specific time lines identical, to the extent practicable, to those for the federal hospital certification and enforcement system in the CMS State Operations Manual for state hospital officials for the department to respond to a hospital regarding the status and outcome of pending investigations and regulatory action and questions about interpretations of regulations. The time lines must be the guide for the department to follow and every reasonable attempt must be made to meet the time lines. Failure to meet the time lines must not prevent the department from performing any necessary inspections to ensure the health and safety of patients;

(5) Requires the department to accept a hospital inspection report from The Joint Commission and the American Osteopathic Association Healthcare Facilities Accreditation Program, provided the accreditation inspection was conducted within one year of the date of license renewal. Prior to accepting any other accrediting organization report in lieu of the required licensure survey, the accrediting organization's survey process must be deemed appropriate and must be found to be comparable to the department's licensure survey. It is the responsibility of the accrediting organization to provide the department any and all information necessary to determine if the accrediting organization's survey process is comparable and fully meets the intent of the licensure regulations; and

(6) Requires the department to post on its website information regarding investigations of complaints against hospitals. Complaint data must not be posted unless the complaint has been substantiated by departmental employees to require a statement of deficiency. The posting must include the hospital's plan of correction accepted by departmental employees and the dates and specific findings of the department's investigation. The posting must list or include a link to each facility's annualized rate of substantiated complaints per patient day and display the complaint investigation data so as to provide for peer group comparisons of psychiatric hospitals or psychiatric units within hospitals; long-term acute care hospitals; and inpatient rehabilitation facilities or units. Time lines for posting the information must be

consistent with the CMS State Operations Manual. These provisions must not be construed to require or permit the posting of information that would violate state or federal laws or regulations governing the confidentiality of patient data or medical records or other specified protected information.

The provisions of the bill regarding the sale, lease, or transfer of the property of specified hospitals contain an emergency clause.

CCS SS SCS HCS HBs 374 & 434 — JUDICIAL PROCEDURES

This bill changes the laws regarding judicial procedures.

DEPARTMENT OF REVENUE RECORDS
(Section 32.056, RSMo)

The bill repeals the requirement that a member of the judiciary notify the Department of Revenue when the member's status changes and he or she and his or her immediate family do not qualify for the exemption from the release of specified personal information contained in the department's motor vehicle or driver registration records and repeals the requirement that the department revise its records in this case.

CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE
(Section 43.518)

The bill replaces the chairman of the Circuit Court Budget Committee with the chairman of the Joint Legislative Committee on Court Automation for the purpose of service on the Criminal Records and Justice Information Advisory Committee within the Department of Public Safety.

ADMINISTRATIVE HEARING OFFICERS
(Section 454.475)

An administrative hearing officer from the Department of Social Services is authorized to correct any administrative child support decision or order, except a proposed administrative modification of a judicial order, containing clerical mistakes arising from oversight or omission at any time upon his or her own initiative or written motion filed by the division or any party to the action if the written notice is mailed to all parties. Any objection or response to the motion must be made in writing and filed with the hearing officer within 15 days from the mailing date. A proposed administrative modification of a judicial order may be corrected by an agency administrative hearing officer prior to the filing of the proposed modification with the court that entered the underlying judicial order or upon the express order of the court that entered the underlying order. A correction cannot be made during the court's review of the administrative decision, order, or proposed order except in response to an express order from the reviewing court.

An administrative order or decision or proposed administrative modification of a judicial order containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect, or inadvertence may be corrected prior to being filed with the court if the written motion is mailed to all parties and filed within 60 days of the administrative decision, order, or proposed decision and order. Any objection or response to the motion must be filed with the hearing officer within 15 days from the mailing date of the motion. Any decision, order, or proposed administrative modification of a judicial order cannot be corrected after 90 days from the mailing of the administrative decision, order, or proposed order or during the court's review of the decision, order, or proposed order except in response to an express order from the reviewing court.

In a case of lack of jurisdiction, the hearing officer may, after notice to the parties, on his or her own initiative or upon the motion of any party or the Family Support Division within the department vacate an administrative decision or order or proposed administrative modification of a judicial order if the hearing officer determines that it is found that the order or decision was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process and the order, decision, or modification has not been filed with the court. Any objection or response to the motion must be filed with the hearing officer within 15 days from the mailing date of the motion. A decision, order, or proposed administrative modification of a judicial order cannot be vacated during the court's review of the applicable administrative decision, order, or proposed order as authorized under Sections 536.100 to 536.140 except in response to an express order from the reviewing court.

JUDICIAL PERSONNEL TRAINING FUND
(Section 476.057)

Any moneys received by or on behalf of the State Courts Administrator from fees, grants, or any other sources in connection with providing training to judicial personnel must be deposited into the Judicial Personnel Training Fund, but any moneys collected in connection with a particular purpose must be segregated and not disbursed for any other purpose.

JUDICIAL PERSONNEL
(Sections 477.405 and 478.320)

The Missouri Supreme Court must, by January 1, 2015, recommend the guidelines appropriate for use by the General Assembly in determining the need for additional judicial personnel or the reallocation of existing personnel and appropriate guidelines for the evaluation of judicial performance. The guidelines must be filed with the chairs of the House and Senate Judiciary committees for distribution to the members of the General Assembly, and the court must annually file a report measuring and assessing judicial performance in the state appellate and circuit courts including a judicial weighted workload model and a clerical weighted workload model.

When the Office of the State Courts Administrator indicates in an annual weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of 100,000 or more, there must be one additional associate circuit judge position in the circuit for every four full-time judicial positions needed as indicated in the model. In a multicounty circuit, the additional positions must be apportioned among the counties in the circuit as specified based on population.

VETERANS TREATMENT COURTS
(Section 478.008)

The bill authorizes a circuit court or a combination of circuit courts to establish a veterans treatment court upon the agreement of the presiding judges of the courts to provide an alternative to dispose of cases which stem from substance abuse or mental illness of current or former military personnel. A court must combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving in the United States armed forces, including members of the reserves, National Guard, or Missouri Guard. Each circuit court must establish conditions for referral of proceedings to the veterans treatment court and enter into a memorandum of understanding with each participating prosecuting attorney that may include other specified parties who are considered necessary. A veterans treatment court may accept participants from other jurisdictions based upon the residence of the participant in the receiving jurisdiction or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged under specified conditions.

A veterans treatment court must make a referral for substance abuse or mental health treatment or a combination of substance abuse and mental health treatment through the federal Department of Defense health care, the Veterans Administration, or a certified community-based treatment program except for good cause found by the court. Any statement made by a participant during treatment or any report prepared by the staff of the treatment program must not be admissible as evidence against the participant in a judicial proceeding. The staff of a veterans treatment court must have access to all records of any state or local government agency relevant to a participant's treatment, but the records and reports are to be treated as closed records and must be maintained by the court in a confidential file not available to the public. The charges, petition, or penalty may be dismissed, reduced, or modified upon the participant's successful completion of a treatment program. Any fees received by a court from a defendant as payment for a program must not be considered court costs, charges, or fines.

JUDICIAL CIRCUITS
(Sections 478.073 - 478.186 and 487.010)

The General Assembly authorizes the Judicial Conference of the State of Missouri to alter the geographical boundaries and territorial jurisdiction of the judicial circuits by means of a circuit realignment plan as the administration of justice may require subject to state constitutional requirements.

Beginning in 2020, and every 20 years thereafter, the judicial conference must submit, within the first 10 days of the regular legislative session, to the Secretary of the Senate, the Chief Clerk of the House of Representatives, and the chairs of the House and Senate Judiciary committees a circuit realignment plan for the alteration of the geographical boundaries and territorial jurisdiction of the circuit courts subject to the requirements in Article V of the Missouri Constitution. The bill specifies the criteria that must be used when redrawing the judicial boundaries. Once submitted to both chambers, a plan will become effective January 1 of the year following the legislative session in which it is submitted unless a bill realigning the judicial circuits is presented to the Governor and is duly enacted. A realignment plan must not alter the total number of circuits in existence on December 31, 2019, and any plan creating or reducing the number of circuits must be null and void.

The bill repeals the provisions regarding the current geographical boundaries and territorial jurisdiction of the judicial circuits effective December 31, 2019.

These provisions cannot be construed as eliminating any family courts in existence as of December 31, 2019.

FAMILY COURT COMMISSIONERS
(Section 487.020)

The bill allows the 13th Judicial Circuit in Boone County and Callaway County and the 31st Judicial

Circuit Court in Greene County to appoint a family court commissioner whose compensation must be payable by the state without the necessity of reimbursement in substitution of a family court commissioner whose salary is reimbursable. Currently, this provision only applies to the 11th Judicial Circuit in St. Charles County. These provisions must not be construed to allow the appointment of a family court commissioner in the 11th Judicial Circuit in addition to the number of commissioners holding office in the circuit as of January, 1, 1999, or to allow the appointment of a family court commissioner in the 13th Judicial Circuit or the 31st Judicial Circuit in addition to the number of commissioners holding office in those circuits as of January 1, 2013.

SURCHARGE IN CIVIL COURT CASES (Section 488.426)

The circuit court in any circuit, except the circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under Section 487.020, is allowed to change the surcharge in civil actions to any amount up to $15. Currently, the only exception allowed is the circuit court in Jackson County.

The circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners is authorized to change the surcharge in civil actions to any amount up to $20.

COURT REPORTERS (Section 488.2250)

Currently, the court reporter for all transcripts of testimony given or proceedings in any circuit court must receive $2 per 25-line page for the original of the transcript and 35 cents per 25-line page for each copy; a judge may order a transcript of all or any part of the evidence or oral proceedings and the court reporter's fee is to be paid by the state; and the court must order the court reporter to furnish three copies of the transcripts of the notes of the evidence for which the court reporter must receive $2 per legal page and 20 cents per page for the copies. The bill repeals these provisions and specifies that for all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter must receive the sum of $3.50 per legal page for the preparation of a paper and an electronic version of the transcript. In a criminal case where an appeal is taken by the defendant and the court determines that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter must receive a fee of $2.60 per legal page for the preparation of a paper and an electronic version of the transcript.

Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter must receive $2.60 per legal page for the preparation of a paper and an electronic version of the transcript. The court reporter's fees for an appeal in a criminal case where the court determines that the defendant is unable to pay the costs or in a case where the judge orders a transcript must be paid by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings must be paid by the party requesting the preparation and production.

CHARGES FOR LAW ENFORCEMENT SERVICES (Section 488.5320)

Currently, law enforcement officers are allowed to charge for their services rendered in criminal cases and in all contempt or attachment proceedings except for cases disposed of by a traffic violations bureau. The bill removes the exception and allows them to also charge $6 for their services in a case in a violations bureau. The charges from cases disposed of by a traffic violations bureau must be distributed so that one-half of the charges collected are deposited into the newly-created MODEX Fund for the operational support and expansion of the Missouri Data Exchange (MODEX) System and one-half of the charges collected are deposited into the inmate security fund of the county or municipal political subdivision where the citation originated. The fund is to be administered by the Peace Officers Standards and Training Commission. If the county or municipal political subdivision has not established an inmate security fund, all of the funds must be deposited into the MODEX Fund.

Sheriffs, county marshals, or other officers located in St. Louis County or the City of St. Louis cannot charge for their services rendered in cases disposed of by a traffic violations bureau.

PROPERTY EXEMPT FROM ATTACHMENT (Section 513.430)

Any money or assets payable to a participant or beneficiary from or any interest of any participant or beneficiary in a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A, or 409 of the Internal Revenue Code of 1986, as amended, must be exempt from attachment and execution in a bankruptcy proceeding whether the participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise.

LAW SCHOOL CLINICS (Section 514.040)

Currently, when a legal aid society, legal services, or a nonprofit organization funded in whole or substantial part by moneys appropriated by the

General Assembly represents an indigent party in a civil case, the court costs and expenses may be waived without the necessity of a motion and court approval if the organization has already determined the party is unable to pay the expenses and has filed the determination with the clerk of the court. The bill adds a law school clinic that has as its primary purpose educating law students through furnishing legal services to indigent persons to the list of organizations that may waive court expenses without filing a motion with the court.

ELECTRONIC MONITORING
(Sections 544.455 and 557.011)

Currently, a judge may release a person charged with a crime pending trial and place him or her on house arrest with electronic monitoring or allow a person convicted of a crime to serve all or any portion of his or her sentence on house arrest with electronic monitoring if the person can afford the costs of the monitoring. The bill allows a judge to place the person on house arrest with electronic monitoring if the county commission agrees to pay the costs of the monitoring from its general revenue.

DEPARTMENT OF CORRECTIONS PROGRAMS
(Sections 559.036 and 559.115)

Currently, the Department of Corrections must provide a report and recommendations for terms and conditions of probation to the court after 100 days of incarceration if the department determines that an offender is not successful in a program. The court must then release the offender on probation or order the offender to remain incarcerated to serve the sentence imposed. The bill specifies that if the department determines the offender has not successfully completed a 120-day program, the offender must be removed from the program and the court advised of the removal. The department may recommend the terms and conditions of probation. The court has the power to grant probation or order the execution of the offender's sentence. The court must consider other authorized dispositions if the court is advised that an offender is not eligible for placement in a 120-day program. Except when an offender has been found to be a predatory sexual offender, the court must request the department to conduct a sexual offender assessment if the defendant has pled guilty or been found guilty of a class B sexual abuse felony. The bill repeals a provision requiring the court to request certain offenders be placed in the sexual offender assessment unit of the department and requires the department to provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The sexual offender assessment must not be considered a 120-day program. The bill specifies the process for granting probation to an offender who has completed the assessment.

SEXUALLY VIOLENT PREDATORS
(Section 632.498)

Currently, a sexually violent predator who has been civilly committed is allowed to petition the court for conditional release over the objections of the department director. The petition must be served upon the court that committed the person, the department director, the head of the facility housing the offender, and the Attorney General. The bill requires the petition to also be served to the prosecuting attorney of the jurisdiction into which the committed person is to be released.

ELECTRONIC MONITORING INFORMATION
(Section 632.505)

The bill specifies that the Department of Corrections must provide, upon request, access by the chief of the local law enforcement agency to the information gathered by the global positioning system or other technology used to monitor a person who has been granted conditional release from the department upon the determination by a court or jury that he or she is not likely to commit acts of sexual violence if released when the person is being electronically monitored and remains in the county, city, town, or village where the releasing facility is located. The information obtained must be closed and cannot be disclosed to any person outside the agency except upon an order of the court supervising the conditional release.

LEGISLATIVE INTENT (Section 1)

The bill specifies that it is the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning or definition of "sexually violent offense" to include, but not be limited to, holdings in Robertson v. State, 392 S.W.3d 1 (Mo. App. W.D., 2012); State ex rel. Whitaker v. Satterfield, 386 S.W.3d 893 (Mo. App. S.D., 2012); and all cases citing, interpreting, applying, or following those cases. It is the intent of the legislature to apply these provisions retroactively.

The repeal of the provisions of the bill regarding the current geographical boundaries and territorial jurisdiction of the judicial circuits become effective December 31, 2020.

HB 400 — ADMINISTRATION OF ABORTION-INDUCING DRUGS AND CHEMICALS

This bill requires the administration of the initial dose of RU-486 (mifepristone) or any other abortion-inducing drug or chemical to occur in the same room and in the physical presence of the

physician who prescribed, dispensed, or otherwise provided the drug or chemical to the patient. The physician or a person acting on the physician's behalf must make all reasonable efforts to ensure that the patient returns after the administration or use of any abortion-inducing drug or chemical for a follow-up visit unless the termination of the pregnancy has already been confirmed and the patient's medical condition has been assessed by a licensed physician prior to discharge.

HCS HBs 404 & 614 — WORKERS' COMPENSATION

This bill specifies that for workers' compensation purposes, psychological stress may be recognized as an occupational disease for paid peace officers of a police department who are certified under Chapter 590, RSMo, if a direct causal relationship is established.

The formula used by the Department of Insurance, Financial Institutions and Professional Registration to equalize workers' compensation insurance premium rates for employers within the construction group of code classifications must be the formula that was in effect on January 1, 1999.

The provision regarding the formula to equalize workers' compensation insurance premium rates becomes effective January 1, 2014.

HCS HB 418 — KANSAS CITY POLICE AND CIVILIAN EMPLOYEE RETIREMENT SYSTEMS

This bill changes the laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City.

POLICE RETIREMENT SYSTEM OF KANSAS CITY

The bill:

(1) Creates a two tier retirement system. A Tier I member is any person who became a member prior to August 28, 2013, and who remains a member on that date. A Tier II member is any person who became a member on or after August 28, 2013;

(2) Specifies that the final average compensation for a Tier I member will be calculated by averaging the highest 24 months of service in which monthly contributions were made whether consecutive or otherwise;

(3) Specifies that the final average compensation for a Tier II member will be calculated by averaging the highest 36 months of service in which monthly contributions were made whether consecutive or otherwise;

(4) Requires the city's contribution rate to meet the annual actuarially required contributions as determined by a qualified professional actuary selected by the retirement board plus $200 per month for each member entitled to receive a supplemental benefit under specified provisions of law;

(5) Requires a member accruing creditable service to contribute a percentage of his or her compensation to his or her pension fund as determined by the retirement board. The bill repeals the provision requiring the deduction to be at least 6% of the member's compensation;

(6) Prohibits creditable service from being allowed for any period of time when a member was not making contributions unless the member is on leave for military service;

(7) Allows a member in active service on or after August 28, 2013, to accrue up to 32 years of creditable service;

(8) Limits the accumulation of creditable service to five years for a member on leave of absence for military service except for certain situations authorized by federal law;

(9) Repeals the mandatory retirement provision. Currently, a member can retire after 25 years but must retire after 30 years of creditable service;

(10) Specifies that the pension of a Tier I member retiring on or after August 28, 2013, after completing 25 or more years of creditable service will be 2.5% of the member's final compensation times the number of years of his or her total creditable service up to 80% of the member's final average compensation;

(11) Specifies that a Tier II member can retire after 27 or more years of creditable service, and the base pension will be 2.5% of his or her final average compensation times the number of years of total creditable service, up to 80% of the member's final average compensation. A Tier II member can also choose a 75% or 100% optional joint and survivor benefit;

(12) Allows a Tier II member who has been terminated and has at least 15 years of creditable service to choose to receive his or her base pension beginning the first day of the month following the month he or she turns 60 years of age;

(13) Prohibits any member convicted of a felony prior to separation from active service from receiving any retirement benefits except for the return of his or her accumulated contributions;

(14) Specifies that any member who has to retire after August 28, 2013, due to a job-related illness or injury will receive 80% of his or her final compensation as a base pension. This amount may be reduced by the amounts paid or payable under any workers' compensation law;

(15) Allows a Tier II member to be eligible for a partial lump sum option plan. The normal pension

of any member choosing the partial lump sum option will be reduced as specified in the bill;

(16) Specifies that a Tier II member retiring with at least 32 years of creditable service may receive a cost-of-living adjustment (COLA) of up to 3% of his or her base pension beginning the year after retirement. Any member retiring with less than 32 years of creditable service will be eligible to receive a COLA in the year following the year in which he or she would have reached 32 years of creditable service;

(17) Allows any Tier II member retiring due to disability caused by performance of duty to be eligible to receive a COLA in the year following retirement. Eligibility for a COLA for a non-duty related disability retirement will begin following the fifth year after retirement or the year following the year in which he or she would have attained 32 years of creditable service, whichever is earlier;

(18) Specifies when the surviving spouse or child of a Tier II member is eligible to receive a COLA;

(19) Allows an eligible Tier II member to receive a supplemental retirement benefit of $200 per month;

(20) Specifies that a surviving spouse of a retired Tier II member who has not elected an optional annuity allowed under Section 86.1151, RSMo, is entitled to a base pension payable for life equal to 50% of the member's base pension upon receipt of the proper proof of the member's death;

(21) Specifies that a Tier II member will be fully vested after 27 years of creditable service or after turning 60 years of age with 15 years of creditable service; and

(22) Changes from January 10 to October 15 the date that the retirement board must certify to the chief financial officer of the city the amount to be paid by the city under the retirement pension system for the succeeding fiscal year.

CIVILIAN EMPLOYEES' RETIREMENT SYSTEM

The bill:

(1) Creates a two tier retirement system. A Tier I member is any person who became a member prior to August 28, 2013, and who remains a member on that date. A Tier II member is any person who became a member on or after August 28, 2013;

(2) Limits the accumulation of creditable service to five years for a member on leave of absence for military service except for certain situations authorized by federal law;

(3) Specifies that the normal retirement date for a Tier II member will be the later of when he or she reaches the age of 67 or completes 20 years of employment;

(4) Allows a Tier II member to choose early retirement at age 62 if he or she has five years of creditable service. The benefits will be reduced as specified in the bill;

(5) Allows a Tier II member to choose early retirement at any time after the member's age and years of creditable service equals or exceeds 85; and

(6) Specifies that a Tier II member becomes fully vested when he or she reaches 67 years of age or completes 20 years of employment, whichever is later, or when the sum of the person's age and years of creditable service equals or exceeds 85.

SS SCS HB 428 — REGISTRATION AND LICENSING OF MOTOR VEHICLES

Currently, when an insurer purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which he or she is unable to obtain a negotiable title, the insurer must make two written attempts to obtain the certificate of title and provide the Department of Revenue with evidence that the letters were delivered when applying for a salvage certificate of title or junking certificate. This bill requires the insurer to provide the department with evidence that the letters were sent. The department director must notify the insurer of any additional owner or lienholder he or she identifies, and the insurer must notify the additional owner or lienholder of its intent to obtain title.

Currently, a public school or college is considered the temporary owner of a vehicle acquired from a new motor vehicle franchised dealer that is to be used as a courtesy or driver training vehicle. The bill allows any motor vehicle dealer to give a college or school district any motor vehicle for these purposes and allows a copy of the front and back of the dealer's vehicle manufacturer's statement of origin or certificate of title to be used for proof of ownership in order to apply for and be granted a nonnegotiable certificate of ownership and the issuance of the appropriate license plates.

The bill allows an insurer that purchases a vehicle or trailer, subject to a lien, through the claims adjustment process to apply for a salvage title or junking certificate without obtaining a lien release. The insurer may request a letter of guarantee from the lienholder containing a description of the vehicle and indicating the amount of the lien from each lienholder and pay the amount indicated within 10 days of receipt of the letter. Each lienholder must provide proof of satisfaction of the lien amount to the insurer. The insurer may then submit proof of the payments, a copy of each letter of guarantee, and the title for the vehicle or trailer to the department

which must accept the documents in lieu of a lien release and process the insurer's application.

HB 432 — MISSOURI PUBLIC SERVICE COMMISSION

This bill allows the Missouri Public Service Commission to appear, participate, and intervene in any federal, state, or other administrative, regulatory, or judicial proceeding now pending or commenced after August 28, 2013.

SCS HCS HB 436 — FIREARMS

(Vetoed by the Governor)

This bill changes the laws regarding firearms.

SECOND AMENDMENT PRESERVATION ACT

The bill establishes the Second Amendment Preservation Act which specifies that although several states have granted supremacy to laws and treaties under the powers granted under the United States Constitution, the supremacy does not apply to federal statutes, orders, rules, regulations, or other actions that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition exclusively within the state except to the extent that they are necessary and proper for the government and regulation of the land and naval forces of the United States or for the organizing, arming, and disciplining of militia forces actively employed in the service of the United States Armed Forces. The General Assembly strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms; the prompt reporting of stolen firearms; and the proper enforcement of all state gun laws. The General Assembly condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.

The bill specifies that all past, present, or future federal acts, laws, orders, rules, or regulations that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 23 of the Missouri Constitution are invalid, will not be recognized, are specifically rejected, and will be considered null and void and of no effect in this state.

It is the duty of the courts and law enforcement agencies of the state to protect the rights of law-abiding citizens to keep and bear arms within the borders of the state, and no public officer or employee of the state has any authority to enforce or attempt to enforce any of the infringements on the right. Any official, agent, or employee of the federal government who enforces or attempts to enforce any of the infringements on the right is guilty of a class A misdemeanor.

Any state citizen who has been subject to an effort to enforce any of the infringements on the right to keep and bear arms under these provisions will have a private cause of action for declaratory judgment and for damages against any person or entity attempting the enforcement.

OPEN CARRY OF FIREARMS

In any jurisdiction that prohibits the open carry of a firearm by ordinance, the open carry of a firearm cannot be prohibited if the person has a valid concealed carry endorsement from this state or a permit from another state that is recognized by this state in his or her possession at all times, he or she displays the endorsement upon the demand of a law enforcement officer, and the firearm being openly carried is 16 inches or less in overall length. In the absence of any reasonable and articulable suspicion of criminal activity, a person carrying a concealed or unconcealed handgun cannot be disarmed or physically restrained by a law enforcement officer unless under arrest. Any concealed carry endorsement holder who violates these requirements may be issued a citation for an amount of up to $35, but it will not be a criminal offense.

SCHOOL PROTECTION OFFICERS

Any school district may designate one or more elementary or secondary school teachers or administrators as a school protection officer whose responsibilities and duties will be voluntary and in addition to his or her normal responsibilities and duties. Any compensation for serving as a school protection officer must be funded by the local school district without using state funds.

The bill authorizes a school protection officer to carry a concealed firearm in any school in the district, but he or she must keep the firearm on his or her person at all times while on school property. A person violating these provisions must be removed immediately from the classroom and is subject to employment termination proceedings.

A school protection officer may detain any person the officer sees violating or has reasonable grounds to believe has violated any state law or school policy. Any person detained for violating state law must, as soon as practically possible, be turned over to a law enforcement officer. Any person detained for a violation of a school policy must be turned over to a school administrator as soon as practically possible. However, a person cannot be detained for more than four hours.

The bill specifies the requirements for being designated as a school protection officer, including

requesting the designation in writing to the school district superintendent, submitting proof that he or she has a valid concealed carry endorsement, and submitting a certificate of school protection officer training program completion from a program approved by the Director of the Department of Public Safety. Any school district that designates a teacher or administrator as a school protection officer must notify the department director in writing within 30 days of the designation with specified information.

A school district may revoke the designation of a person as a school protection officer for any reason. The district must immediately notify the person in writing and must notify the department director in writing within 30 days of the revocation.

The department director must maintain a listing of all persons designated as school protection officers and make the list available to all law enforcement agencies. However, any identifying information collected is not considered public information and is not subject to an information request under the Open Meetings and Records Law, commonly known as the Sunshine Law.

Any school employee who discloses any identifying information regarding a person designated as a school protection officer to anyone, other than those authorized to receive it, will be guilty of a class B misdemeanor and will be subject to employment termination proceedings within the school district.

Currently, a person with a valid concealed carry endorsement cannot carry a concealed firearm in any higher education institution or elementary or secondary school facility without the consent of the governing body, a school official, or the district school board. The bill exempts any teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district from the requirement of obtaining consent.

The bill requires the Peace Officer Standards and Training Commission to establish minimum standards for the training of school protection officers, the minimum number of hours of training, and the curriculum for training programs and specifies the minimum training requirements. The commission must also establish minimum standards for school protection officer training instructors, training centers, and training programs. The Director of the Department of Public Safety must develop and maintain a list of approved school protection officer training instructors, centers, and programs and make the list available to every school district in the state. The bill specifies the information that must be submitted by each person seeking entrance into a school protection officer training center or program. A certificate of school protection officer training program completion may be issued to an applicant by any approved instructor affirming that the person has taken and passed a program that meets all requirements specified in the bill and that the person has a valid concealed carry endorsement. The instructor must also provide a copy of the certificate to the department director.

FIREARM OWNERSHIP INFORMATION

A person or entity cannot publish the name, address, or other identifying information of any individual who owns a firearm or who is an applicant for or holder of any license, certificate, permit, or endorsement that allows the person to own, acquire, possess, or carry a firearm. Any person or entity violating these provisions is guilty of a class A misdemeanor.

A licensed health care professional cannot be required by law to inquire if a patient owns a firearm, document or maintain in a patient's medical records if the patient owns a firearm, or notify any governmental entity of the identity of a patient based solely on his or her status as a firearm owner. These provisions cannot be construed as prohibiting or restricting a health care professional from inquiring, documenting, or otherwise disclosing the information if it is necessitated or medically indicated by the professional's scope of practice and it does not violate any other state or federal law.

CONCEALED CARRY ENDORSEMENTS

The bill changes the minimum age a person can be issued a concealed carry endorsement from 21 years of age to 19 years of age.

SURRENDER OF FIREARMS

A county, municipality, or other governmental body or an agent of the entity cannot participate in any program in which an individual is given a thing of value in exchange for surrendering a firearm to the entity unless it has adopted a resolution, ordinance, or rule authorizing the participation in the program and the resolution, ordinance, or rule specifies that any firearm received must be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from a trade must be the property of the entity unless the proceeds are collected by a sheriff, in which case the proceeds must be deposited in the county sheriff's revolving fund. Any firearm remaining in the possession of the entity after it has been offered for sale or trade to at least two licensed firearms dealers may be destroyed.

HCS HBs 446 & 211 — REAL ESTATE LOANS

This bill prohibits any local law or ordinance from adding, changing, or delaying any rights or obligations; imposing fees or taxes; requiring payment of fees to any government contractor related to any real estate loan agreement, mortgage, deed of trust, or other security instrument; or affecting the enforcement and servicing of a real estate loan. The enforcement and servicing of a real estate loan secured by mortgage or deed of trust or other security instrument must only be according to state and federal laws.

HB 451 — COUNTY BUDGETS

This bill authorizes a county to amend its budget twice during any fiscal year when there is a verifiable decline in funds of at least 2% that could not have been estimated or anticipated when the budget was adopted. Currently, a county is only authorized to amend its annual budget when it receives additional funds that could not be estimated.

Any decrease in appropriations cannot unduly affect any one officeholder and cannot impact any dedicated fund authorized by law. The county must provide 30 days' notice of a public hearing regarding any amendment to the county budget, including a published summary of the proposed reductions and an explanation of the shortfall.

Before any reduction affecting an elected officeholder can occur, negotiations must take place with all officeholders who receive funds from the affected category of funds in an attempt to cover the shortfall.

County commissioners can reduce the budgets of departments under their direct supervision and responsibility at any time without these restrictions.

These provisions cannot restrict a charter county from amending its budget pursuant to the terms of its charter.

The provisions of the bill regarding decreasing a county budget will expire July 1, 2016.

HB 478 — CREDIT UNIONS

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

(1) Requires all provisions of Section 370.287, RSMo, to apply to shares issued in joint tenancy in the name of any minor;

(2) Allows a credit union to require a minor's parent, guardian, or other person responsible for the minor to be a joint owner of the minor's account;

(3) Specifies that shares on deposit held in the name of a minor are subject to the credit union's lien under Section 370.250 and any consensual lien on pledge of shares which might not be avoided due to the minor's status;

(4) Allows a credit union to pay funds to a conservator appointed under Section 475.045 and thereby discharge its liability to the minor for the shares;

(5) Requires accounts opened under the Missouri Transfer to Minors Law, Sections 404.005 to 404.094, to be governed by that law;

(6) Allows shares to be issued in joint tenancy with the right of survivorship with any persons, minor or adult, designated by the credit union member whether or not the names are stated conjunctively, disjunctively, or otherwise;

(7) Specifies that records of the credit union describing the issuance, opening, or maintenance of shares in joint tenancy with the right of survivorship in the absence of fraud or undue influence must be conclusive evidence of the intention of all joint tenants to vest title to the account any additions thereto in the surviving joint tenants;

(8) Specifies that the adjudication of disability or incapacity of any one or more of the joint tenants cannot sever or terminate the joint tenancy ownership, and the account can be withdrawn or pledged by any one or more of the joint owners in the same manner as though the adjudication of disability or incapacity had not been made except that any withdrawal or pledge on behalf of the disabled joint owner must be by the person's conservator;

(9) Specifies that shares held in the name of a husband and wife or the survivor thereof must be considered a joint tenancy and not a tenancy by the entirety unless otherwise specified; and

(10) Specifies that a payment of any or all shares or additions under these provisions releases and discharges a credit union from liability with respect to the payment of moneys for shares as allowed prior to the receipt by the credit union of written notification signed by any one of the joint tenants to not pay the shares in accordance with the specified terms. After receiving notice, a credit union can refuse without liability to honor any check, order to pay, withdrawal receipt, or order to pay out any dividends or interest pending determination of the rights of the parties. A credit union paying any joint tenant in accordance with these provisions cannot be liable for any estate or succession taxes that may be due this state. An account opened under the Missouri Transfer to Minors Law must be governed by that law.

SCS HB 498 — PAID-IN SURPLUS DISTRIBUTIONS

Currently, the distribution of paid-in surplus to corporate shareholders is required to be identified as

a liquidating dividend, and the amount per share is required to be disclosed to the receiving shareholders when it is paid. This bill repeals this requirement.

SCS HCS HB 505 — CHILD ABUSE AND NEGLECT

This bill changes the laws regarding child abuse and neglect. In its main provisions, the bill:

(1) Authorizes the Office of the Child Advocate to mediate between alleged victims of sexual misconduct and charter schools when requested by both parties and the allegation of abuse arises in a school setting (Sections 37.710 and 160.262, RSMo);

(2) Requires a mandatory reporter of suspected child abuse or neglect employed in a school facility and the superintendent of the school district to report directly to the Children's Division within the Department of Social Services any student report of alleged sexual misconduct on the part of a teacher or other school employee. Currently, the reporter and the superintendent must forward the allegation to the division within 24 hours of receiving the information (Section 160.261);

(3) Requires, by July 1, 2014, every charter school to adopt a written policy on information that the charter school provides about former employees, both certificated and non-certificated, to other public schools (Section 162.068);

(4) Requires, by January 1, 2014, the governing body of each charter school to adopt a written policy concerning employee-student communication and the school board of each school district and the governing body of each charter school to adopt and implement training guidelines and an annual training program for all school employees who are mandatory reporters of child abuse or neglect. Every school district and the governing body of each charter school must, by July 1, 2014, include in its teacher and employee training a component that provides up-to-date and reliable information on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults (Section 162.069);

(5) Requires a mandatory reporter of suspected child abuse or neglect to immediately report it to the division. Currently, a mandatory reporter must immediately report or cause a report to be made to the division. An internal investigation into a report of child abuse or neglect cannot be initiated until the mandatory report to the division has been made (Section 210.115.1);

(6) Specifies that a single report may be made by a designated member of a medical team if two or more members of a medical institution who are required to report jointly have knowledge of a known or suspected instance of child abuse or neglect. Any member who has knowledge that the member designated has failed to make the mandatory report must immediately make the report. A supervisor or administrator cannot impede or inhibit the reporting of suspected child abuse or neglect. A person making a report cannot be subject to any sanction, including any adverse employment action for making a report. Every employer must ensure that any employee required to report has immediate and unrestricted access to the communications technology necessary to make an immediate report and is temporarily relieved of other work duties for the time as is required to make the required report (Section 210.115.3);

(7) Specifies that the offense of abuse or neglect of a child is a class A felony if the child dies as a result of injuries sustained from the abuse or neglect of the child (Sections 556.061 and 568.060); and

(8) Requires the Department of Public Safety to establish rules regarding the reimbursement of the costs of forensic examinations for children younger than 14 years of age, including establishing conditions and definitions for emergency and non-emergency forensic examinations, and may by rule establish additional qualifications for appropriate medical providers performing non-emergency forensic examinations. The department must provide reimbursement regardless of whether or not the findings indicate that the child was abused (Section 595.220).

The provisions of the bill regarding the offense of abuse or neglect of a child if he or she dies as a result of the injuries contain an emergency clause.

HB 510 — LIMITED LIABILITY COMPANIES

This bill changes the laws regarding limited liability companies (LLCs). It its main provisions, the bill:

(1) Specifies that the information which a LLC must specify in its articles of organization must also be specified for each separate series of the LLC;

(2) Specifies that the information which a foreign LLC must specify in its application for registration as a foreign LLC must also be specified for each separate series of the LLC;

(3) Allows an operating agreement to establish or provide for the establishment of a designated series of members, managers, or LLC interests having separate rights, powers, or duties with respect to specified property or obligations of the LLC or profits and losses associated with specified property or obligations;

(4) Specifies that the debts, liabilities, and obligations incurred, contracted for, and otherwise

existing with respect to a particular series must be enforceable only against the assets of that series and not against the assets of the LLC generally or any other series of the LLC;

(5) Specifies when a particular series will be deemed to have possession, custody, and control only of the books, records, information, and documentation related to the series and not of the LLC as a whole;

(6) Prohibits the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to an LLC from being enforceable against the assets of the series unless otherwise provided in the operating agreement;

(7) Requires a series with limited liability to be treated as a separate entity as set forth in the articles of organization and allows the series to conduct business and exercise the powers of an LLC;

(8) Specifies when the name of the series with limited liability must contain the entire name of the LLC;

(9) Specifies how the name of a series with limited liability may be changed and how a series with limited liability may be dissolved;

(10) Specifies that an operating agreement can provide for classes or groups of members or managers associated with a series having the rights, powers, and duties as provided in the agreement and may make provision for the future creation of additional classes or groups of members or managers associated with the series;

(11) Allows a series to be managed by the member or members associated with the series or by the manager or managers chosen by the members of the series;

(12) Specifies that an operating agreement may impose restrictions, duties, and obligations on members of the LLC or series regarding certain matters; and

(13) Specifies that if a LLC with the ability to establish a series does not register to do business in a foreign jurisdiction for itself and its series, a series of a LLC may itself register to do business as a LLC in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction. The bill also specifies the requirements for foreign LLCs that have established a series to register to do business in the state.

SCS HB 533 — FIREARMS

This bill exempts a paid, full-time fire department or fire protection district chief from the crime of unlawful use of a weapon if he or she carries a concealed weapon as part of his or her official duties. The chief must have the written approval of the governing body of the department or district to carry the weapon and must possess a valid concealed carry endorsement.

The bill specifies that the state cannot prohibit any state employee from having a firearm in his or her vehicle on state property if the vehicle is locked and the firearm is not visible. These provisions only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment.

A county, municipality, or other governmental body or an agent of the entity cannot participate in any program in which an individual is given a thing of value in exchange for surrendering a firearm to the entity unless it has adopted a resolution, ordinance, or rule authorizing the participation in the program and the resolution, ordinance, or rule specifies that any firearm received must be offered for sale or trade to a licensed firearms dealer. The proceeds from any sale or gains from a trade must be the property of the entity unless the proceeds are collected by a sheriff, in which case the proceeds must be deposited in the county sheriff's revolving fund. Any firearm remaining in the possession of the entity after it has been offered for sale or trade to at least two licensed firearms dealers may be destroyed.

The General Assembly strongly promotes responsible gun ownership, including parental supervision of minors in the proper use, storage, and ownership of all firearms; the prompt reporting of stolen firearms; and the proper enforcement of all state gun laws. The General Assembly condemns any unlawful transfer of firearms and the use of any firearm in any criminal or unlawful activity.

SS SCS HB 542 — AGRICULTURE

This bill changes the laws regarding agriculture.

LIQUEFIED PETROLEUM GAS INSTALLATIONS (Section 64.196, RSMo)

The bill prohibits a county building ordinance adopted by a first or second classification county commission from conflicting with liquefied petroleum gas installations governed by Section 323.020.

CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT (Section 178.550)

The bill establishes the Career and Technical Education Student Protection Act and the Career and Technical Education Advisory Council within the Department of Elementary and Secondary Education and repeals the provisions regarding the State Advisory Committee for Vocational Education. The advisory council will consist of 11 members appointed by the Governor with the advice and

consent of the Senate. Members will serve a term of five years, except for the initial appointees who will serve specified staggered terms. Members will consist of the following individuals:

(1) A director or administrator of a career and technical education center;

(2) An individual from the business community with a background in commerce;

(3) A representative from Linn State Technical College;

(4) Three current or retired career and technical education teachers who serve or have served as an advisor to a career and technical education student organization specified in the bill;

(5) A representative from a business organization, association of businesses, or a business coalition;

(6) A representative from a community college;

(7) A representative from Southeast Missouri State University or the University of Central Missouri;

(8) An individual participating in an apprenticeship recognized by the Department of Labor and Industrial Relations or approved by the United States Department of Labor's Office of Apprenticeship; and

(9) A school administrator or superintendent of a school offering career and technical education.

A director of career and guidance counseling at the Department of Elementary and Secondary Education, the Director of the Division of Workforce Development, and a member of the Coordinating Board for Higher Education will serve as ex-officio members of the advisory council, and the Assistant Commissioner for the Office of College and Career Readiness of the Department of Elementary and Secondary Education will provide staff support. The advisory council must meet at least four times annually. Any business coming before the advisory council, including all decisions, votes, exhibits, outcomes, and materials, must be made available on the council's Internet website.

The advisory council must make an annual written report regarding the state budget for career and technical education and must annually submit written recommendations regarding the oversight and procedures for the handling of funds for student career and technical education organizations to the State Board of Education and the Commissioner of Education within the Department of Elementary and Secondary Education.

The advisory council must develop a statewide short-range and long-range plan for career and technical education, identify service gaps, confer with public and private entities to promote and improve career and technical education, identify legislative recommendations to improve career and technical education, and promote coordination of existing career and technical education programs.

EGGS (Section 196.311)

The definition of "eggs" as it relates to the regulation of the sale of eggs is revised to mean the shell eggs of a domesticated chicken, turkey, duck, goose, or guinea that are intended for human consumption.

UNIVERSITY OF MISSOURI EXTENSION DISTRICTS (Section 262.598)

A University of Missouri extension council, except a council that is located in St Louis County, is authorized to form an extension district made up of cooperating counties for the purpose of funding extension programming. An extension district can be a single-council district or a consolidated district consisting of two or more extension councils. A majority vote of each participating council is required to form an extension district.

In a single-council district, the existing University of Missouri extension council will serve as the extension district's governing body. In a consolidated district, the governing board will consist of at least three but no more than five representatives appointed by each participating council. The powers and duties of a district's governing body are specified in the bill.

The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the district's counties. A property tax levy cannot exceed 30 cents per $100 of assessed valuation. The costs of submitting the question to the voters at the general municipal election must be paid by the district. In a single-county district, the property tax levy will be imposed if a majority of the voters in the county approve it. In a consolidated district, the property tax levy will be imposed if a majority of the voters in each county in the district approve it. If one of the counties in a consolidated district does not approve it, that county's council may withdraw from the district. Upon the withdrawal, the district will be made up of the remaining counties and the tax will be imposed in those counties. However, if the county that did not approve the tax levy does not withdraw, the tax cannot be imposed.

A single-council district for which a tax has not been levied may be dissolved in the same manner in which it was formed. A county may withdraw from a consolidated district at any time by filing a petition signed by at least 10% of the voters in the county who voted in the most recent presidential election with the circuit court having jurisdiction over the district. The court must hear evidence on the petition, and if it determines that it is in the best interest of the county inhabitants, it must submit the question to the voters at the next general municipal election. If two-thirds of the voters vote in favor of withdrawing from the

district, the court must issue an order withdrawing the county from the district. The costs of the election are to be paid by the district. The withdrawal will not become effective until the following January 1, and the district will remain intact for the purposes of paying all outstanding and lawful obligations and disposing of the district's property.

The governing body of any district may seek voter approval to increase its current tax rate if the increase will not cause the total tax to exceed 30 cents per $100 of assessed valuation. The governing body must submit the question to the voters at the next general municipal election. The costs of submitting the question to the voters must be paid by the district. If a majority of the voters in the county in a single-council district approve the question, the tax will be imposed. In a consolidated district, a majority of the voters in the district is required.

URBAN AGRICULTURE ZONES (Section 262.900)

The bill authorizes the establishment of urban agriculture zones. In its main provisions, the bill:

(1) Defines an "urban agriculture zone" (UAZ) as a zone that contains an organization or person who grows produce or other agricultural products, raises or processes livestock or poultry, or sells at a minimum 75% locally grown or raised food;

(2) Establishes three types of UAZs:

(a) A "grower UAZ" is a UAZ that grows produce, raises livestock, or produces other value-added agricultural products;

(b) A "processing UAZ" is a UAZ that processes livestock or poultry for human consumption; and

(c) A "vending UAZ" is a UAZ that sells produce, meat, or value-added locally grown agricultural products;

(3) Specifies the requirements that each type of UAZ must meet in order to be approved by a municipality;

(4) Allows any person or organization to submit an application to an incorporated municipality to develop a UAZ on a blighted area of land;

(5) Specifies that an application must identify the type or combination of types of UAZs the applicant is applying for and that it meets the appropriate requirements; the number of jobs to be created by the UAZ; the types of products to be produced; and if applying for a vending UAZ, the ability to accept food stamps as a form of payment;

(6) Specifies that the municipality must review and modify the application as necessary before approving or denying the request;

(7) Requires the municipality to review approval of the UAZ five and 10 years after the development of the UAZ. After 25 years, the UAZ must dissolve. If during its review the municipality finds that the UAZ is not meeting the requirements, it may dissolve the UAZ;

(8) Requires the municipality seeking the designation of a UAZ to establish a seven-member urban agricultural zone board to advise the municipality in setting up the UAZ and to review and assess zone activities. The requirements for membership on the board are specified in the bill;

(9) Requires the board to hold a public hearing on seeking the UAZ designation. The board must notify the taxing districts and political subdivisions within the zone about the designation. Other notification requirements are specified in the bill. Following the conclusion of the public hearing, the municipality may adopt an ordinance designating the UAZ;

(10) Prohibits the assessment of taxes on the real property of any UAZ for 25 years as specified in the municipal ordinance once the application requirements have been met except an amount as may be imposed by the county assessor that is not greater than the amount of taxes due and payable during the preceeding calendar year during which the UAZ was designated;

(11) Requires a grower UAZ to pay wholesale water rates for water consumed on the zone property and pay 50% of the standard cost to hook onto the water source if the water service is provided by the municipality; and

(12) Requires any local sales tax revenues, less 1% that is to be retained by the Director of the Department of Revenue, from the sale of agricultural products sold in a UAZ to be deposited into the newly created Urban Agricultural Zone Fund. The State Treasurer is to be the custodian of the fund. School districts may apply to the State Treasurer for money to develop curriculum on urban farming practices under the guidance of the University of Missouri extension service and a certified vocational agricultural instructor. The funds are to be distributed on a competitive basis within the school district in which the UAZ is located.

These provisions cannot apply to St. Charles County.

MISSOURI LIVESTOCK DISEASE CONTROL AND ERADICATION LAW (Section 267.655)

If the Director of the Department of Agriculture determines, after inquiry and an opportunity for a hearing, that a person violated any provision of the Missouri Livestock Disease Control and Eradication Law or any regulations related to the law, the department director has the authority to assess a civil penalty of up to $1,000 per incident. If the person fails to pay the penalty or restitution, the department director may apply to the Cole County

Circuit Court for an order enforcing the assessed penalty or restitution.

WEIGHTS AND MEASURES
(Sections 323.100 and 413.225)

Currently, the Department of Agriculture is authorized to charge $10 per test to test liquid meters used for the measurement and retail sale of liquefied petroleum gas. The bill increases the testing fee to $25 per meter on January 1, 2014, $50 per meter on January 1, 2015, and allows the department director, as of January 1, 2016, to set the testing fee per meter at a rate to cover the expenses of the testing for the ensuing year up to $75 per meter. Beginning October 1, 2014, the department director must submit an annual report to the General Assembly that states the current fee, the expenses for administering the testing for the previous year, any proposed changes to the fee, and the estimated administration expenses for the ensuing year. The department director must publish the testing fee schedule on the department's website that must be updated within 30 days of a change in the schedule.

Currently, the established fee for the registration, inspection, and calibration services performed by the Division of Weights and Measures within the department is deposited into general revenue. The bill requires the fees to be deposited into the Agricultural Protection Fund. The division is also authorized to compute the charges for metrology calibrations to the nearest quarter of an hour rather than the nearest hour and set, beginning January 1, 2014, the fee at a rate that will not yield more revenue than the total cost of operating the metrology laboratory, but not more than $125, during the ensuing year. The bill specifies the devices that are to be included in the test fees. Devices that require participation in on-site field evaluations for National Type Evaluation Program Certification and all tests of in-motion scales must be charged a fee plus mileage from the inspector's official domicile to and from the inspection site. Beginning October 1, 2014, the department director must submit an annual report to the General Assembly stating the current laboratory fees for metrology calibration, the administrative expenses for the previous year, any proposed changes to the fee structure, and the estimated administrative expenses during the ensuing year. The department director must annually publish the laboratory fee schedule on the department's website that must be updated within 30 days of a change in the schedule.

LIVESTOCK FEED AND CROP LOANS
(Section 348.521)

The maximum amount of certificates of guaranty that the Missouri Agricultural and Small Business Development Authority within the Department of Agriculture may issue on a loan for livestock feed and crop input is increased from $40,000 to $100,000.

ANIMAL WASTE HANDLING (Section 640.725)

The owner or operator of a flush system animal waste wet handling facility must visually inspect the gravity outfall lines, recycle pump stations, recycle force mains, and any other accessory for any release to any containment structure once per week and visually inspect any lagoon where the water is less than 12 inches from an emergency spillway once per day.

WASTEWATER PERMIT MODIFICATIONS
(Section 644.052)

The bill allows an entity that doesn't charge a service connection fee and requests a nonsubstative modification to a sewage treatment permit to pay a $100 fee to the Department of Natural Resources. Currently, the fee for a modification is 25% of the annual operating fee assessed.

SCS HCS HB 611 — EMPLOYMENT
(Vetoed by the Governor)

This bill changes the laws regarding employment.

WITHHOLDING FORM REQUIREMENTS
(Section 285.300, RSMo)

For purposes of federal W-4 withholding form completion requirements and reporting to the State Directory of New Hires and the National Directory of New Hires, the bill defines "newly hired employee" as an employee who has not previously been employed by the employer or was previously employed by the employer but has been separated from the prior employment for at least 60 consecutive days.

UNEMPLOYMENT BENEFITS
(Sections 288.030 - 288.050)

The definition of "misconduct," as it relates to employee disqualification from unemployment benefits, is revised to misconduct reasonably related to the job environment and the job performance regardless of whether the misconduct occurs at the workplace or during work hours. Currently, it includes an act of wanton or willful disregard of the employer's interest or a disregard of standards of behavior that the employer has the right to expect. The bill changes it to conduct or a failure to act demonstrating knowing disregard of the employer's interest or a knowing violation of the standards that the employer expects. Currently, it includes negligence in a degree or recurrence as to manifest culpability, wrongful intent, or evil design or show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the

employer. The bill changes that to conduct or a failure to act demonstrating carelessness or negligence in such degree or recurrence as to manifest culpability, wrongful intent, or a knowing disregard of the employer's interests or the employee's duties and obligations to the employer. Currently, misconduct includes a deliberate violation of the employer's rules. The bill specifies that a violation of an employer's rule is misconduct unless the employee can demonstrate that he or she did not know and could not reasonably know of the rules requirement or the rule is not lawful.

Misconduct also includes a violation of an employer's no-call, no-show policy; chronic absenteeism or tardiness in violation of a known employer policy; one or more unapproved absences following a written reprimand or warning; or a knowing violation of a state standard or regulation by an employee that would cause a licensed or certified employer to be sanctioned or have its license or certification suspended or revoked.

The bill repeals the provision exempting a person who resides in a county with an unemployment rate of 10% or more and in which the county seat is more than 40 miles from the nearest office of the Division of Employment Security within the Department of Labor and Industrial Relations from reporting in person at least once every four weeks in order to be eligible for continued unemployment benefits.

Any claimant for unemployment benefits may satisfy the reporting requirements in order to be eligible for continued benefits by reporting by Internet communication or any other means deemed acceptable by the division.

Currently, an employee is disqualified from benefits if he or she voluntarily leaves work without good cause attributable to the work or the employer. The bill specifies that "good cause" includes only a cause that would compel a reasonable employee to cease working or would require separation from work due to illness or disability.

The provision specifying that absenteeism or tardiness may constitute a rebuttable presumption of misconduct as it relates to employee disqualification for waiting week credit or benefits if the discharge was the result of a violation of a known attendance policy of the employer is repealed.

CHARGES TO EMPLOYER ACCOUNTS (Section 288.100)

The bill changes the laws regarding charges to employer accounts. The bill:

(1) Prohibits an employer's account from being relieved of charges relating to a payment that was erroneously made from the Unemployment Compensation Fund if the Division of Employment Security determines that the erroneous payment was made because the employer or his or her agent was at fault for failing to respond timely or adequately to a written request from the division for information relating to a claim for unemployment benefits and the employer or the agent has established a pattern of failing to respond timely or adequately to requests;

(2) Defines "erroneous payment" as a payment that, but for the failure by the employer or the agent of the employer to respond timely and adequately to a written request from the division for information with respect to the claim for unemployment benefits, would not have been made; and

(3) Defines "pattern of failing" as repeated documented failure on the part of the employer or agent of the employer to respond taking into consideration the number of instances of failure in relation to the total volume of requests. An employer or an agent failing to respond must not be determined to have engaged in a pattern of failure if the number of failures during the prior year is fewer than two or less than 2% of all the requests, whichever is greater;

The provisions regarding noncharge determinations apply to erroneous payments established on or after October 1, 2013, and are subject to appeal or protest in the same manner as other determinations of the division regarding the charging of employer accounts.

REPAYMENT OF FRAUDULENTLY OBTAINED BENEFITS (Section 288.380)

Currently, individual or employer payments toward the penalty amount in repayment of fraudulently obtained or denied unemployment benefits must be credited to the Special Employment Security Fund. Effective October 1, 2013, 15% of the total amount of the unemployment compensation benefits fraudulently obtained must immediately be deposited into the Unemployment Compensation Fund and the remaining penalty amount credited to the Special Employment Security Fund.

SS SCS HB 650 — DEPARTMENT OF NATURAL RESOURCES

(Vetoed by the Governor)

This bill changes the laws regarding the Department of Natural Resources. In its main provisions, the bill:

(1) Authorizes the department to submit fingerprints to the State Highway Patrol for the purpose of checking the criminal history of a person seeking employment or the issuance or renewal of a license, permit, certificate, or registration of authority;

(2) Transfers all powers, duties, and functions of the Land Survey Program and the Land Survey

Commission within the Department of Natural Resources to the Department of Agriculture by Type 1 transfer;

(3) Specifies that if the Land Survey Program headquarters are located in any building owned by a state agency or department, the department cannot charge any fee above the amount paid to the Office of Administration for utilization of the building and designates the building that holds the permanent headquarters of the program as the "Robert E. Myers Building";

(4) Renames the Department of Natural Resources Revolving Services Fund as the Department of Agriculture Land Survey Revolving Services Fund and transfers the balance of the funds from the reproduction and sale of land survey documents into the newly created fund;

(5) Requires one member of the Dam and Reservoir Safety Council within the Department of Natural Resources to be from each of the state's three United States Congressional districts with the highest number of dams and requires the council to prepare and present an annual report to the General Assembly by December 31;

(6) Authorizes the State Treasurer to invest all of the moneys in the State Park Earnings Fund in the same manner as other funds are invested. Any interest earned on these investments must be credited to the fund;

(7) Allows the department to designate an area within any state park to serve as a dog park or an off-leash area for domestic household animals;

(8) Creates the Multi-Purpose Water Resource Program Renewable Water Program Fund for the purpose of providing, upon appropriation, grants and financial assistance for water supply storage treatment and water-related facilities under the Multipurpose Water Resource Act;

(9) Eliminates the State Inter-agency Council for Outdoor Recreation and transfers the duties of the council as well as any functions related to state parks or historic sites, recreational trails, outdoor recreation, specified federal grant programs, or any other law to the department;

(10) Defines "disclosure statement" as it relates to a commercial waste processing facility or a solid waste disposal area to mean a sworn statement or affirmation in the form as may be required by the department director and specifies the information that must be included in the statement. The definition of "person" is revised to include a limited liability company, trust, or any other legal entity;

(11) Defines "key personnel" as it relates to a commercial waste processing facility or a solid waste disposal area as the applicant and any person employed by the applicant who is empowered to make discretionary decisions regarding the solid waste operations of the applicant in Missouri or if the applicant has not previously conducted solid waste operations in the state, any officer, director, partner, or any holder of at least 7% of the equity or debt of the applicant. Key personnel also includes the chief executive officer of any federal or state agency or any political subdivision and all key personnel of an entity that operates a landfill or a facility for the collection, transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under a contract with or for one of these governmental entities;

(12) Repeals the provisions regarding the filing of a disclosure statement by an applicant for a commercial waste processing facility or a solid waste disposal area permit or a renewal and requires an applicant to file a disclosure statement at the time the application for a permit is filed with the department;

(13) Requires, upon request from the department director, a permit applicant, any person that could reasonably be expected to be involved in the management activities of the solid waste disposal area or solid waste processing facility, or anyone with a controlling interest in a permittee to submit to a criminal background check;

(14) Requires anyone who must file a disclosure statement to provide any assistance or information requested by the department director or the State Highway Patrol and to cooperate in any investigation or hearing conducted by the director. If the person does not cooperate or provide information, the permit may be denied or revoked;

(15) Requires an applicant to submit any additional information or change in information to the director within 30 days after the change or addition. Failure to provide the information may result in the revocation, denial, or conditional granting of the permit if the director notifies the permittee or applicant of his intention to do so;

(16) Specifies the persons who are exempt from the requirement to file a disclosure statement;

(17) Requires, after permit issuance, each facility to annually update the disclosure form by March 31;

(18) Exempts political subdivisions from the requirement to file and update a disclosure form;

(19) Requires any person seeking a permit to operate a solid waste disposal area, processing facility, or resource recovery facility to disclose, concurrently with the filing of the permit application, any convictions in this state for a violation of county or county equivalent public health or land use ordinances related to the management of solid waste. If the department finds that there is a continuing pattern of violations, it may deny the application;

(20) Exempts a municipal utility located in Greene County from being required to get preliminary site investigation approval to proceed with a utility waste landfill detailed site investigation;

(21) Specifies that any person or entity operating a solid waste processing facility or disposal area that has had its permit suspended or that has received other penalties may appeal the decision to the department. A bond may be required in order to stay the effect until the appeal is resolved. No judicial review can be available until all administrative remedies are exhausted;

(22) Includes dam and reservoir safety-, well installation-, oil and gas-, and solid waste permit-related appeals in the provisions governing the administrative appeals process and requires the Administrative Hearing Commission to render a final decision rather than a recommended decision in these cases;

(23) Extends from December 31, 2013, to December 31, 2018, the 50-cent fee that is collected on the retail sale of a lead-acid battery as well as the fees for any hazardous waste generated;

(24) Adds a member with an interest in the retail petroleum industry to the Hazardous Waste Management Commission. Currently, three of the seven members of the commission must be knowledgeable of and may be employed in agriculture, the waste generating industry, and the waste management industry;

(25) Authorizes the department director to conduct a comprehensive review, with stakeholder input, of the fee structures for the generation of hazardous waste, clean water permits, and air pollution control permits. Upon completion of the review of a fee structure, the department must submit proposed changes to the respective commission for its review. The commission must follow specified steps in adopting the recommended changes and establishing the changes into rule;

(26) Repeals the provision requiring a hazardous waste disposal or treatment facility owner to obtain a permit before conducting postclosure activities;

(27) Repeals the provisions requiring a hazardous waste facility to submit a profile of the environmental and economic characteristics of the area including the extent of any air pollution, groundwater contamination, and health characteristics when applying for or renewing a hazardous waste facility permit;

(28) Repeals the provision requiring the department to conduct a review every five years of certain permitted hazardous waste facilities;

(29) Repeals the provision that prohibits the department from issuing a license or permit to anyone who is determined to habitually engage in hazardous waste management practices that pose a threat to human health or the environment;

(30) Extends from December 31, 2013, to December 31, 2018, the industrial mineral permit fees utilized to regulate and ensure reclamation of surfaced mined lands;

(31) Allows an applicant for multiple environmental permits or certifications to directly petition the department director for a unified permit schedule and to obtain the permits or certifications in a coordinated and streamlined process;

(32) Requires the department director to develop and implement a process to coordinate the processing of multiple environmental permits, certifications, or permit modifications from a single applicant;

(33) Requires, by December 1, 2013, and annually thereafter, the department to develop a list of all documents it uses to implement enforcement actions or penalties that have not been established in statute or by rule. The department must provide the list and all documents referenced to the Joint Committee on Administrative Rules within the General Assembly for a review, in consultation with the department, to determine if the documents should be subject to the rulemaking process;

(34) Creates the Department of Natural Resources Revolving Services Fund for all funds received by the department from specified services and specifies how the funds can be used;

(35) Requires Missouri state parks that are designated swim beaches to utilize a standard that measures E. coli using the federal Environmental Protection Agency's Method 1603 or an equivalent method that measures culturable E. coli with the geometric mean based on weekly sampling of a specified number of forming units and statistical threshold value;

(36) Requires the department to post signs stating "Swimming is Not Recommended" if a beach exceeds the established geometric mean standard;

(37) Specifies that the department reserves the right to close a beach in the event of a documented health risk including, but not limited to, wastewater by-pass, extremely high sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious disease;

(38) Specifies that in all civil actions involving claims arising from the ownership, maintenance, management, or control of underground hard rock mining or hard rock milling sites that ceased operations prior to January 1, 1975, or arising from chat or tailings generated at those sites, brought against a person or entity alleged to have owned, maintained, managed, or controlled the sites, chat,

or tailings at any time, the person or entity must be exempt from punitive or exemplary damages to all claims related in any way to the ownership, maintenance, management, or control of the sites, chat, or tailings, as long as the person or entity or its employee, agent, owner, parent, subsidiary, or any related company has made or is making good faith efforts to remediate the sites. Any evidence may be introduced to demonstrate good faith efforts, including substantial compliance with an order or permit issued by or negotiated with the state or the United States concerning remediation or closure. The total of any awards of punitive or exemplary damages against a hard rock mining or milling site must not exceed $2.5 million in the aggregate to all defendants in the civil action. One-half of any award for punitive or exemplary damages must be paid into the Missouri Lead Abatement Loan Fund. Nothing in these provisions can be construed as precluding any party from pursuing compensatory damages, including claims for natural resource damages;

(39) Changes the requirements for neighbor notification for a Class I concentrated animal feeding operation. Currently, neighbor notification is required before filing an application for a construction permit. The bill requires notification before filing an application to acquire an operating permit for a new or expanded facility;

(40) Specifies that the owner or operator of a flush system animal waste wet handling facility to visually inspect the gravity outfall lines, recycle pump stations, recycle force mains, and any other accessory for any release to any containment structure once per week and visually inspect any lagoon where the water is less than 12 inches from an emergency spillway once per day;

(41) Requires the department to allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. The department must incorporate new water quality requirements into an existing permit at the time of renewal unless there is a compelling reason to implement the requirements earlier through permit modifications. All new permit applicants may be required to meet new water quality standards or classifications;

(42) Repeals the requirement that a proposed water contaminant or point source that will be subject to any federal water pollution control act or specified state laws or regulations must apply to the director for a permit at least 30 days prior to construction, installation, or establishment. It will be unlawful for a person to construct, build, replace, or make a major modification to a point source or collection system that is principally designed to convey or discharge human sewage to waters of the state unless the person obtains a construction permit from the Clean Water Commission within the department;

(43) Requires any point source that proposes to construct an earthen storage structure for domestic, agricultural, or industrial process wastewater to obtain a construction permit. All other construction-related activities are exempt from the permit requirement but are subject to specified conditions;

(44) Allows an entity that doesn't charge a service connection fee and requests a nonsubstantive modification to a sewage treatment permit to pay a $100 fee to the department. Currently, the fee for a modification is 25% of the annual operating fee assessed;

(45) Extends, from September 1, 2013, to December 31, 2018, the Clean Water Commission's authority to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control;

(46) Authorizes the department director to grant a provisional variance when it is determined that compliance on a short-term basis with the limitations in the clean water law or the related rules and regulations due to conditions beyond reasonable control will result in an arbitrary or unreasonable hardship that exists solely because of the regulatory requirement in question and the costs of compliance are substantial and certain;

(47) Specifies that the director must consider the hardship imposed by requiring compliance and the adverse impact from granting a variance when granting a variance due to conditions beyond reasonable control;

(48) Specifies that a variance can be granted for up to 45 days and may be extended by the department director for up to an additional 45 days, but a variance cannot last longer than 90 days in one calendar year;

(49) Specifies the application process for a variance and requires a $250 fee with each petition. The department director must investigate each petition and take action within 14 days of its receipt;

(50) Specifies that if the department director grants a provisional variance, he or she must notify the petitioner and file a written copy of the decision with the Clean Water Commission. The commission must maintain copies of all provisional variances;

(51) Requires the Division of State Parks within the department to hold a stakeholder meeting in each park district once a year. A stakeholder may petition the Director of State Parks regarding any policy or park issue that has been presented to the relevant facility manager and district supervisor;

(52) Establishes the Joint Committee on Solid Waste Management District Operations within the General Assembly to examine solid waste management district operations, including the efficiency, efficacy, and reasonableness of costs and expenses of the districts to Missouri taxpayers. The committee must prepare a final report to the General Assembly by December 31, 2013; and

(53) Repeals the provisions requiring the department to assess the transportation system serving a proposed site for a new hazardous waste resource, recovery treatment, or disposal facility as part of its review for a permit.

The provisions of the bill regarding the review of specified fee structures will expire August 28, 2023.

The provisions of the bill regarding the exemption for a municipal utility in Greene County from being required to get preliminary site investigation approval for a utility landfill permit are severable and the effective date of that section for the purpose of conducting the public involvement activity will be the date of approval of the preliminary site investigation.

The provisions of the bill regarding state parks designated swim beaches and the department director's review of the clean water fee structure under Section 644.057, RSMo, contain an emergency clause.

HCS HB 656 — ST. LOUIS CITY PARKING DIVISION

This bill combines the parking enforcement division and the parking meter division in the City of St. Louis into the parking division and replaces the director of parking meter operations on the parking commission with the director of parking operations.

HB 673 — LINN STATE TECHNICAL COLLEGE

This bill changes the name of Linn State Technical College to State Technical College of Missouri.

The bill becomes effective July 1, 2014.

HCS HB 675 — HEALTH AND SAFETY EDUCATIONAL TRAINING PROGRAMS

This bill changes the laws regarding health and safety educational training programs.

CADE'S LAW

The bill establishes Cade's Law, which requires the Department of Elementary and Secondary Education to develop and adopt rules relating to a physical fitness challenge for elementary, middle, and high school students. The challenge must include elements addressing physical conditioning, flexibility, strength, and aerobic capacity and must recognize individual, team, and school-wide performance.

MANAGEMENT OF DIABETES IN ELEMENTARY AND SECONDARY SCHOOLS

By January 15, 2014, the Department of Elementary and Secondary Education is required to develop guidelines and adopt rules and regulations to train employees of public schools, including charter schools, in the care needed for students with diabetes. The adoption of the guidelines by a school district or charter school is optional. The guidelines must be developed in consultation with the Department of Health and Senior Services; the State Board of Nursing within the Department of Insurance, Financial Institutions and Professional Registration; and other specified organizations with a school health or diabetes focus.

A school board that adopts and implements the guidelines must ensure that a minimum of three school employees receive the training at each school attended by a student with diabetes. If three employees are not available for the training, the principal or school administer must distribute a written notice to all staff members seeking volunteers to serve as diabetes care personnel. The information that must be included in the notice is specified in the bill. School employees cannot be subject to any penalty or disciplinary action for refusing to serve as trained diabetes care personnel nor can a school or school district discourage employees from volunteering. The training must be coordinated by a school nurse if the school has a nurse and provided by a school nurse or another health care professional with expertise in diabetes prior to the commencement of each school year or as needed when a student with diabetes is newly enrolled at a school or is newly diagnosed with diabetes, but in no event more than 30 days following the enrollment or diagnosis. Care must be coordinated, delegated, and supervised by the school nurse or other qualified health care professional. Each school district and charter school may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations to all school personnel who have primary responsibility for supervising a student with diabetes and to a bus driver responsible for the transportation of a student with diabetes.

The parent or guardian of each student who seeks diabetes care while at school should submit a diabetes medical management plan to the school. In accordance with the request of the parent or guardian and the management plan, the school nurse or trained diabetes care personnel may perform the

care, including specified before- and after-school and off-site activities.

These activities cannot constitute the practice of nursing and must be exempted from all applicable statutory and regulatory provisions that restrict what activities can be delegated to or performed by a person who is not a licensed health care professional. It is lawful for a licensed health care professional to provide training to school employees in these activities or to supervise school personnel in performing these tasks. These provisions cannot exceed the rights that a student has under specified federal law protecting persons with disabilities.

If a parent requests in writing and the student's diabetes medical management plan authorizes it, a student may perform his or her own glucose checks, administer insulin, and otherwise attend to his or her own care. If the parent or student asks, access to a private area for these tasks must be provided.

A physician, nurse, school employee, charter school, or school district cannot be civilly liable or subject to professional license disciplinary action as a result of any activities authorized by the bill when the acts are committed as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.

SCHOOL RESOURCE OFFICER TRAINING

The Missouri State Training Center for the D.A.R.E. Program must develop curriculum and certification requirements for school resource officers, including at least 40 hours of basic training covering legal operations in an educational environment, intruder training and planning, juvenile law, and any other relevant topics.

HB 702 — UNCLAIMED MILITARY MEDALS

This bill authorizes the State Treasurer to make specified information, other than Social Security numbers, available to the public regarding military medals in his or her possession that have been deemed to be abandoned property in order to facilitate the identification of the original owner or his or her heirs or beneficiaries. The State Treasurer may designate a veterans' organization or other appropriate organization as custodian of military medals until the original owner or his or her respective heirs or beneficiaries are located and to assist in identifying the original owner or his or her heirs or beneficiaries, but a person or entity cannot be designated by the State Treasurer as custodian of military medals. Any agreement under the Uniform Disposition of Unclaimed Property Act in Section 447.581, RSMo, to pay compensation to recover or assist in the recovery of military medals delivered to the State Treasurer is unenforceable.

HB 715 — MOTORCYCLE BRAKE LIGHTS

This bill allows a motorcycle to be equipped with a means of varying the brightness of the vehicle's brake light for up to five seconds upon applying the brakes.

SCS HCS HB 722 — POLICE RETIREMENT SYSTEM OF ST. LOUIS

Currently, any member of the Police Retirement System of St. Louis who has completed at least 10 years of creditable service and has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the performance of his or her official duties or by his or her own negligence must be retired by the Board of Police Commissioners upon certification by the medical director of the retirement system, the application of the member or the board, and the approval of the board of trustees of the retirement system. This bill lowers the creditable service requirement to five years once the retirement system's annual actuarial valuation is at least 80% as required by Section 105.660, RSMo, and requires the certification to be performed by the medical board of the retirement system upon application of the board or any successor body.

The bill defines "medical board" as a board of three physicians of different disciplines appointed by the trustees of the police retirement board who are responsible for arranging and passing upon all medical examinations required to determine disability retirement eligibility.

The bill modifies the requirements that determine if the board of police commissioners should retire a member in active service if he or she is permanently unable to perform all the essential job functions of a police officer as established by the board or any successor body.

SCS HCS HB 986 — HEALTH CARE SERVICES

This bill changes the laws regarding health care services. In its main provision, the bill:

(1) Prohibits a health information organization (HIO) from imposing a connection fee or recurring connection fee on another HIO when exchanging standards-based clinical summaries for patients or for sharing information of a state agency (Section 191.237, RSMo);

(2) Requires a person to have been receiving full child care service benefits for at least four months prior to implementation of the Low-Wage Trap Elimination Act, known as the Hand-up Program, by the Children's Division within the Department of Social Services in order to qualify for benefits under

the program. Currently, a person must have been receiving full child care service benefits continuously since on or before August 28, 2012, in order to qualify. The provisions regarding the program are extended from August 28, 2015, to August 28, 2017 (Section 208.053);

(3) Extends the provisions regarding the Ticket to Work Health Assurance Program from August 28, 2013, to August 28, 2019 (Section 208.146);

(4) Allows for the establishment of a 12-member Joint Committee on Medicaid Transformation with four representatives appointed by the Speaker of the House of Representatives and two representatives of the minority party appointed by the Speaker with the advice of the House Minority Leader and four senators appointed by the President Pro Tem of the Senate and two senators of the minority party appointed by the President Pro Tem with the advice of the Senate Minority Leader. The committee may study:

(a) How to prevent fraud and abuse;

(b) More efficient and cost-effective ways to provide coverage for MO HealthNet participants;

(c) How coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;

(d) Possibilities for promoting healthy behavior by encouraging a patient to take ownership of his or her health care and seek early preventative care;

(e) The best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and

(f) Ways that a participant currently receiving coverage through the MO HealthNet Program can transition to obtaining his or her health coverage through the private sector (Section 208.993);

(5) Creates the Missouri Senior Services Protection Fund and allocates $55.1 million to it for services for low-income seniors and people with disabilities (Section 208.1050); and

(6) Prohibits a health carrier or health benefit plan issuing or renewing a health benefit plan on or after January 1, 2014, from denying coverage for a health care service on the basis that the service was provided through telehealth if the same service would be covered when delivered in person. A health care service cannot be excluded from coverage solely because the service is provided through telehealth rather than in person. A health carrier cannot be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs of telehealth services but, subject to correct coding, must reimburse a telehealth provider for the diagnosis, consultation, or treatment of an insured person delivered through telehealth on the same basis that the health carrier covers the service when it is delivered in person. A health care service provided through a telehealth service must not be subject to any greater deductible, copayment, or coinsurance amount than would be applicable if the same service was provided in person. A health carrier may undertake utilization review to determine the appropriateness of telehealth as a means of delivering a health care service as long as the determinations are made in the same manner as those regarding the same service when it is delivered in person. A health carrier must not impose durational benefit limits or maximums that are not equally imposed on all terms and services covered under the plan. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier. A health care provider is not required to be physically present with the patient unless the provider determines that the presence of a health provider is necessary. The bill does not apply to specified types of supplemental insurance policies (Section 376.1900).

The provisions of the bill regarding the Joint Committee on Medicaid Transformation will expire January 1, 2014.

The provisions of the bill regarding telehealth insurance coverage become effective January 1, 2014.

The provisions of the bill regarding the Missouri Senior Services Protection Fund contain an emergency clause.

CCS#2 SCS HCS HB 1035 — POLITICAL SUBDIVISIONS

(Vetoed by the Governor)

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

(1) Establishes the Rebuild Damaged Infrastructure Program to provide funding for the reconstruction, replacement, or renovation of or repair to any infrastructure damaged by a presidentially declared natural disaster including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public including transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings. On July 1, 2013, $10 million from the Insurance Dedicated Fund and $4 million from the Health and Educational Facilities Authority must be transferred into the newly created Rebuild Damaged

Infrastructure Fund to be used solely for the purposes of the program. Any moneys in excess of $15 million in the Rebuild Damaged Infrastructure Fund must be transfered into the General Revenue Fund. On July 1, beginning with Fiscal Year 2014, $500,000 from the Insurance-Dedicated Fund must be annually transferred into the General Revenue Fund (Sections 33.080, 33.295, 360.045, and 374.150, RSMo);

(2) Requires, prior to any assessment being levied against any real property and specified liens against real property being imposed within a neighborhood improvement district, the county or city clerk of the governing body establishing the district to record a document with the recorder of deeds in the county where the land is located that contains each owner of record of property within the district at the time of recording who must be identified as grantors and indexed by the recorder, the governing body establishing the district and the title of any official or agency responsible for collecting or enforcing any assessments identified as grantees and indexed by the recorder, the legal description of the property within the district, and the identifying number or a copy of the resolution or ordinance establishing the district (Section 67.457);

(3) Authorizes the county collector in Jackson County to assess a fee for the collection of special property assessments in a neighborhood improvement district. Currently, only the Boone County collector can assess this fee (Section 67.463);

(4) Specifies that a lien on property for an unpaid special assessment in a neighborhood improvement district in specified first classification counties, charter counties, and the City of St. Louis may also be foreclosed in the same manner as a tax upon real property by a land tax sale under Chapter 141. Currently, these liens may only be foreclosed in the same manner as a tax upon real property by a land tax sale under Chapter 140 or by a judicial foreclosure proceeding (Section 67.469);

(5) Allows an island of unincorporated area within a municipality that is contiguous to more than one municipality or contiguous to the Missouri River and the Blue River to be annexed by an abutting municipality by enacting an ordinance describing the metes and bounds of the property, declaring it is to be annexed, and stating the reasons for and the purposes to be accomplished by the annexation. The annexation will become effective unless the governing body of Jackson County passes an ordinance disapproving the annexation within 30 days. Any annexation must exclude any property within the unincorporated area of 10 acres or more that has been owned by the same family for at least 60 consecutive years (Section 71.011);

(6) Prohibits a city in which a hospital is located that is organized and operated under Chapter 96, that has not received money from the city during the prior 20 years, and is licensed by the Department of Health and Senior Services for 200 or more beds from selling, leasing, or otherwise transferring all or substantially all of the property without a resolution adopted by at least two-thirds of the members of the board of trustees, a majority vote of the city council, and the approval of the voters of the city. If voters fail to approve the measure, the question may not be resubmitted to the voters sooner than 12 months from the date of the last question, after the adoption of another resolution by at least two-thirds of the board of trustees, and a subsequent vote by a majority of the city council to submit the question to the voters again. The criteria for the sale of the property, the payment of interest and principal on outstanding debt, and the use of assets donated to the hospital are specified in the bill (Section 96.229);

(7) Includes payments in lieu of taxes imposed on sales for the purpose of operating and maintaining a metropolitan park and recreation district or the taxes imposed on sales pursuant to Section 650.399 for emergency communication systems in St. Louis County for redevelopment plans and projects adopted or redevelopment projects approved by ordinance after August 28, 2013, to those funds that are not required to be deposited in specified segregated accounts within the special allocation fund by municipal financial officers (Section 99.845);

(8) Allows a taxing authority to submit an amended property tax rate filing with an explanation for the needed changes to the State Auditor's Office if the forms were incorrectly completed or if there was a clerical error. The State Auditor's Office must take into consideration the amended forms in determining if the tax rate complies with state law (Section 137.073);

(9) Requires the assessed valuation of any tractor or trailer used in interstate commerce to be apportioned to Missouri based on the ratio of miles traveled in-state to miles traveled in the United States during the preceding tax year or on the basis of the most recent annual mileage figures available for property tax assessed valuation purposes (Sections 137.090 and 137.095);

(10) Requires a county assessor to perform a physical inspection if he or she uses a value that is greater than the average trade-in value in determining the true value of a motor vehicle unless the vehicle's model year is two years old or newer (Section 137.115);

(11) Repeals the expiration date of December 31, 2015, from the provisions requiring certain counties and the City of St. Louis to deduct an additional

percentage of all property tax collections to be deposited into the county's assessment fund for payment of assessment costs. The percentage deducted is either .125% or .5% and the income limits are $125,000 in any year for first classification and charter counties and $75,000 for second, third, and fourth classification counties. If the commission withholds state assessment reimbursement funds from a county for three consecutive quarters due to noncompliance, the extra .125% or .5% collection revenues in the county assessment fund will be forfeited and returned by the county to the political subdivisions within the county (Section 137.720);

(12) Requires the State Tax Commission to assign a hearing officer no later than 60 days after an appeal is filed by a taxpayer regarding a decision by the local board of equalization regarding property assessment if no scheduling order has been issued (Section 138.431); and

(13) Specifies that the State Auditor may audit each transportation development district not more than once every three years with the cost of the audit that the district must pay limited to not more than 3% of the gross receipts received by the district. Currently, the State Auditor must audit each district at least once every three years and may audit more frequently if the auditor deems appropriate with the costs of the audit paid by the district (Section 238.272).

The provisions of the bill regarding the Rebuild Damaged Infrastructure Program will expire on June 30, 2014.

The provisions of the bill regarding the Rebuild Damaged Infrastructure Program and the provisions regarding the sale, lease, or transfer of the property of specified hospitals contain an emergency clause.

CCS#2 SS HCS HJRs 11 & 7 — RIGHT TO FARM

Upon voter approval, this proposed constitutional amendment affirms the right of farmers and ranchers to engage in farming and ranching practices in this state subject to the duly authorized powers conferred by Article VI of the Missouri Constitution.

SCS HJR 16 — ADMISSIBILITY OF EVIDENCE

Upon voter approval, this proposed constitutional amendment allows relevant evidence of prior criminal acts, whether charged or uncharged, to be admissible in the prosecution for a crime of a sexual nature involving a victim younger than 18 years of age for the purpose of corroborating the victim's testimony or demonstrating the defendant's propensity to commit the crime with which he or she is presently charged.

The court may exclude relevant evidence of prior criminal acts if the probative value is substantially outweighed by the danger of unfair prejudice.

TRULY AGREED TO AND FINALLY PASSED

SENATE BILLS

CCS HCS SS#2 SCS SB 1 — WORKERS' COMPENSATION

This bill changes the laws regarding the Second Injury Fund and workers' compensation benefits for occupational diseases. In its main provisions, the bill:

(1) Defines "occupational diseases due to toxic exposure" and specifies that "employee" does not include any person performing services for board, lodging, aid, or sustenance received from any religious, charitable, or relief organization;

(2) Specifies that, for workers' compensation purposes, psychological stress may be recognized as an occupational disease for paid peace officers of a police department who are certified under Chapter 590, RSMo, if a direct causal relationship is established;

(3) Specifies that occupational diseases are exclusively covered under the workers' compensation laws;

(4) Requires a medical provider to apply for reimbursement within two years from the date the first notice of disputed medical charges was received by the health care provider for those services rendered before July 1, 2013, and within one year if the services are rendered after that date. Notice is presumed to occur no later than five business days after transmission by certified mail;

(5) Specifies that when a third person or party is liable to an employee, the employee's dependents, or any other person eligible to sue for the employee's wrongful death, in a case in which the employee suffers or suffered from an occupational disease due to toxic exposure and the employee, dependents, or other eligible persons are compensated under the workers' compensation laws, the employer cannot be subrogated to the rights of the employee, dependents, or other eligible persons against the third person or party when the occupational disease due to toxic exposure arose from the employee's work for the employer;

(6) Establishes an expanded benefit payable by the employer for occupational diseases due to toxic exposure which results in permanent total disability or death as follows:

(a) For non-mesothelioma cases, an amount equal to 200% of the state's average weekly wage as of the date of diagnosis for 100 weeks; and

(b) For mesothelioma cases for employers who have elected to accept liability under this provision, an additional amount of 300% of the state's average weekly wage for 212 weeks. An employer who does not insure mesothelioma liability under this provision does not fall under the exclusive remedy provisions of the workers' compensation laws and a claim may be brought against the employer in a court of competent jurisdiction;

(7) Authorizes the Attorney General, on behalf of the Second Injury Fund, to request that an employee submit to a reasonable medical examination if the employer has not obtained a medical examination report;

(8) Eliminates a claim for permanent partial disability against the Second Injury Fund after the effective date of the bill and specifies that a claim for permanent total disability will only be allowed after the effective date for instances when:

(a) An employee has a medically documented preexisting disability equaling a minimum of 50 weeks of permanent partial disability compensation according to the medical standards used in determining the compensation and the preexisting disability is a direct result of active military duty, a compensable injury under workers' compensation, an uncompensable preexisting disability that significantly aggravates or accelerates the subsequent work-related injury or a preexisting permanent partial disability of an extremity, loss of eyesight in one eye, or loss of hearing in one ear and the employee sustains a subsequent compensable work-related injury that, when combined with the elements of the prior injury, results in a permanent total disability; or

(b) An employee is employed in a sheltered workshop and sustains a compensable work-related injury that, when combined with the preexisting disability, results in the permanent total disability;

(9) Specifies that the employer at the time of the last work-related injury is only liable for the disability resulting from that injury;

(10) Requires the Second Injury Fund to have an actuarial study made to determine the solvency of the fund taking into consideration any existing balance carried forward from a previous year with the first study to be completed prior to July 1, 2014. Currently, the fund must have an actuarial study made to determine the solvency of the fund every three years;

(11) Eliminates a payment from the Second Injury Fund relating to the death and injury of an employee of an uninsured employer after the effective date of the bill;

(12) Specifies that compensation will not be payable from the Second Injury Fund if an employee files a claim for workers' compensation under the laws of another state with jurisdiction over the injury, accident, or occupational disease;

(13) Suspends the life payments paid from Second Injury Fund to an injured employee when the employee is able to obtain suitable gainful

employment or to be self-employed in view of the nature and severity of the injury;

(14) Establishes a priority for paying the liabilities of the Second Injury Fund as follows:

(a) Expenses relating to the legal defense of the fund;

(b) Permanent total disability awards in the order in which the claims are settled or finally adjudicated;

(c) Permanent partial disability awards in the order in which the claims are settled or finally adjudicated;

(d) Medical expenses incurred prior to July 1, 2012; and

(e) Interest on unpaid awards;

(15) Sets post-award interest for Second Injury Fund claims at the adjusted rate of interest established by the Director of the Department of Revenue under Section 32.065 or 5%, whichever is greater;

(16) Creates the Missouri Mesothelioma Risk Management Fund to pay mesothelioma awards made against an employer member who makes annual contributions to the fund in an amount set by the newly established Board of Trustees of the Missouri Mesothelioma Risk Management Fund;

(17) Requires an employer subject to the workers' compensation laws, on an individual or group basis, to insure its entire liability under the workers' compensation law and authorizes it to insure, in whole or in part, its employer liability under an insurance policy or a self-insurance plan;

(18) Removes the Director of the Division of Workers Compensation from the Administrative Law Judge Review Committee, requires the review committee to annually elect a chairperson, and requires three or more "no confidence" votes under two successive performance audits for removal of an administrative law judge instead of two or more votes under any audit;

(19) Authorizes the Director of the Division of Workers' Compensation to collect a supplemental surcharge of up to 3% of an employer's net deposits, net premiums, or net assessments for the previous policy year for calendar years 2014 to 2021 to be the sole funding source of the Second Injury Fund;

(20) Allows a taxpayer to choose to receive a refund for a tax overpayment or have the overpayment credited against the tax for the following year. Currently, a tax overpayment must be credited against the tax for the following year; and

(21) Allows an insurer to develop an individual risk premium modification rating plan that prospectively modifies a premium based upon individual risk characteristics that are predictive of future loss. The plan must be filed with the Director of the Department of Insurance, Financial Institutions and Professional Registration 30 days prior to use and is subject to the director's disapproval.

The provisions of the bill regarding additional benefits for mesothelioma cases will expire December 31, 2038, and the provisions of the bill regarding the employer supplemental surcharge will expire December 31, 2021.

The bill becomes effective January 1, 2014.

CCS#2 HCS SCS SB 9 — AGRICULTURE
(Vetoed by the Governor)

This bill changes the laws regarding agriculture.

CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT
(Section 178.550, RSMo)

The bill establishes the Career and Technical Education Student Protection Act and the Career and Technical Education Advisory Council within the Department of Elementary and Secondary Education and repeals the provisions regarding the State Advisory Committee for Vocational Education. The advisory council will consist of 11 members appointed by the Governor with the advice and consent of the Senate. Members will serve a term of five years, except for the initial appointees who will serve specified staggered terms. Members will consist of the following individuals:

(1) A director or administrator of a career and technical education center;

(2) An individual from the business community with a background in commerce;

(3) A representative from Linn State Technical College;

(4) Three current or retired career and technical education teachers who serve or have served as an advisor to a career and technical education student organization specified in the bill;

(5) A representative from a business organization, association of businesses, or a business coalition;

(6) A representative from a community college;

(7) A representative from Southeast Missouri State University or the University of Central Missouri;

(8) An individual participating in an apprenticeship recognized by the Department of Labor and Industrial Relations or approved by the United States Department of Labor's Office of Apprenticeship; and

(9) A school administrator or superintendent of a school offering career and technical education.

A director of guidance and counseling services at the Department of Elementary and Secondary Education, the Director of the Division of Workforce

Development, and a member of the Coordinating Board for Higher Education will serve as ex-officio members of the advisory council, and the Assistant Commissioner for the Office of College and Career Readiness of the Department of Elementary and Secondary Education will provide staff support. The advisory council must meet at least four times annually. Any business coming before the advisory council, including all decisions, votes, exhibits, outcomes, and materials, must be made available on the council's Internet website.

The advisory council must make an annual written report regarding the state budget for career and technical education and must annually submit written recommendations regarding the oversight and procedures for the handling of funds for student career and technical education organizations to the State Board of Education and the Commissioner of Education within the Department of Elementary and Secondary Education.

The advisory council must develop a statewide short-range and long-range plan for career and technical education; identify service gaps; confer with public and private entities to promote and improve career and technical education; identify legislative recommendations to improve career and technical education; and promote coordination of existing career and technical education programs.

UNIVERSITY OF MISSOURI EXTENSION DISTRICTS (Section 262.598)

A University of Missouri extension council, except a council that is located in St. Louis County, is authorized to form an extension district made up of cooperating counties for the purpose of funding extension programming. An extension district can be a single-council district or a consolidated district consisting of two or more extension councils. A majority vote of each participating council is required to form an extension district.

In a single-council district, the existing University of Missouri extension council will serve as the extension district's governing body. In a consolidated district, the governing board will consist of at least three but no more than five representatives appointed by each participating council. The powers and duties of a district's governing body are specified in the bill.

The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the district's counties. A property tax levy cannot exceed 30 cents per $100 of assessed valuation. The costs of submitting the question to the voters at the general municipal election must be paid by the district. In a single-county district, the property tax levy will be imposed if a majority of the voters in the county approve it. In a consolidated district, the property tax levy will be imposed if a majority of the voters in each county in the district approve it. If one of the counties in a consolidated district does not approve it, that county's council may withdraw from the district. Upon the withdrawal, the district will be made up of the remaining counties and the tax will be imposed in those counties. However, if the county that did not approve the tax levy does not withdraw, the tax cannot be imposed.

A single-council district for which a tax has not been levied may be dissolved in the same manner in which it was formed. A county may withdraw from a consolidated district at any time by filing a petition signed by at least 10% of the voters in the county who voted in the most recent presidential election with the circuit court having jurisdiction over the district. The court must hear evidence on the petition, and if it determines that it is in the best interest of the county inhabitants, it must submit the question to the voters at the next general municipal election. If two-thirds of the voters vote in favor of withdrawing from the district, the court must issue an order withdrawing the county from the district. The costs of the election are to be paid by the district. The withdrawal will not become effective until the following January 1, and the district will remain intact for the purposes of paying all outstanding and lawful obligations and disposing of the district's property.

The governing body of any district may seek voter approval to increase its current tax rate if the increase will not cause the total tax to exceed 30 cents per $100 of assessed valuation. The governing body must submit the question to the voters at the next general municipal election. The costs of submitting the question to the voters must be paid by the district. If a majority of the voters in the county in a single-council district approve the question, the tax will be imposed. In a consolidated district, a majority of the voters in the district is required.

MISSOURI LIVESTOCK DISEASE CONTROL AND ERADICATION LAW (Section 267.655)

If the Director of the Department of Agriculture determines, after inquiry and an opportunity for a hearing, that a person violated any provision of the Missouri Livestock Disease Control and Eradication Law or any regulations related to the law, the department director has the authority to assess a civil penalty of up to $1,000 per incident. If the person fails to pay the penalty or restitution, the department director may apply to the Cole County Circuit Court for an order enforcing the assessed penalty or restitution.

FOREIGN OWNERSHIP OF AGRICULTURAL LAND (Sections 442.571 and 442.576)

Currently, an alien or foreign business may not purchase agricultural land in Missouri. The bill prohibits the purchase if the total aggregate alien and foreign ownership of agricultural acreage in the state exceeds 1% of the total aggregate agricultural acreage in this state. The Director of the Department of Agriculture must approve any sale, transfer, or acquisition of any agricultural land, and the department must establish the requirements for the submission and approval of requests to purchase, transfer, or acquire agricultural land under these provisions.

STEALING OF LIVESTOCK (Section 570.030)

The bill specifies that stealing any animal considered to be livestock is a class B felony if the value of the livestock exceeds $10,000.

CRIMES AGAINST ANIMALS (Sections 578.009 - 578.012)

Currently, a person is guilty of animal neglect when he has custody, ownership, or both of an animal and fails to provide adequate care or adequate control that results in substantial harm to the animal. The bill specifies that a person will be guilty of animal neglect if he has custody, ownership, or both and fails to provide adequate care.

The bill specifies that a person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding 12 hours. The first conviction for animal trespass is an infraction and punishable by a fine of up to $200. A second or subsequent conviction is a class C misdemeanor punishable by imprisonment, a fine of up to $500, or both. The court may waive all fines for the first conviction if the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived.

Currently, a person is guilty of animal abuse when the person having ownership or custody of an animal knowingly fails to provide adequate care or adequate control. The bill specifies that a person is guilty of animal abuse if a person having ownership or custody of an animal knowingly fails to provide adequate care that results in substantial harm to the animal.

SCS SBs 10 & 25 — INCENTIVES FOR SPORTING EVENTS

This bill authorizes a refundable income and financial institutions tax credit for sports commissions, nonprofit organizations, counties, and municipalities to offset the expenses incurred in attracting amateur sporting events to the state. An applicant for the tax credit must submit a copy of the sporting event support contract to the Department of Economic Development for approval. A support contract cannot be approved unless the site selection organization has chosen to use a location in this state from competitive bids, at least one of which was a bid for a location outside of this state. The tax credit will be equal to the lesser of $5 for each admission ticket sold for the event or 100% of eligible expenses incurred. No more than $3 million in tax credits may be issued per fiscal year. The tax credits must be claimed within one year of the close of the taxable year it was issued, but the credits are fully transferable, if a notarized endorsement is filed with the department. The department is prohibited from certifying game support contracts after August 28, 2019, but may certify game support contracts prior to that date for games to be held after August 28, 2019.

The bill also authorizes an income, financial institutions, and corporate franchise tax credit equal to 50% of an eligible donation made on or after January 1, 2013, to a certified sponsor or local organizing committee for the purpose of attracting sporting events to the state. The amount of the tax credit cannot exceed the amount of the taxpayer's state income tax liability in the tax year for which the credit is claimed. The tax credit is non-refundable, but may be carried forward for two years and is transferable. Certified sponsors and local organizing committees may, on behalf of taxpayers, apply to the department for the tax credits. An application for the tax credit must be accompanied by a payment in an amount equal to the tax credits requested. The amount of tax credits issued cannot exceed $10 million in any fiscal year.

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

SB 16 — CHILDREN WORKING ON FAMILY FARMS

This bill specifies that a child younger than 16 years of age may perform agriculture work, including operating power-driven machinery or motor vehicles; oiling, cleaning, maintaining, or washing machinery; using ladders, scaffolding, or other substitutes; and performing occupations involving exposure to any toxic or hazardous chemicals on a farm owned and operated by the child's parent, sibling, grandparent, or sibling of a parent or, if performed by the child with the knowledge and consent of the child's parent, on any family farm or family farm corporation. A child may not be allowed to engage in other activities prohibited in Section 294.040, RSMo.

A child working on a family farm may do so without obtaining a work certificate or work permit and is not subject to the limitations on the hours that he or she may work under Sections 294.030 and 294.045.

CCS HCS SCS SB 17 — EDUCATION

This bill changes the laws regarding education.

BRYCE'S LAW (Section 135.1220, RSMo)

The bill establishes Bryce's Law, which requires the Department of Elementary and Secondary Education to develop a master list of resources available to the parents of children with an autism spectrum disorder and to maintain a web page for the information. The department must actively seek financial resources in the form of grants and donations that may be devoted to scholarship funds or to clinical trials for behavioral interventions that may be undertaken by qualified service providers. The department may contract out or delegate these duties to a nonprofit organization. Priority in referral for funding must be given to children who have not yet entered elementary school. The department director must determine, at least annually, which organizations can be classified as a scholarship-granting organization. A scholarship-granting organization is a charitable organization that is exempt from federal income tax and provides scholarships to eligible students attending qualified public or nonpublic schools of their parents' choice or to children receiving services from qualified providers. Each organization participating in the program must ensure that at least 90% of its revenue from donations is spent on grants to cover all or part of the tuition, fees, and transportation costs; ensure that the scholarships do not exceed an average of $20,000 per eligible child or $50,000 per eligible student; demonstrate its financial viability; and provide a surety bond payable to the state in an amount equal to the total amount of contributions expected to be received during the school year if the organization is to receive donations of $50,000 or more during the school year. An "eligible student" is any elementary or secondary student who attended public school in Missouri the preceding semester or who will be attending school in Missouri for the first time and has an individualized education program (IEP) based on an autism spectrum disorder, Down syndrome, Angelman syndrome, or cerebral palsy or who has a medical diagnosis by a qualified health professional of one of those conditions. An "eligible child" is a child from birth to age five who has an individualized family services program under the First Steps Program and whose parent or guardian has completed the complaint procedure under the federal Individuals with Disabilities Education Act with an unsatisfactory response or who has been evaluated under the First Steps Program and has been determined to have special needs but falls below the threshold for eligibility by at least 25%. Provisions for determining the number of scholarships based on a percentage of the special needs IEPs and disability incidence rates are included. The scholarship is portable and can be distributed in periodic payments as checks made out to the student's or child's parent and mailed to the qualified school where the student is enrolled or to the qualified service provider. Each scholarship granting organization must ensure that each participating school or service provider complies with the health and safety and accountability requirements specified in the bill. Each organization must certify that in providing educational services or behavioral strategies to a scholarship recipient with autism spectrum disorder that it will adhere to the best practices recommendations of the Missouri Autism Guidelines Initiative or document why it is varying from the guidelines. A scholarship granting organization must publicly report, by June 1 of each year, to the department specified information prepared by a certified public accountant regarding its grants in the previous year. The department must conduct a study with funds other than state funds to determine the level of participating parental and student satisfaction with the program; the percentage of participating students who were bullied or harassed because of their special needs status, the number of students exhibiting behavioral problems, and class size comparisons between the resident school district and the qualified school; and the fiscal impact of the program to the state and resident school districts. The department must present the report to the General Assembly by December 31, 2016.

ADVISORY COUNCIL ON THE EDUCATION OF GIFTED AND TALENTED CHILDREN
(Section 161.249)

The Advisory Council on the Education of Gifted and Talented Children is established with seven members appointed by the Commissioner of Education. Members will serve for a term of four years, except for the initial appointees who will serve specified staggered terms. The commissioner must consider recommendations for membership from organizations of educators and parents of gifted and talented children. Members must be Missouri residents and selected based on their knowledge of or experience in programs and problems of the education of gifted and talented children. The commissioner must seek the advice of the council regarding all rules and policies to be adopted by the State Board of Education relating to the education of

gifted and talented children. The board must appoint a staff member to be a liaison to the council and must provide necessary clerical support and assistance to facilitate meetings of the council.

TEACHERS AND SCHOOL EMPLOYEES
(Sections 168.021, 169.070, and 169.670)

The bill repeals the August 28, 2014, expiration date for the provisions allowing an individual to obtain a teaching certificate based on certification by the American Board for Certification of Teacher Excellence.

The expiration date of July 1, 2013, on specified alternative retirement allowance provisions, commonly referred to as "25 and out" are repealed and the bill allows the "31st year factor" of the Public School Retirement System of Missouri and the Public Education Employee Retirement System of Missouri to extend to July 1, 2014.

PUBLIC SCHOOL RETIREMENT SYSTEM OF KANSAS CITY
(Sections 169.270, 169.291, 169.324, and 169.350)

The bill changes the laws regarding the Public School Retirement System of Kansas City by:

(1) Specifying that a person will cease to be a member of the retirement system if there is a break in service before becoming vested or if he or she withdraws his or her accumulated contributions from the system. The minimum normal retirement age for any person who becomes a member on or after January 1, 2014, including a previous member who ceased to be a member for any reason other than retirement prior to January 1, 2014, is changed to 62 years of age or the date when the member has at least 80 credits (80 and out), whichever is earlier;

(2) Specifying that beginning in calendar year 2013, the system's actuary must calculate the employer's and member's contribution rate for 2014 and each subsequent year based on the system's actuarial value as of the first day of the prior calendar year and the rate must be certified by the system's board of trustees of the retirement system at least six months prior to its effective date. The actuary must use the actuarial cost method and actuarial assumptions adopted by the board of trustees, as described in the bill, to cover the normal cost and amortization of any unfunded actuarial accrued liability over a period of no more than 30 years. The combined contribution rate will be allocated equally between the employer and member with the contribution rate from each being at least 7.5% but no more than 9%. The contribution rate for each cannot increase or decrease more than .5% from one year to the next. Currently, the employer and member contribution rate is set at 7.5%; and

(3) Specifying that the multiplier for the benefit calculation of an individual who becomes a member on or after January 1, 2014, including an individual who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, will be 1.75%.

USE OF RELIGIOUS BOOKS IN THE CLASSROOM
(Section 170.340)

A book of a religious nature is allowed to be used as part of instruction in an elective course in literature and history as long as the book is not used in a manner that violates the Establishment Clause of the First Amendment to the United States Constitution.

CAREER AND TECHNICAL EDUCATION STUDENT PROTECTION ACT (Section 178.550)

The bill establishes the Career and Technical Education Student Protection Act and the Career and Technical Education Advisory Council within the Department of Elementary and Secondary Education and repeals the provisions regarding the State Advisory Committee for Vocational Education. The advisory council will consist of 11 members appointed by the Governor with the advice and consent of the Senate. Members will serve a term of five years, except for the initial appointees who will serve specified staggered terms. Members will consist of the following individuals:

(1) A director or administrator of a career and technical education center;

(2) An individual from the business community with a background in commerce;

(3) A representative from Linn State Technical College;

(4) Three current or retired career and technical education teachers who serve or have served as an advisor to a career and technical education student organization specified in the bill;

(5) A representative from a business organization, association of businesses, or a business coalition;

(6) A representative from a community college;

(7) A representative from Southeast Missouri State University or the University of Central Missouri;

(8) An individual participating in an apprenticeship recognized by the Department of Labor and Industrial Relations or approved by the United States Department of Labor's Office of Apprenticeship; and

(9) A school administrator or superintendent of a school offering career and technical education.

A director of guidance and counseling services at the Department of Elementary and Secondary Education, the Director of the Division of Workforce Development, and a member of the Coordinating Board for Higher Education will serve as ex-officio

members of the advisory council, and the Assistant Commissioner for the Office of College and Career Readiness of the Department of Elementary and Secondary Education will provide staff support. The advisory council must meet at least four times annually. Any business coming before the advisory council, including all decisions, votes, exhibits, outcomes, and materials, must be made available on the council's Internet website. The advisory council must make an annual written report regarding the state budget for career and technical education and must annually submit written recommendations regarding the oversight and procedures for the handling of funds for student career and technical education organizations to the State Board of Education and the Commissioner of Education within the Department of Elementary and Secondary Education. The advisory council must develop a statewide short-range and long-range plan for career and technical education; identify service gaps; confer with public and private entities to promote and improve career and technical education; identify legislative recommendations to improve career and technical education; and promote coordination of existing career and technical education programs.

The provisions of the bill regarding Bryce's Law will expire December 31, 2019.

HCS SS SCS SBs 20, 15 & 19 — TAX CREDITS

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

(1) Extends, from August 28, 2013, to December 31, 2019, the provisions regarding the income tax credit for the surviving spouse of a public safety officer who has not remarried (Section 135.090, RSMo);

(2) Reduces, from $4 million to $2 million, the cumulative amount of tax credits that may be claimed by taxpayers under the Special Needs Adoption Tax Credit for nonrecurring adoption expenses in any fiscal year and requires that the tax credit only be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated (Section 135.327);

(3) Reauthorizes the Children in Crisis Tax Credit for any verified contribution to a CASA, child advocacy center, or a crisis care center made on or after January 1, 2013, and changes the name of the tax credit to the Champion for Children Tax Credit. The cumulative amount of credits redeemed cannot exceed $1 million in any tax year. The tax credit may be assigned, transferred, or sold (Section 135.341);

(4) Repeals the provision requiring up to $100,000 of any remaining tax credits under the $10 million cap for investing in or relocating a business to a distressed community to be used for tax credits for residential renovations for disability access;

(5) Extends the provisions regarding the residential renovations for disability access tax credit from December 31, 2013, to December 31, 2019 (Section 135.562);

(6) Reauthorizes the provisions regarding the tax credit for a contribution to a pregnancy resource center made on or after January 1, 2013. The provisions allowing the credit to be assigned, transferred, sold, or conveyed are repealed (Section 135.630);

(7) Reauthorizes the provisions regarding the income tax credit for a donation to a food pantry made on or after January 1, 2013. The cumulative amount of tax credits that may be allocated to all taxpayers in any one fiscal year must not exceed $1.25 million (Section 135.647); and

(8) Changes the laws regarding the Tax Credit Accountability Act of 2004 by adding the Developmental Disability Care Provider Tax Credit under Section 135.1180 to the definition of "domestic and social tax credits" (Section 135.800).

The provisions of the bill regarding the Children in Crisis Tax Credit and the tax credit for contributions to a pregnancy resource center or a local food pantry will expire on December 31, 2019.

The bill contains an emergency clause.

CCS HCS SB 23 — POLITICAL SUBDIVISIONS

This bill changes the laws regarding political subdivisions.

SALES TAX ON MOTOR VEHICLES (Sections 32.087, 144.020, 144.021, 144.069 - 144.525, and 144.610 - 144.615, RSMo, and Section 1)

The bill prohibits state and local use taxes on the sale of motor vehicles, trailers, boats, or outboard motors. State and local sales taxes must be imposed on the sale of these items at the time of titling in Missouri, regardless of whether the item was purchased in this state. The residence of the purchaser will be used for determining the local tax rate that should apply. The rate of tax for motor vehicles, trailers, boats, or outboard motors sold at retail must be the sum of the state sales tax and the local sales tax.

All local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the sale of motor vehicles, trailers, boats, or outboard motors purchased out-of-state when titling in Missouri. If a taxing jurisdiction does not hold the vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. A

taxing jurisdiction may, at any time, hold a vote to repeal the tax. Language repealing the tax must also be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting it.

These provisions are nonseverable and if any provision is for any reason held to be invalid, the decision must invalidate all of the remaining provisions.

REBUILD DAMAGED INFRASTRUCTURE PROGRAM
(Sections 33.080, 33.295, 360.045, and 374.150)

The bill establishes the Rebuild Damaged Infrastructure Program to provide funding for the reconstruction, replacement, or renovation of or repair to any infrastructure damaged by a presidentially declared natural disaster including, but not limited to, the physical components of interrelated systems providing essential commodities and services to the public including transportation, communication, sewage, water, and electric systems as well as public elementary and secondary school buildings. On July 1, 2013, $10 million from the Insurance Dedicated Fund and $4 million from the Health and Educational Facilities Authority must be transferred into the newly created Rebuild Damaged Infrastructure Fund to be used solely for the purposes of the program. Any moneys in excess of $15 million in the Rebuild Damaged Infrastructure Fund must be transferred into the General Revenue Fund. On July 1, beginning with Fiscal Year 2014, $500,000 from the Insurance-Dedicated Fund must be transferred into the General Revenue Fund.

Moneys in the Rebuild Damaged Infrastructure Fund cannot be expended for the reconstruction, replacement, or renovation of, or repair to any infrastructure damaged by a disaster when the reconstruction, replacement, renovation, or repair is eligible for funding by the United States Department of Housing and Urban Development through a 2013 supplemental disaster allocation of community development block grant funds.

LIQUEFIED PETROLEUM GAS INSTALLATIONS
(Section 64.196)

The bill prohibits a county building ordinance adopted by a first or second classification county commission from conflicting with liquefied petroleum gas installations governed by Section 323.020.

PETTIS COUNTY TRANSIENT GUEST TAX
(Section 67.1010)

Pettis County is authorized to use revenue from its transient guest tax to pay salaries. Currently, this use is prohibited.

TRANSIENT GUEST TAX EXEMPTION FOR ENTITIES PROVIDING DISASTER RELIEF
(Sections 67.1020 and 144.030)

A nongovernmental agency congressionally mandated to provide disaster relief services must be exempt from paying a transient guest tax. A transient guest tax cannot be imposed on any person providing disaster relief services if the payment is made by one of these agencies.

TRANSIENT GUEST TAXES
(Sections 67.1368 and 94.1060)

The bill authorizes the governing bodies of Montgomery and Douglas counties and the cities of New Florence and Jonesburg to impose, upon voter approval, a transient guest tax of not more than 5% per occupied room per night to be used for the promotion of tourism, growth of the region, and economic development.

CITIES OF FARMINGTON AND PERRYVILLE NUISANCE ABATEMENT (Section 71.285)

The cities of Farmington and Perryville are allowed to remove weeds or trash without a hearing or notice from a property that has more than one ordinance violation within a growing season for overgrown weeds or within a calendar year for trash. The cities may recoup the cost of the removal from the property owner by issuing a special tax bill to be collected with other taxes assessed against the property. If the bill is not paid when due, the cities may charge 8% interest on the amount owed. The provisions of the bill do not apply to lands owned by a public utility and any lands, rights-of-way, and easements controlled by a railroad.

CITY OF FARMINGTON ORDINANCES
(Section 77.675)

The city council of the City of Farmington is authorized, in addition to the regular ordinance adoption and repeal process, to adopt or repeal any ordinance by submitting the proposed ordinance to the registered voters of the city at the next municipal election.

LAND SALES IN CERTAIN CITIES (Section 92.387)

The bill requires any sale of land under Chapter 92 to be subject to valid recorded covenants running with the land and valid easements of record or in use.

SALES TAX ON EMERGENCY COMMUNICATION SYSTEMS (Section 99.845)

The bill includes the taxes imposed on sales pursuant to Section 650.399 for emergency communication systems in St. Louis County for redevelopment plans and projects adopted or

redevelopment projects approved by ordinance after August 28, 2013, to those funds that are not required to be deposited in specified segregated accounts within the special allocation fund by municipal financial officers.

ASSESSED VALUATIONS
(Sections 137.090 and 137.095)

The bill requires the assessed valuation of any tractor or trailer used in interstate commerce to be apportioned to Missouri based on the ratio of miles traveled in-state to miles traveled in the United States during the preceding tax year or on the basis of the most recent annual mileage figures available for property tax assessed valuation purposes.

PAYMENT OF ASSESSMENT COSTS
(Section 137.720)

The bill repeals the expiration date of December 31, 2015, from the provisions requiring certain counties and the City of St. Louis to deduct an additional percentage of all property tax collections to be deposited into the county's assessment fund for payment of assessment costs. The percentage deducted is either .125% or .5% and the income limits are $125,000 in any year for first classification and charter counties and $75,000 for second, third, and fourth classification counties. If the commission withholds state assessment reimbursement funds from a county for three consecutive quarters due to noncompliance, the extra .125% or .5% collection revenues in the county assessment fund will be forfeited and returned by the county to the political subdivisions within the county.

TAX CREDIT FOR FREIGHT LINE COMPANIES
(Section 137.1018)

Currently, a freight line company is allowed a tax credit against its property taxes for eligible expenses incurred in this state to manufacture, maintain, or improve its qualified rolling stock. The bill extends the tax credit from August 28, 2014, to August 28, 2020.

BUSINESS ACTIVITIES SUBJECT TO SALES AND USE TAXATION
(Sections 144.010, 144.030, and 144.605)

The bill changes the laws regarding the collection of sales and use taxes relating to nexus with Missouri. In its main provisions, the bill:

(1) Specifies that a person is engaging in business in this state as it relates to the collection of sales and use taxes if the person engages in business in this state or maintains a place of business in this state under Section 144.605;

(2) Specifies that a municipality or other political subdivision may enter into a revenue-sharing agreement with a private person, firm, or corporation providing goods or services, including management services, in or for a place of amusement, entertainment or recreation, or a game or athletic event owned or operated by it. Currently, all amounts paid or charged for admission to or participation in these places or events are exempt from local sales tax. Any amounts retained by any private person, firm, or corporation under the revenue-sharing agreement will not be exempt from the tax;

(3) Voids any ruling, agreement, or contract between the executive branch or any other state agency or department and any person that exempts the person from the collection of sales and use tax unless it is approved by the General Assembly;

(4) Revises the definition of "engages in business activities within this state" as it relates to the collection of use taxes to remove the provisions including the use of media to purposefully or systematically exploit Missouri's market or being owned or controlled by the same interests that own or control a seller engaged in the same or similar line of business in this state;

(5) Creates a presumption that a vendor engages in business activities within this state if any person, other than a common carrier acting in its capacity as one, that has a substantial nexus with Missouri performs specified activities in relation to the vendor within this state. The presumption may be rebutted by showing that the person's activities are not significantly associated with the vendor's ability to establish or maintain a market in Missouri for the vendor's sales;

(6) Creates an additional presumption that a vendor engages in business activities within this state if the vendor enters into an agreement with one or more residents of Missouri to refer potential customers to the vendor and the sales generated by the agreement exceeds $10,000 in the preceding 12 months. This presumption may be rebutted by showing proof that the Missouri resident did not engage in any activity within Missouri that was significantly associated with the vendor's ability to establish or maintain the vendor's market in Missouri in the preceding 12 months;

(7) Revises the definition of "maintains a place of business in this state" as it applies to the collection of use taxes to exclude a common carrier acting in its capacity as one; and

(8) Repeals the provision that exempts a vendor with less than $500,000 total gross receipts in Missouri or $12.5 million nationwide with no selling agents in Missouri and no place of business in this state from the definition of "vendor" as it relates to the collection of use taxes.

PUBLIC SCHOOL RETIREMENT SYSTEM OF KANSAS CITY (Sections 169.270 - 169.350)

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

(1) Specifies that a person will cease to be a member of the retirement system if he or she has a break in service before becoming vested or he or she withdraws his or her accumulated contributions from the system;

(2) Changes the minimum normal retirement age for any person who becomes a member on or after January 1, 2014, including a previous member who ceased to be a member for any reason other than retirement prior to January 1, 2014, to 62 years of age or the date when the member has at least 80 credits (80 and out), whichever is earlier;

(3) Specifies that beginning in calendar year 2013, the system's actuary must calculate the employer's and member's contribution rate for 2014 and each subsequent year based on the system's actuarial valuation as of the first day of the prior calendar year and the rate must be certified by the system's board of trustees at least six months prior to its effective date. The actuary must use the actuarial cost method and actuarial assumptions adopted by the board of trustees, as specified in the bill, to cover the normal cost and amortization of the unfunded actuarial accrued liability over a period of no more than 30 years from the date of the valuation. The combined contribution rate must be allocated equally between the employer and member with the contribution rate from each being at least 7.5% but no more than 9%. The contribution rate for each cannot increase or decrease more than .5% from one year to the next. Currently, the employer and member contribution rate is set at 7.5%;

(4) Specifies that the multiplier for the benefit calculation of an individual who becomes a member on or after January 1, 2014, including an individual who was a member of the retirement system before January 1, 2014, but ceased to be a member for any reason other than retirement, will be equal to the retirant's number of years of creditable service times 1.75% up to a maximum of 60% of the person's average final compensation; and

(5) Specifies that the board of trustees can only award a cost-of-living adjustment (COLA) if the actuarially required contribution rate, after adjusting for the effect of the proposed COLA increase, does not exceed the maximum employer and member contribution rate specified in Section 169.350.

MISSOURI MUSEUM AND CULTURAL DISTRICT ACT (Sections 184.800 - 184.865)

The bill changes the name of the Missouri Museum District Act to the Missouri Museum and Cultural District Act and expands the scope of museum districts to include a building or area used for promoting community culture and the arts, recreation, and knowledge including the performing arts, theater, music, entertainment, public places, libraries, and other public assets. Each proposed district may impose, upon voter approval, a sales tax to restore cultural assets within the district. The bill restricts the creation of a museum and cultural district under these provisions to an area where the majority of the property is located within a disaster area. Property owners who own at least two-thirds of the property within the proposed district must file a petition requesting the creation of a district within five years after the Presidential declaration establishing the disaster area. The district can include one or more parcels of property that may or may not be contiguous and may include any portion of one or more municipalities. Any legal voter who lives in the proposed district will not be required to be listed on the petition to create the district, will not be required to be served a copy of the petition creating the district, and will not have statutory authority to sue to support or oppose the creation of the district. The number of members on the board of directors governing a district is changed from eight to five. All of the members are to be elected at a public meeting, and the Governor's authority to appoint three of the members is repealed. The provision prohibiting the board from hiring an employee who is related to a board member within the fourth degree by blood or marriage is repealed.

The General Assembly is authorized to make appropriations from general revenue to a district created under this act for a period of 20 years after January 1, 2013. In addition to a sales tax, the board is authorized to impose, upon voter approval, an admissions fee of up to $1 on any person or entity that offers or manages and charges an admission to an event in the district. A limited partnership or a limited liability company is added to the list of entities that may contract to operate and manage any museum or cultural asset in the district.

SENIOR HOUSING IN ANY THIRD OR FOURTH CLASSIFICATION COUNTY (Section 198.345)

A nursing home district is allowed to establish and maintain senior housing in any third or fourth classification county within its corporate limits.

Currently, a district is only allowed to establish and maintain senior housing in Marion and Ralls counties.

The provision requiring an apartment for seniors established by a nursing home district to have an emergency call button is repealed.

DRIVING OFFENSES (Sections 302.060, 302.302 - 302.309, 302.525, 476.385, and 577.041)

The bill:

(1) Requires the court to order the Director of the Department of Revenue to issue a license to a person who is otherwise qualified and has been convicted more than twice of a crime relating to driving while intoxicated if the court finds that the person has not been convicted, pled guilty to, or been found guilty of and has no pending charges for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding 10 years; and his or her habits and conduct show that he or she no longer poses a threat to the public safety or to a person who is otherwise qualified and has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition or who has been convicted twice within a five-year period of driving while intoxicated or any other intoxication-related traffic offense if the court finds that he or she has not been convicted, pled guilty to, or been found guilty of and has no charges pending for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding five years; and his or her habits and conduct show he or she no longer poses a threat to public safety. Currently, the court may order the department director to do this;

(2) Requires a person to be given the option to complete a driver-improvement program through an online or in-person course to stay the assessment of points against a driver's license for specified violations;

(3) Allows a person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the Department of Revenue that any vehicle operated by the person has a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. If the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or the reports indicate the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional 30-day period of restricted driving privilege;

(4) Repeals the provision that makes a person ineligible to receive a limited driving privilege if at the time of application he or she has previously been granted the privilege within the immediately preceding five years or his or her license has been suspended or revoked for the first time offense of failure to submit to a chemical test if the person has not completed the first 90 days of the revocation. The bill specifies that a person who has failed to submit to a chemical test is ineligible to receive a limited driving privilege unless the person files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device if the person is not otherwise ineligible for a limited driving privilege;

(5) Repeals the provisions requiring a person who has been convicted more than twice of driving while intoxicated and has had his or her license revoked for a period of 10 years without the ability to obtain a new license or a person who has been convicted twice for driving while intoxicated and has had his or her license revoked for a period of five years to apply for a limited driving privilege to serve at least 45 days of the disqualification or revocation before a circuit court or the department director can issue a limited driving privilege and repeals the provision requiring him or her to present evidence that he or she has not been convicted of any offense related to alcohol, controlled substances, or drugs during the preceding 45 days. A circuit court must grant a limited driving privilege to a person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has no alcohol-related enforcement contacts since the contact that resulted in his or her license denial;

(6) Allows a person whose driving record shows no prior alcohol-related enforcement contacts in the immediately preceding five years to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. If the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above

the alcohol setpoint or that the device has been tampered with or circumvented, the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege; and

(7) Requires a person whose license has been revoked for the failure to submit to a chemical test and has a prior alcohol-related enforcement contact to provide proof to the department that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. The device must be maintained on any motor vehicle operated by the person for a period of at least six months. If the monthly monitoring reports during the six-month period indicate that the device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or indicate that the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional six-month period of restricted driving privilege without any violations. Currently, any refusal results in a license revocation.

SUSPENSION OF DRIVING PRIVILEGES
(Section 302.341)

Currently, if a person's driving privileges are suspended for failing to dispose of charges related to a moving violation, his or her driving privileges will be suspended until proof of the final disposition of charges is furnished to the Director of the Department of Revenue. Upon proof of the disposition of charges and payment of any fine and reinstatement fees, the license must be restored and the suspension removed from the person's record if he or she was not operating a commercial motor vehicle or a holder of a commercial driver's license. The bill repeals the provision requiring the director to return the person's license and to remove the suspension from the offender's driving record.

The provisions regarding the Rebuild Damaged Infrastructure Program will expire on June 30, 2014.

The provisions regarding alcohol-related traffic offenses become effective on March 3, 2014, except for Section 302.309, which will become effective July 1, 2013, or upon its passage and approval, whichever occurs later.

The provisions of the bill regarding the sales tax on motor vehicles and the Rebuild Damaged Infrastructure Program contain an emergency clause.

SS SB 28 — UNEMPLOYMENT BENEFITS
(Vetoed by the Governor)

This bill changes the laws regarding unemployment benefits. The definition of "misconduct," as it relates to employee disqualification from unemployment benefits, is revised to misconduct reasonably related to the job environment and the job performance regardless of whether the misconduct occurs at the workplace or during work hours. Currently, it includes an act of wanton or willful disregard of the employer's interest or a disregard of standards of behavior that the employer has the right to expect. The bill changes it to conduct or a failure to act demonstrating knowing disregard of the employer's interest or a knowing violation of the standards that the employer expects. Currently, it includes negligence in a degree or recurrence as to manifest culpability, wrongful intent, or evil design or show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the employer. The bill changes that to conduct or a failure to act demonstrating carelessness or negligence in such degree or recurrence as to manifest culpability, wrongful intent, or a knowing disregard of the employer's interests or the employee's duties and obligations to the employer. Currently, misconduct includes a deliberate violation of the employer's rules. The bill specifies that a violation of an employer's rule is misconduct unless the employee demonstrates that he or she did not know and could not reasonably know of the rules requirement or the rule is unlawful.

Misconduct also includes a violation of an employer's no-call, no-show policy; chronic absenteeism or tardiness in violation of a known employer policy; one or more unapproved absences following a written reprimand or warning; or a knowing violation of a state standard or regulation by an employee that would cause a licensed or certified employer to be sanctioned or have its license or certification suspended or revoked.

Currently, an employee is disqualified from benefits if he or she voluntarily leaves work without good cause attributable to the work or the employer. The bill specifies that "good cause" includes only a cause that would compel a reasonable employee to cease working or would require separation from work due to illness or disability.

The provision specifying that absenteeism or tardiness may constitute a rebuttable presumption of misconduct as it relates to employee disqualification for waiting week credit or benefits if the discharge was the result of a violation of a known attendance policy of the employer is repealed.

SS SCS SB 29 — LABOR ORGANIZATIONS
(Vetoed by the Governor)

This bill prohibits any sum from being withheld from the earnings of a public employee for the payment of any portion of dues, agency shop fees, or other

fees paid by public employee members of a public labor organization or a public employee who is not a member except upon the annual written authorization of the employee on a form as prescribed in the bill.

A public labor organization is prohibited from using or obtaining any portion of dues, agency shop fees, or any other fees paid by member and nonmember public employees to make political campaign contributions unless it obtains a written authorization from the member or nonmember within the previous 12 months on a form prescribed in the bill signed by the member or nonmember and an officer of the union.

Any public labor organization that uses any portion of dues, agency shop fees, or other fees to make political campaign contributions or expenditures must maintain records that include a copy of each written authorization, the amounts and dates funds were actually transferred, and the amounts and dates funds were transferred to the organization's continuing committee, but must not include the employee's home address or telephone number. Copies of these records must be sent to the Labor and Industrial Relations Commission within the Department of Labor and Industrial Relations. An employee who does not authorize political campaign contributions or expenditures cannot have his or her dues, agency shop fees, or other fees increased in lieu of making the contribution or expenditure.

The requirements of these provisions cannot be waived by the member or nonmember and the waiver of the requirements cannot be made a condition of employment or continued employment.

These provisions do not apply to specified first responders or any labor organization that represents them.

CCS SCS SB 33 — PERSONS WITH MENTAL DISABILITIES

This bill changes the laws regarding persons with mental disabilities. In its main provisions, the bill:

(1) Designates December 4 as "PKS Day" in Missouri. Pallister-Killian Mosaic Syndrome (PKS) is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing impairments; seizure disorders; and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. Citizens are encouraged to participate in awareness and educational activities on the symptoms and impact of PKS and to support programs of research, education, and community service;

(2) Specifies that an individual with a visual, aural, or other disability, including diabetes, must be afforded the same rights as those without a disability to use streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places; is 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 must have the right to be accompanied by a guide, hearing, or service dog in any of these places without being required to pay an extra charge if the person will be liable for any damage done to the premises or facilities by the dog;

(3) Specifies that a member of a service dog team has the right to be accompanied by the dog while the dog is in training without being required to pay an extra charge for the dog. The trainer or service dog team member must be liable for any damage done to the premises of a facility by the dog. These provisions cannot exceed the provisions of the federal Americans with Disabilities Act;

(4) Defines a "professional therapy dog" as a dog that 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;

(5) Revises the definition of "service dog" to include a search and rescue dog that is being or has been trained to search for or prevent a person with a mental disability from becoming lost; and

(6) Specifies that 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.

CCS HCS SS SB 34 — WORKERS' COMPENSATION INSURANCE

(Vetoed by the Governor)

This bill requires the uniform experience rating plan for workers' compensation insurance to prohibit an adjustment to the experience modification of an employer if the total medical cost does not exceed 20% of the current split point of primary and excess losses, the employer pays all of the medical costs, there is no lost time from the employment with specified exceptions, and no claim is filed. Currently, the total medical cost cannot exceed $1,000.

The formula used by the Department of Insurance, Financial Institutions and Professional Registration to equalize workers' compensation insurance premium rates for employers within the construction group of code classifications must be the formula that was in effect on January 1, 1999.

For purposes of calculating the premium credit under the Missouri Contracting Classification Premium Adjustment Program, an employer within the construction group of code classifications may submit to the advisory organization the required payroll record information for the first, second, third, or fourth calendar quarter of the year prior to the workers' compensation policy beginning or renewal date if the employer clearly indicates for which quarter the payroll information is being submitted.

The Division of Workers Compensation within the Department of Labor and Industrial Relations must develop and maintain a workers' compensation claims database that is accessible to potential employers through the division's website. Claims records will be retrievable only by an employer who during a pre- hire period provides a potential employee's name and Social Security number. The claims record must identify the date of the claim and whether the claim is open or closed. The records in the database will not be considered reports or records for purposes of the record retention requirements under Section 287.650, RSMo. These provisions must be fully implemented by July 1, 2014, and the division must maintain a record of all claims records received, including the identity of the potential employer and employee. A person who fraudulently accesses the database is guilty of a class A misdemeanor.

The provision regarding the formula to equalize workers' compensation insurance premium rates becomes effective January 1, 2014.

SB 35 — SAHARA'S LAW

This bill establishes Sahara's Law which authorizes, for all tax years beginning January 1, 2013, a check-off box on the Missouri individual and corporate income tax forms for contributions to the newly created Pediatric Cancer Research Trust Fund. A taxpayer may donate to the fund by designating a portion of his or her income tax refund or by a separate check. The amount of the donation must be at least $1 on an individual return or at least $2 on a combined return. The State Treasurer is required to distribute all moneys in the fund to CureSearch for children's cancer.

The provisions of the bill will expire December 31, 2019.

CCS SCS SB 36 — JUVENILE CRIMINAL OFFENDERS

This bill establishes Jonathan's Law, which requires a child to be convicted in a court of general jurisdiction in order for the jurisdiction of the juvenile court over that child to forever terminate for an act that would be a violation of a state law or municipal ordinance.

Currently, if a child is younger than 17 years of age and has been convicted in a court of general jurisdiction, the court is allowed to invoke dual jurisdiction of both the criminal and juvenile codes. The bill raises the age to younger than 17 years and six months of age and requires the court to consider dual jurisdiction.

If the Division of Youth Services within the Department of Social Services agrees to accept a youth and the court does not impose a juvenile disposition, the court must make findings on the record as to why the division was not appropriate for an offender prior to imposing the adult criminal sentence.

CCS HCS SCS SB 42 — LAW ENFORCEMENT AGENCIES

This bill changes the laws regarding law enforcement agencies. In its main provisions, the bill:

(1) Specifies that a person will not be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590, RSMo. The bill requires any person filing for the office to have the license at the time of filing. This provision does not apply to the sheriff of St. Louis County or the City of St. Louis (Section 57.010);

(2) Allows the sheriff of any county, except a county with a charter form of government, to employ an attorney to aid and advise in the discharge of his or her duties and to represent him or her in court. Currently, the sheriff of any county of the first classification not having a charter form of government is allowed to employ an attorney for these purposes (Section 57.104);

(3) Requires the circuit clerk in each county to report specified information to the Office of State Courts Administrator regarding a person certified by the sheriff as being delinquent in the payment of money owed for a period of imprisonment in a county jail. If the person satisfies his or her debt or begins making regular payments to the sheriff, the sheriff must notify the clerk who must notify the office that the person is no longer considered delinquent. When the office receives the name of a debtor, it must seek a setoff of state tax refunds and state lottery winnings until the full debt has been paid. Upon notification by the office, the Department of Conservation must suspend and refuse to issue a hunting or fishing license to anyone whom the office has determined to be delinquent. The office must notify a debtor that he or she will be ineligible for a hunting or fishing license prior to forwarding the person's name to the

department. The notice must contain information regarding the person's right to a review hearing of the debt in the court in which the debt arose. Eligibility for a new or renewed hunting or fishing license is reestablished once the person has repaid the debt or honored a repayment plan with the sheriff (Sections 221.070, 313.321, 488.5028, and 488.5029);

(4) Allows a sheriff to establish and operate a canteen or commissary in the county jail for the use and benefit of the inmates, prisoners, and detainees. The revenues received from the canteen or commissary are to be kept in a separate account and must be used to acquire the goods sold and other minimum expenses of operation with any excess moneys remaining to be deposited into the Inmate Prisoner Detainee Security Fund (Section 221.102);

(5) Allows sheriffs, county marshals, and other officers to charge $6 for their services in a case disposed of by a violations bureau. Currently, they are allowed to charge for their services rendered in criminal cases and in all contempt or attachment proceedings except for cases disposed of by a traffic violations bureau. One-half of the amount collected must be deposited into the newly created MODEX Fund for the operational support and expansion of the Missouri Data Exchange (MODEX) System and one-half into the inmate security fund of the county or municipality where the citation originated. The fund is to be administered by the Peace Officers Standards and Training Commission. If the county or municipality does not have an inmate security fund, all of the moneys collected must be deposited into the MODEX Fund. Sheriffs, county marshals, or other officers located in St. Louis County or the City of St. Louis cannot charge for their services rendered in cases disposed of by a violations bureau (Section 488.5320); and

(6) Corrects a mistake in a provision regarding the training for school protection officers that was truly agreed to and finally passed in SCS HCS HB 436 in 2013 (Section 590.205).

CCS HCS SB 43 — TRANSPORTATION
(Vetoed by the Governor)

This bill changes the laws regarding driving offenses, commercial driver's licenses, the crime of assault of a mass transit employee, and highway designations.

DRIVING OFFENSES

The bill:

(1) Requires the court to order the Director of the Department of Revenue to issue a license to a person who is otherwise qualified and has been convicted more than twice of a crime relating to driving while intoxicated if the court finds that the person has not been convicted, pled guilty to, or been found guilty of and has no pending charges for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding 10 years; and his or her habits and conduct show that he or she no longer poses a threat to the public safety or to a person who is otherwise qualified and has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition or who has been convicted twice within a five-year period of driving while intoxicated or any other intoxication-related traffic offense if the court finds that he or she has not been convicted, pled guilty to, or been found guilty of and has no charges pending for any offense related to alcohol, controlled substances, or drugs; has no other alcohol-related enforcement contacts during the preceding five years; and his or her habits and conduct show he or she no longer poses a threat to public safety. Currently, the court may order the department director to do this (Section 302.060, RSMo);

(2) Requires a person to be given the option to complete a driver-improvement program through an online or in-person course to stay the assessment of points against a driver's license for specified violations (Section 302.302);

(3) Allows a person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the Department of Revenue that any vehicle operated by the person has a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. If the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or the reports indicate the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional 30-day period of restricted driving privilege (Section 302.304);

(4) Repeals the provision that makes a person ineligible to receive a limited driving privilege if at the time of application he or she has previously been granted the privilege within the immediately preceding five years or his or her license has been

suspended or revoked for the first time offense of failure to submit to a chemical test if the person has not completed the first 90 days of the revocation. The bill specifies that a person who has failed to submit to a chemical test is ineligible to receive a limited driving privilege unless the person files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device if the person is not otherwise ineligible for a limited driving privilege (Section 302.309);

(5) Repeals the provisions requiring a person who has been convicted more than twice of driving while intoxicated and has had his or her license revoked for a period of 10 years without the ability to obtain a new license or a person who has been convicted twice for driving while intoxicated and has had his or her license revoked for a period of five years to apply for a limited driving privilege to serve at least 45 days of the disqualification or revocation before a circuit court or the department director can issue a limited driving privilege and repeals the provision requiring him or her to present evidence that he or she has not been convicted of any offense related to alcohol, controlled substances, or drugs during the preceding 45 days. A circuit court must grant a limited driving privilege to a person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has no alcohol-related enforcement contacts since the contact that resulted in his or her license denial (Section 302.309);

(6) Allows a person whose driving record shows no prior alcohol-related enforcement contacts in the immediately preceding five years to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. If the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or that the device has been tampered with or circumvented, the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege (Section 302.525); and

(7) Requires a person whose license has been revoked for the failure to submit to a chemical test and has a prior alcohol-related enforcement contact to provide proof to the department that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. The device must be maintained on any motor vehicle operated by the person for a period of at least six months. If the monthly monitoring reports during the six-month period indicate that the device has registered a confirmed blood alcohol concentration level above the alcohol setpoint or indicate that the device has been tampered with or circumvented, the license cannot be reinstated until the person completes an additional six-month period of restricted driving privilege without any violations. Currently, any refusal results in a license revocation (Section 577.041).

COMMERCIAL DRIVER'S LICENSES

The bill changes the laws regarding commercial driver's licenses to conform with federal Motor Carrier Safety Administration regulations. The bill:

(1) Revises the definition of "disqualification" to include the suspension, revocation, or cancellation of a commercial driver's instruction permit (Section 302.700);

(2) Defines "electronic device" as a device that includes but is not limited to a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text (Section 302.700);

(3) Defines "mobile telephone" as a mobile communication device that is classified as or uses any commercial mobile radio service, but does not include two-way or citizens band radio services (Section 302.700);

(4) Revises the definition of "serious traffic violation" to include a violation of state or local law on motor vehicle traffic control prohibiting texting or restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle (Section 302.700);

(5) Defines "texting" as manually entering text into or reading text from an electronic device including short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a call on a mobile telephone, or engaging in any other form of electronic text retrieval or entry (Section 302.700);

(6) Requires an applicant for a commercial driver's license to maintain the appropriate class of commercial driver's instruction permit issued by this state or another state for a minimum of 14 days prior to the date of completing skills testing (Section 302.720);

(7) Changes the laws regarding the amount of time a military member must be regularly employed to

receive a waiver from the commercial motor vehicle driving skills test. Currently, the member must be regularly employed in a job requiring the operation of a commercial motor vehicle and have operated the vehicle for at least 60 days during the two years immediately preceding his or her application for a commercial driver's license. The bill requires the military member to be regularly employed in a military position within the last 90 days for the member to obtain the skills test waiver (Section 302.720);

(8) Changes nonresident commercial driver's licenses to nondomiciled commercial driver's licenses and changes the provisions for obtaining a nondomiciled commercial driver's license (Section 302.735);

(9) Requires a commercial driver's instruction permit to include the same information as a commercial driver's license and contain the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT" (Section 302.740);

(10) Requires a disqualification period to be in addition to any other previous periods of disqualification in a manner consistent with specified federal law unless the major or serious violations are a result of the same incident (Section 302.755);

(11) Requires, by July 8, 2015, the Department of Revenue to comply with federal regulations regarding the commercial driver's license testing and commercial learner's permit standards rule issued by the Federal Motor Carrier Safety Administration (Section 302.767); and

(12) Prohibits a person from texting or using a hand-held mobile telephone while operating a moving commercial motor vehicle. Currently, only a person younger than 21 years of age is prohibited from texting while driving. A person convicted of texting or using a hand-held mobile telephone while driving a commercial motor vehicle may have his or her commercial driver's license disqualified (Section 304.820).

IDLE REDUCTION TECHNOLOGY

Currently, a vehicle equipped with idle reduction technology is allowed to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds. The bill increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit (Section 304.180).

DRIVER-IMPROVEMENT PROGRAMS

Currently, if a person chooses not to contest an alleged traffic violation, he or she pays the fine and costs for the violation to the central violations bureau and consents to the attendance at a driver-improvement program or motorcycle-rider training course ordered by the court. The bill allows the driver-improvement program or motorcycle-rider training course to be attended online or in person (Section 476.385).

ASSAULT OF A MASS TRANSIT SYSTEM EMPLOYEE

The bill:

(1) Specifies that a person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree, a class B felony, if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a mass transit system employee while in the scope of his or her duties (Section 565.087);

(2) Specifies that a person commits the crime in the second degree if a person knowingly causes or attempts to cause physical injury to a mass transit employee while in the scope of his or her duties by means of a deadly weapon or dangerous instrument or by means other than a deadly weapon or dangerous instrument; recklessly causes serious physical injury; operates a motor vehicle while in an intoxicated condition or under the influence of a controlled substance and in so doing acts with criminal negligence to cause physical injury to an employee; acts with criminal negligence to cause physical injury to an employee by means of a deadly weapon or dangerous instrument; purposely or recklessly places an employee in apprehension of immediate serious physical injury; or acts with criminal negligence to create a substantial risk of death or serious physical injury to an employee. The crime is a class C felony unless committed under specified situations in which case it is a class D felony (Section 565.088); and

(3) Specifies that a person commits the crime in the third degree, a class B misdemeanor, if a person recklessly causes physical injury to an employee, purposely places an employee in apprehension of immediate physical injury, or knowingly causes or attempts to cause physical contact without the consent of the employee (Section 565.089).

HIGHWAY DESIGNATION

The portion of Interstate 70 in Montgomery County between mile marker 165.0 and 166.0 is designated as the "Graham's Picnic Rock Highway." The signs must not be erected until the next lane widening or pavement replacement project within that portion of the highway (Section 1).

The provisions of the bill regarding driving offenses become effective March 3, 2014.

The provisions of the bill regarding limited driving privileges in Section 302.309 contain an emergency clause and will become effective July 1, 2013, or upon its passage and approval, whichever occurs later.

SCS SB 47 — FOSTER CARE SUBSIDIES

Currently, for the purposes of determining eligibility for a subsidy to a qualified relative who is granted legal guardianship of a child, the term "relative" means a grandparent, aunt, uncle, adult sibling of the child, or adult first cousin of the child. This bill revises the term to include any other person related to the child by blood or affinity.

The bill specifies that a qualified close nonrelated person who is granted legal guardianship of a child is eligible for any subsidy available to adoptive parents. "Close nonrelated person" means any nonrelated person whose life is so intermingled with the child that the relationship is similar to a family relationship.

CCS HCS SB 51 — MOTOR VEHICLES
(Vetoed by the Governor)

This bill changes the laws regarding motor vehicles.

DEPARTMENT OF REVENUE BIDDING PROCEDURES (Section 34.040, RSMo)

The bill requires the Director of the Department of Revenue to follow specified bidding procedures and specifies that points cannot be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.

REGULATION OF ALTERNATIVE FUELS (Sections 64.196, 135.710, and 137.010)

The bill changes the laws regarding alternative fuels. In its main provisions, the bill:

(1) Prohibits a county building ordinance adopted by a first or second classification county commission from conflicting with liquefied petroleum gas installations regulations established under Section 323.020;

(2) Reauthorizes, beginning January 1, 2014, but ending January 1, 2017, the tax credit for any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling station and specifies that alternative fuels must have at least 70% by volume of one or more of ethanol, biodiesel, liquefied petroleum, propane, autogas, hydrogen, or natural gas based fuels. The credit may be carried forward for up to two years or it may be transferred, assigned, or sold. The tax credit cannot exceed the lesser of $20,000 or 20% of the total costs directly associated with the purchase and installation. The cumulative amount of tax credits that may be claimed cannot exceed $1 million annually; and

(3) Adds stationary property used for generation, transportation, or storage of liquid and gaseous products, including petroleum products, natural gas, propane or LP gas, solar or wind power equipment, water, and sewage to the definition of "real property" for property taxation purposes.

MOTOR VEHICLE FEE OFFICE CHARGES (Section 136.055)

The bill changes the amount a motor vehicle fee office that receives no salary from the Department of Revenue is authorized to collect for services. The bill:

(1) Increases, from $3.50 to $5, the fee for each motor vehicle or trailer registration issued, renewed, or transferred and increases, from $7 to $10, the fee for a biennially sold or renewed registration;

(2) Increases, from $2.50 to $5, the fee for an application or transfer of title;

(3) Increases, from $2.50 to $5, the fee for each address change; instruction permit; nondriver's license; or chauffeur's, operator's, or driver's license issued for a period of three years or less and increases, from $5 to $10, the fee for a license or instruction permit issued or renewed for a period exceeding three years; and

(4) Increases, from $2.50 to $5, the fee for each notice of lien processed.

The department must reimburse the reasonable costs incurred associated with the transactions required in a contract license office.

TEMPORARY PERMITS FOR SALVAGE DEALERS (Section 301.140)

The bill allows the Director of the Department of Revenue to issue a temporary permit to a salvage operator for the sole purpose of transporting a salvage motor vehicle to a State Highway Patrol inspection station if he or she purchases the required motor vehicle examination form that is required to be completed and provides satisfactory evidence that the vehicle has passed the inspection.

LICENSE PLATE TABS (Section 301.301)

Currently, any person replacing a stolen license plate tab may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied by a police report corresponding to the stolen tab or tabs. The bill repeals the provision and allows the application to be accompanied by a notarized statement verifying that the tab or tabs were stolen.

COLLEGIATE SPECIALTY LICENSE PLATES (Section 301.449)

Currently, only a community college or a four-year public or private institution of higher education or a foundation or organization representing the college or institution located in Missouri may authorize or may, by the Director of the Department of Revenue, be authorized to use the school's official emblem to be affixed on a multiyear personal license plate. The bill allows any institution located outside of the state that had a license plate issued by the department containing its official emblem prior to August 28, 2012, to continue authorizing the use of its official emblem on the plates.

TEMPORARY MOTORCYCLE INSTRUCTION PERMIT (Section 302.132)

The bill allows a person who has been issued a temporary motorcycle instruction permit to renew the permit two additional times for a total maximum period of 18 months. Currently, no limit on the number of times a person can renew a permit is specified.

COMMERCIAL DRIVERS' LICENSES (Sections 302.700 - 302.755 and 304.820)

The bill changes the laws regarding commercial motor vehicles to conform with Federal Motor Carrier Safety Administration regulations. In its main provisions, the bill:

(1) Revises the definition of "disqualification" to include the suspension, revocation, or cancellation of a commercial driver's instruction permit;

(2) Defines "electronic device" as a device that includes but is not limited to a cell phone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text;

(3) Defines "mobile telephone" as a mobile communication device that is classified as or uses a commercial mobile radio service but does not include a two-way or citizens band radio service;

(4) Revises the definition of "serious traffic violation" to include a violation of state or local law on motor vehicle traffic control prohibiting texting or restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle;

(5) Defines "texting" as manually entering text into or reading text from an electronic device including short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a call on a mobile telephone, or engaging in another form of electronic text retrieval or entry;

(6) Requires an applicant for a commercial driver's license to maintain the appropriate class of commercial driver's instruction permit issued by this state or another state for a minimum of 14 days prior to the date of completing skills testing;

(7) Changes the laws regarding the amount of time a military member must be regularly employed to receive a waiver from the commercial motor vehicle driving skills test. Currently, the member must be regularly employed in a job requiring the operation of a commercial motor vehicle and have operated the vehicle for at least 60 days during the two years immediately preceding his or her application for a commercial driver's license. The bill requires the military member to be regularly employed in a military position within the last 90 days for the member to obtain the skills test waiver;

(8) Changes nonresident commercial driver's licenses to nondomiciled commercial driver's licenses and changes the provisions for obtaining a nondomiciled commercial driver's license;

(9) Requires a commercial driver's instruction permit to include the same information as a commercial driver's license and contain the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT";

(10) Requires a disqualification period to be in addition to any other previous periods of disqualification in a manner consistent with federal law unless the major or serious violations are a result of the same incident;

(11) Requires the Department of Revenue to comply with federal regulations regarding commercial driver's license testing and commercial learner's permit standards by July 8, 2015; and

(12) Prohibits a person from texting or using a hand-held mobile telephone while operating a moving commercial motor vehicle. Currently, only a person younger than 21 years of age is prohibited from texting while driving. A person convicted of texting or using a hand-held mobile telephone while driving a commercial motor vehicle may have his or her commercial driver's license disqualified.

TOWING COMPANIES (Section 304.154)

The bill requires a towing company to:

(1) Have an address displayed that is visible from the street;

(2) Have a fenced storage area that is at least 7 foot tall with at least 2,000 square feet of storage area, either inside or outside;

(3) Be open at least eight hours per day between 7:00 a.m. and 7:00 p.m., Monday through Friday, for cars to be retrieved with no additional fees charged to view or retrieve a vehicle during these hours;

(4) Have an operational telephone with the number published or available through directory assistance; and

(5) Maintain insurance as prescribed by the United States Department of Transportation.

Currently, towing companies in second, third, and fourth classification counties are exempt from these requirements. The bill adds Franklin and Washington counties to the list of counties that are exempt.

EMERGENCY UTILITY RESPONSE PERMITS (Section 304.180)

The bill requires the Department of Transportation to issue emergency utility response permits that allow motor carriers to transport equipment and infrastructure necessary for repair work immediately following a disaster where utility service has been disrupted. Under urgent circumstances, verbal approval of the operation may be made by the motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used may operate on state highways and roads at any time on any day to assist utility companies granted special permits.

TRANSPORTATION OF AGRICULTURAL COMMODITIES (Section 307.400)

The bill repeals the provisions stating that specified federal regulations regarding hours of service do not apply to Missouri drivers transporting agricultural commodities or farm supplies if certain conditions are met.

Currently, certain federal regulations regarding the equipment and operation of motor vehicles do not apply to a commercial motor vehicle that transports property in intrastate commerce if the vehicle has a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less. The bill specifies that the exception must not apply to a covered farm vehicle that requires a placard for hazardous materials under federal law.

INFORMATION MANAGEMENT PRODUCTS AND SERVICES (Section 1)

Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts, and other government agencies whose originating agency identifier was terminated by the Federal Bureau of Investigations must provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format online in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency.

The provisions of the bill regarding the alternative fuel tax credit will expire six years after the effective date.

SB 58 — CITY ANNEXATION AND CITY ORDINANCES

This bill specifies that a petition requesting a voluntary annexation only needs to be notarized instead of verified. The fact that a petition requesting annexation is not or was not verified or notarized will not affect the validity of the annexation. Any action seeking to deannex any annexed area; to reverse, invalidate, set aside, or challenge a previous annexation; or to oust the city, town, or village from jurisdiction over the annexed area must be brought within five years of the date of the adoption of the annexation ordinance except for a cause of action for deannexation of an area for failure of the annexing municipality to provide required services to the area within three years which must be filed in the circuit court no later than four years after the effective date of the annexation ordinance.

The cities of Farmington and Perryville are authorized to remove weeds or trash without a hearing or notice to a property owner who has had more than one ordinance violation on the same property within a growing season for overgrown weeds or within a calendar year for trash. The cities may recoup the cost of the removal from the property owner by issuing a special tax bill to be collected with other taxes assessed against the property. If the bill is not paid when due, the cities may charge 8% interest on the amount owed. The provisions of the bill do not apply to lands owned by a public utility and any lands, rights-of-way, and easements controlled by a railroad.

The city council of the City of Farmington is authorized, in addition to the regular ordinance adoption and repeal process, to adopt or repeal any ordinance by submitting the proposed ordinance to the registered voters of the city at the next municipal election.

SB 59 — MISSOURI PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION ACT

This bill changes the laws regarding insurance coverage under the Missouri Property and Casualty Insurance Guaranty Association Act which protects policyholders against a breach of contract by impairment or insolvency of the policy insurer.

Currently, a covered claim does not include any amount that constitutes a claim under a policy issued by an insolvent insurer with a deductible or self-insured retention of $300,000 or more. The bill specifies an exception in the case of a claim for benefits under workers' compensation coverage.

The bill increases the maximum amount that a member of the Missouri Property and Casualty Insurance Association can be assessed in any year on any account from 1% to 2% of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account.

Currently, the board of directors of the association must consist of seven persons serving terms as established in the plan of operation. The bill changes the number of members to not fewer than seven nor more than nine persons. Currently, a vacancy on the board is to be filled for the remaining period of the term by appointment of the association's director. The bill specifies that a vacancy must be filled by a majority vote of the remaining board members subject to the approval of the director.

The benefits for which the association can be liable with regard to a member insurer that was first placed under an order of rehabilitation or under an order of liquidation if no order of rehabilitation was entered prior to August 28, 2013, cannot exceed the lesser of the value of the contractual obligation or with respect to any one life, regardless of the number of policies or contracts:

(1) $300,000 in life insurance death benefits, but not more than $100,000 in net cash surrender and cash withdrawal values;

(2) $100,000 in health insurance benefits including any net cash surrender and cash withdrawal values; or

(3) $100,000 in the present value of annuity benefits including net cash surrender and cash withdrawal values.

The benefits for which the association can be liable with regard to a member insurer that was first placed under an order of rehabilitation or an order of liquidation if no order of rehabilitation was entered on or after August 28, 2013, cannot exceed the lessor of the value of the contractual obligation or with respect to any one life, regardless of the number of policies or contracts:

(1) $300,000 in life insurance death benefits, but not more than $100,000 in net cash surrender and cash withdrawal values;

(2) $100,000 in health insurance benefits, excluding disability insurance; basic hospital, medical, and surgical insurance; major-medical insurance; or long-term care insurance, including any net cash surrender and cash withdrawal values;

(3) $300,000 in disability benefits and $300,000 in long-term care benefits;

(4) $500,000 in basic hospital, medical, and surgical or major-medical benefits;

(5) $250,000 in the present value of annuity benefits, including net cash surrender and cash withdrawal values; or

(6) $250,000 to each payee of a structured settlement annuity or, if deceased, the beneficiary of the payee including net cash surrender and cash withdrawal values.

The association cannot be obligated to cover more than:

(1) $300,000 in benefits with respect to any one life covered by a policy aggregate liability, except for basic hospital, medical, and surgical and major-medical benefits where the total cannot exceed $500,000 to any one individual; or

(2) $5 million in benefits for a policy owner of multiple non-group life insurance policies regardless of the number of policies and contracts held by the owner.

SB 60 — REINSURANCE
(Vetoed by the Governor)

This bill changes the laws regarding the accreditation requirements for reinsurance companies in order to comply with the federal Nonadmitted and Reinsurance Reform Act of 2010 that became effective July 21, 2011.

In its main provisions, the bill:

(1) Modifies the requirements for a reinsurer to be eligible for accreditation by requiring the reinsurer to demonstrate to the Director of the Department of Insurance, Financial Institutions and Professional Registration that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet the requirement at the time of its application if it maintains a surplus regarding policyholders in an amount not less than $20 million and its accreditation has not been denied by the director within 90 days after submission of its application;

(2) Allows the director with principal regulator oversight of a trust to authorize a reduction in the required statutory trusteed surplus at any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three full years but only after a finding based on an assessment risk that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review and must consider all material risk factors. The minimum required trusteed surplus

must not be reduced to an amount less than 30% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust;

(3) Requires credit to be allowed when the reinsurance is ceded to an assuming insurer that has been certified by the director as a reinsurer in this state and secures its obligations in accordance with specified requirements. In order to be eligible for certification, an assuming insurer must:

(a) Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction as determined by the director;

(b) Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the director by rule;

(c) Maintain financial strength ratings from two or more acceptable rating agencies deemed acceptable by the director by rule;

(d) Submit to the jurisdiction of Missouri, appoint the director as its agent for service of process in this state, and agree to provide security for 100% of its liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

(e) Agree to specified informational filing requirements as determined by the director; and

(f) Satisfy any other requirements deemed relevant by the director;

(4) Specifies that an association, including an incorporated and an individual unincorporated underwriter, may be a certified reinsurer if it meets the above requirements and it:

(a) Satisfies its minimum capital and surplus requirements through the capital and surplus equivalents of the association and its members, including a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members in an amount determined by the director to provide adequate protection;

(b) Prohibits incorporated members of the association from engaging in any business other than underwriting as a member of the association and subjects the incorporated members to the same level of regulation and solvency control by the association's domiciliary regulator as the unincorporated members; and

(c) Provides, within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, to the director an annual certification by the association's domiciliary regulator of the solvency of each underwriter member or if a certification is unavailable, financial statements prepared by independent public accountants of each underwriter member of the association;

(5) Requires the director to create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in the jurisdiction is eligible to be considered for certification by the director as a certified reinsurer. To determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the director must evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction and consider the rights, benefits, and extent of reciprocal recognition afforded to reinsurers licensed and domiciled in the United States. A qualified jurisdiction must agree to share information and cooperate with the director with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction must not be recognized as a qualified jurisdiction if the director has determined that it does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered at the discretion of the director;

(6) Allows the director to consider a list of qualified jurisdictions published by the National Association of Insurance Commissioners (NAIC) in determining qualified jurisdictions. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the director may suspend the reinsurer's certification indefinitely in lieu of revocation;

(7) Requires the director to assign a rating to each certified reinsurer giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the director by rule. The director must publish a list of all certified reinsurers and their ratings;

(8) Specifies that a certified reinsurer maintaining a multibeneficiary trust to secure its obligations must maintain separate trust accounts for its obligations incurred under the reinsurance agreements. It must be a condition to the grant of certification that the certified reinsurer must have bound itself by the language of the trust and agreement with the director with principal regulatory oversight of each trust account to fund, upon termination of the trust account, out of the remaining surplus of the trust any deficiency of any other trust account;

(9) Requires with respect to obligations incurred by a certified reinsurer in a multibeneficiary trust, the director to order the certified reinsurer to provide sufficient security for the incurred obligations within 30 days if the security is insufficient. If the reinsurer fails to do so, the director can allow credit in the amount of the required security for one year. Following the one-year period, the director must impose reductions in the allowable credit upon a finding that there is a material risk that the certified

reinsurer's obligations will not be paid in full when due;

(10) Specifies that if an applicant for certification has been certified as a reinsurer in an NAIC accredited jurisdiction, the director can defer to that jurisdiction's certification and to the rating assigned by that jurisdiction, and the assuming insurer will be considered to be a certified reinsurer in this state;

(11) Allows a certified reinsurer that ceases to assume new business to request to maintain its certification in inactive status in order to qualify for a reduction in security for its in-force business. An inactive reinsurer must continue to comply with all applicable requirements, and the director must assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business;

(12) Allows the director to suspend or revoke a reinsurer's accreditation or certification if the reinsurer ceases to meet the requirements for accreditation or certification. The director must give the reinsurer notice and opportunity for a hearing. The suspension or revocation must not be effective until after the hearing with specified exceptions. The bill specifies the effects of a suspension or revocation upon the eligibility for granting credit for reinsurance; and

(13) Requires a ceding insurer to take steps to manage its reinsurance recoverables proportionate to its own book of business and to diversify its reinsurance program. A domestic ceding insurer must notify the director within 30 days after reinsurance recoverables from any single assuming insurer or group of affiliated assuming insurers exceed 50% of the domestic ceding insurer's last reported surplus to policyholders or after it is determined that the reinsurance recoverables are likely to exceed that limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer. A ceding insurer must take steps to diversify its reinsurance program. A domestic ceding insurer must notify the director within 30 days after ceding to any single assuming insurer or group of affiliated assuming insurers more than 20% of the ceding insurer's gross written premium in the prior calendar year or after it has determined that the reinsurance ceded is likely to exceed the limit. The notification must demonstrate that the exposure is safely managed by the domestic ceding insurer.

The bill becomes effective January 1, 2014.

SCS SB 69 — ADMINISTRATIVE CHILD SUPPORT ORDERS

This bill authorizes an administrative hearing officer from the Department of Social Services to correct any administrative child support decision or order, except a proposed administrative modification of a judicial order, containing clerical mistakes arising from oversight or omission at any time upon his or her own initiative or written motion filed by the division or any party to the action if the written notice is mailed to all parties. Any objection or response to the motion must be made in writing and filed with the hearing officer within 15 days from the mailing date of the motion. A proposed administrative modification of a judicial order may be corrected by an agency administrative hearing officer prior to the filing of the proposed modification with the court that entered the underlying judicial order or upon the express order of the court that entered the underlying order. A correction cannot be made during the court's review of the administrative decision, order, or proposed order except in response to an express order from the reviewing court.

The bill specifies that an order, decision, or modification containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect, or inadvertence may be corrected prior to being filed with the court if the written motion is mailed to all parties and filed within 60 days of the administrative decision, order, or proposed decision and order. Any objection or response to the motion must be filed within 15 days from the mailing of the motion. Any decision, order, or proposed modification of a judicial order cannot be corrected after 90 days from the mailing of the administrative decision, order, or proposed modification of a judicial order, except in response to an express order from the reviewing court.

In a case of lack of jurisdiction, the hearing officer may, after notice to the parties, on his or her own initiative or upon the motion of any party or the Family Support Division within the department vacate an administrative decision or order or proposed administrative modification of a judicial order if it is found that the order or decision was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process and the order, decision, or modification has not been filed with the court. Any objection or response to the motion must be filed with the hearing officer within 15 days from the mailing date of the motion. A decision, order, or proposed administrative modification of a judicial order cannot be vacated during the court's review of the applicable administrative decision, order, or proposed order as authorized under Sections 536.100 to 536.140, RSMo, except in response to an express order from the reviewing court.

SB 72 — DESIGNATION OF SPECIAL AWARENESS DAYS

This bill designates December 4 as "PKS Day" in Missouri. Pallister-Killian Mosaic Syndrome (PKS) is a disorder usually caused by the presence of an abnormal extra chromosome and is characterized by vision and hearing impairments; seizure disorders; and early childhood, intellectual disability, distinctive facial features, sparse hair, areas of unusual skin coloring, weak muscle tone, and other birth defects. Citizens are encouraged to participate in awareness and educational activities on the symptoms and impact of PKS and to support programs of research, education, and community service.

The month of May each year is designated as "Motorcycle Awareness Month" in Missouri. Citizens are encouraged to observe the month with appropriate activities and events.

CCS HCS SB 73 — JUDICIAL PROCEDURES
(Vetoed by the Governor)

This bill allows a DWI court to use a private probation service when the Division of Probation and Parole within the Department of Corrections is unavailable to assist in the judicial supervision of a person who wishes to enter the court. All additional costs may be assessed against the participant. A person cannot be rejected from participating in a DWI court solely because he or she does not reside in the city or county where the applicable court is located.

The bill prohibits a law enforcement agency from establishing a roadside checkpoint or roadblock pattern based upon a particular vehicle type, including the establishment of a motorcycle-only checkpoint or a roadblock that checks for compliance with any seatbelt law or ordinance. A law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles. The provisions of the bill cannot be construed to restrict any other type of checkpoint or roadblock that is lawful and is established and operated in accordance with the provisions of the United States and Missouri constitutions.

Currently, the court reporter for all transcripts of testimony given or proceedings in any circuit court must receive $2 per 25-line page for the original of the transcript and 35 cents per 25-line page for each copy; a judge may order a transcript of all or any part of the evidence or oral proceedings and the court reporter's fee is to be paid by the state; and the court must order the court reporter to furnish three copies of the transcripts of the notes of the evidence for which the court reporter must receive $2 per legal page and 20 cents per page for the copies. The bill repeals these provisions and specifies that for all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter must receive the sum of $3.50 per legal page for the preparation of a paper and an electronic version of the transcript. In criminal cases where an appeal is taken by the defendant and the court determines that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter must receive a fee of $2.60 per legal page for the preparation of a paper and an electronic version of the transcript.

Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter must receive $2.60 per legal page for the preparation of a paper and an electronic version of the transcript. The court reporter's fees for an appeal in a criminal case where the court determines that the defendant is unable to pay the costs or in a case where the judge orders a transcript must be paid by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings must be paid by the party requesting the preparation and production.

The bill allows a motorcycle to be equipped with a means of varying the brightness of the vehicle's brake light for up to five seconds upon applying the brakes.

HCS SB 75 — PUBLIC SAFETY

This bill changes the laws regarding public safety.

SHERIFFS (Sections 57.010, 57.104, 221.070, and 221.102, RSMo)

The bill:

(1) Specifies that a person will not be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590. The bill requires any person filing for the office to have the license at the time of filing. This provision does not apply to the sheriff of St. Louis County or the City of St. Louis;

(2) Requires, beginning January 1, 2014, every sheriff to maintain, house, and issue concealed carry permits;

(3) Allows the sheriff of any county, except a county of the first classification with a charter form of government, to employ an attorney to aid and advise in the discharge of his or her duties and to represent him or her in court;

(4) Requires the circuit clerk in each county to report specified information to the Office of State Courts Administrator regarding a person certified

by the sheriff as being delinquent in the payment of money owed for a period of imprisonment in a county jail. If the person satisfies his or her debt or begins making regular payments to the sheriff, the sheriff must notify the clerk who must notify the office that the person is no longer considered delinquent; and

(5) Allows a sheriff to establish and operate a canteen or commissary in the county jail for the use and benefit of the inmates, prisoners, and detainees. The revenues received from the canteen or commissary are to be kept in a separate account and must be used to acquire the goods sold and other minimum expenses of operation with any excess moneys remaining to be deposited into the Inmate Prisoner Detainee Security Fund.

PUBLIC SCHOOL SAFETY
(Sections 170.315 and 171.410)

The bill:

(1) Establishes the Active Shooter and Intruder Response Training for Schools Program (ASIRT). By July 1, 2014, each school district and charter school may include in its teacher and school employee training a component on how to properly respond to students who provide them with information about a threatening situation and how to address a potentially dangerous or armed intruder or active shooter in the school or on school property. The training may be conducted on an annual basis. Initial training may be eight hours in length, and continuing training may be four hours. All school personnel must participate in a simulated active shooter and intruder response drill conducted by law enforcement professionals as specified in the bill. All program instructors must be certified by the Department of Public Safety's Peace Officers Standards Training Commission; and

(2) Allows each school district and charter school to annually teach the Eddie Eagle Gunsafe Program or another substantially similar or successor program of the same qualifications to first grade students. The purpose of the program will be to promote the safety and protection of children and emphasize how a student should respond if he or she encounters a firearm. School personnel and program instructors must not make value judgments about firearms. A school cannot include or use a firearm or demonstrate the use of a firearm when teaching the program. A student with disabilities will participate to the extent appropriate.

FIREARMS OWNERSHIP RECORDS
(Sections 571.011 and 571.500)

The bill specifies that any records of ownership or applications for ownership of a firearm or an endorsement that allows a person to own, acquire, possess, or carry a firearm must not be open records under the Open Meetings and Records Law, commonly known as the Sunshine Law, and must not be open for inspection or its contents disclosed except by order of the court to persons having a legitimate interest. A person who violates this provision is guilty of a class A misdemeanor.

A state agency or department or contractor or agent working for the state is prohibited from constructing, maintaining, participating in, developing, enabling by providing or sharing records to, or cooperating or enabling the federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses.

CONCEALED CARRY PERMITS
(Sections 571.037 - 571.121 and 650.350)

The bill:

(1) Creates a concealed carry permit that will be valid for five years to replace the current concealed carry endorsement on a driver's or nondriver's license and specifies that a concealed carry endorsement issued prior to August 28, 2013, will continue to be valid for a period of three years from the date of issuance or renewal;

(2) Requires a concealed carry permit to be issued by the sheriff if the applicant has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year, other than a crime classified as a misdemeanor and punishable by a term of imprisonment of two years or less that does not involve a weapon;

(3) Specifies that if a concealed carry permit applicant is not a United States citizen, the applicant's country of citizenship and any alien or admission number issued by the Federal Bureau of Customs and Immigration Enforcement must be included with the application;

(4) Requires a government-issued photo identification to be included with the concealed carry permit application. The photograph must not be included on the permit and must only be used to verify the person's identity for permit renewal or for the issuance of a new permit due to a change of address or for a lost or destroyed permit;

(5) Specifies that the sheriff must, in determining an applicant's suitability for a concealed carry permit, fingerprint an applicant and request a criminal background check that includes an inquiry of the National Instant Criminal Background Check System;

(6) Prohibits the sheriff from requesting any other biometric data from the applicant other than fingerprints;

(7) Specifies that if the background checks are not completed within 45 days and no disqualifying information concerning the applicant is known to the sheriff, the sheriff must issue a provisional permit that allows the applicant, when carried with a valid Missouri driver's or nondriver's license or military identification, to exercise the same rights as any other concealed carry permit holder. The provisional permit will remain valid until the sheriff issues or denies the certificate of qualification. The sheriff must revoke a provisional permit within 24 hours of receipt of any background check that identifies a disqualifying record and must notify the Missouri Uniform Law Enforcement System (MULES);

(8) Specifies the information that must be included and the style of a concealed carry permit. The permit must be assigned a MULES county code and must be stored in sequential number;

(9) Requires the sheriff to keep a record of all applications for a permit or provisional permit. Any record of an application that is incomplete or denied must be kept for a period of not more than one year. Any record of an application that was approved must be kept for one year after the expiration and non-renewal of the permit;

(10) Prohibits, beginning August 28, 2013, the Department of Revenue from keeping any record of an application for a concealed carry permit;

(11) Requires the department to give any information collected prior to August 28, 2013, to the members of the Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART), created under Section 650.350, for the dissemination of the information to the sheriff of the county in which an applicant resides. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013, cannot be public information, and any retained information cannot be batch processed for query and can only be made available for a single entry query in the event the applicant is a subject of interest in an active criminal investigation or is arrested for a crime;

(12) Prohibits a bulk download or batch data from being preformed or distributed to any federal, state, or private entity except to MoSMART. Any state agency that has retained any documents or records provided by an applicant for a concealed carry endorsement prior to August 28, 2013, must destroy the documents or records upon successful issuance of a permit;

(13) Specifies that when a valid full order of protection or any arrest warrant, discharge, or commitment for specified reasons is issued against a person holding a concealed carry permit or endorsement, he or she must, upon notification of the legal document or upon an order of a court in specified proceedings, surrender his or her concealed carry permit or, if applicable, the driver's or nondriver's license containing a concealed carry endorsement to the court, officer, or other official serving the order, warrant, discharge, or commitment. Upon dismissal, the court must return the permit or license. Upon conviction, the court must forward notice of the conviction or action and the permit to the issuing county sheriff. If an endorsement is revoked, the court must forward the notice and the license with the endorsement to the department. The department must notify the sheriff who must report the change in status to MULES;

(14) Specifies that a sheriff must complete a name-based background check, including an inquiry of the National Instant Criminal Background Check System, upon receiving a request for renewal from a current permit holder. The process for renewing a concealed carry endorsement issued prior to August 28, 2013, must be the same as the process for renewing a permit, except in lieu of the fingerprint requirement and the firearms safety training, the applicant needs to only display his or her current driver's or nondriver's license containing an endorsement;

(15) Requires the sheriff, if a permit or certificate of qualification for an endorsement issued prior to August 28, 2013, has not been renewed six months after its expiration date, to notify MULES and the individual that the permit is expired and canceled. If the person has an endorsement issued prior to August 28, 2013, the sheriff must notify the department regardless of whether the endorsement holder has applied for a concealed carry permit. The department director must immediately remove the endorsement from the person's driving record and notify the person that his or her license has expired;

(16) Requires any person issued a concealed carry permit or an endorsement prior to August 28, 2013, to notify the sheriffs of the old and new jurisdiction of a change of residence within 30 days. The sheriff may charge a processing fee of $10 for a change of address or for replacing a lost or destroyed permit or license containing an endorsement. The sheriff must report the change in residence or a change in name to MULES. If the person has an endorsement issued prior to August 28, 2013, he or she must also furnish proof of the residence change to the department;

(17) Changes the number of rounds, from a minimum of 50 to a minimum of 20, that a firearms safety course must include in the required live firing exercise;

(18) Requires the copy of the certificate from a firearms safety instructor course approved by the Department of Public Safety to be notarized. A firearms safety instructor may submit a copy of a

training instructor certificate, course outline bearing the notarized signature of the instructor, and a recent photograph of himself or herself to the sheriff. Each sheriff must collect an annual registration fee of $10 from each qualified instructor who chooses to submit the information and must retain a database of qualified instructors. The information must be a closed record except for access by any sheriff. Any instructor who knowingly provides a sheriff with false information concerning an applicant's performance on any portion of the required training and qualification is guilty of class C misdemeanor and will be prohibited from instructing concealed carry permit classes and issuing certificates;

(19) Creates the Concealed Carry Permit Fund. The Director of the Department of Public Safety must annually distribute all moneys in the fund in the form of grants approved by MoSMART. Grant funds will be spent first to ensure that county law enforcement agencies have the ability to comply with the issuance of conceal carry endorsements including, but not limited to, equipment, records management hardware and software, personnel, supplies, and other services; and

(20) Repeals the provisions regarding the issuance of nondriver's licenses with conceal carry endorsements.

The provisions of the bill regarding the Concealed Carry Permit Fund contain an emergency clause.

SB 77 — NEIGHBORHOOD YOUTH DEVELOPMENT PROGRAMS

(Vetoed by the Governor)

This bill adds a neighborhood youth development program that meets a nationally federated organization's standards and mandatory requirements and provides research-based curricula, delivered by trained professionals in a positive all-female environment to the list of neighborhood youth development programs that are exempt from state child care licensing requirements.

SB 80 — LICENSURE OF NURSING HOME ADMINISTRATORS

Currently, the Missouri Board of Nursing Home Administrators within the Department of Health and Senior Services must mail by April 1 of each year an application for license renewal to every nursing home administrator whose license must be renewed during the current year. This bill removes that requirement and specifies that the board must notify by April 1 every person whose license needs to be renewed during the current year.

HCS SCS SB 89 — HEALTH CARE FACILITIES AND SENIOR HOUSING

This bill prohibits a health information organization from restricting the exchange of state agency data or standards-based clinical summaries for patients for allowable uses under the federal Health Insurance Portability and Accountability Act. The fee for patients using this service must not exceed the cost of the actual technology connection or recurring maintenance. The bill corrects a mistake in Section 191.237, RSMo, dealing with health information organizations that was truly agreed to and finally passed in SCS HCS HB 986 in 2013.

The bill allows a nursing home district to establish and maintain senior housing in a third or fourth classification county. Currently, only Ralls and Marion counties are allowed to do this. The bill also changes the vote total required for passing a nursing home district local bond issue from a two-thirds majority to the constitutionally-required percentage of the votes cast.

HCS SB 99 — ELECTIONS

This bill changes the laws regarding elections, the publication of the state manual, transient guest taxes, and local sales taxes on motor vehicles.

PUBLICATION OF THE STATE OFFICIAL MANUAL

The bill allows the Secretary of State or a designated employee of the Secretary of State to enter into an agreement with a nonprofit organization to print and distribute copies of the State Official Manual. The Secretary of State must provide to the organization the electronic version of the official manual that he or she is required to prepare. The nonprofit organization must charge a fee for a copy of the manual to cover the cost of production and distribution (Sections 11.010 and 11.025, RSMo).

SALES TAXES ON MOTOR VEHICLE PURCHASES

The bill prohibits state and local use taxes on the sale of motor vehicles, trailers, boats, or outboard motors. State and local sales taxes must be imposed on the sale of these items at the time of titling in Missouri, regardless of whether the item was purchased in this state. The residence of the purchaser will be used for determining the local tax rate that should apply. The rate of tax for motor vehicles, trailers, boats, or outboard motors sold at retail must be the sum of the state sales tax and the local sales tax.

All local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the sale of motor vehicles, trailers,

boats, or outboard motors purchased out-of-state when titling in Missouri. If a taxing jurisdiction does not hold the vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. A taxing jurisdiction may, at any time, hold a vote to repeal the tax. Language repealing the tax must also be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting it (Sections 32.087 and 144.020 - 144.615).

TRANSIENT GUEST TAX

The bill authorizes the cities of Edmundson and Woodson Terrace to impose, upon voter approval, a transient guest tax of up to .6% per occupied room per night and repeals the provision prohibiting these cities from increasing its hotel and motel license tax by more than 5% per year (Sections 67.1009 and 94.270).

ELECTIONS

The bill:

(1) Allows a council member in a third class city to serve a four-year term if the city passes an ordinance or a majority of the voters approve a proposal on the ballot. The four-year terms will begin with those elected to the council after the adoption of the ordinance or the approval of the ballot question and repeals the provision as it was truly agreed to and finally passed in HB 163 in 2013 (Section 77.030);

(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 one of 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 for the office (Section 78.090);

(3) Lowers, from 21 years of age to 18 years of age, the minimum age requirement for a person to serve as an alderman in a fourth class city (Section 79.070);

(4) Repeals the provision that prohibits a voting machine from being used unless it permits each voter at a presidential election to vote by the use of a single lever for the candidates of one party or group of petitioners for President, Vice President, and their presidential electors (Section 115.249);

(5) Repeals the provision requiring a voting machine to be placed so that the ballot labels can be plainly seen by the election judges when not in use by voters unless its construction requires otherwise (Section 115.259);

(6) Repeals the provision requiring that the words "Official Absentee Ballot" appear at the top of an absentee ballot (Section 115.281);

(7) Changes the composition of a team that an election authority appoints to count absentee ballots from four election judges consisting of two from each political party to a team comprised of an equal number of judges from each major political party (Section 115.299);

(8) Repeals the provision prohibiting absentee ballots from being counted by the same persons as those who removed them from their envelopes (Section 115.300);

(9) Repeals the provision allowing the use of pasters to add or delete names on printed ballots if time does not permit the correction of a printed ballot and the provision requiring the election authority to see that the pasters are properly applied to the ballots, ballot labels, or voting machines before they are used for voting (Section 115.383);

(10) Removes ballot labels from the list of items that the election authority must deliver to each polling place before the poll opens (Section 115.419);

(11) Changes when election judges must open the ballot box and show to all present that it is empty from after the time fixed by law for the opening of the polls but before the voting begins to not more than one hour before the voting begins (Section 115.423);

(12) Removes ballot cards from the type of ballots that election judges must initial after the voter's identification certificate has been initialed (Section 115.433);

(13) Removes sealing the envelope containing a ballot before placing it in the ballot box from the list of responsibilities that an election judge must perform when any physically disabled voter is unable to enter the polling place (Section 115.436);

(14) Repeals the provision allowing a voter to cross out a name that appears on the ballot and write the name of the person for whom he or she wishes to vote above or below the crossed-out name and place a cross X mark in the square directly to the left of the crossed-out name but allows a voter to write the name of the person for whom he or she wishes to vote on the write-in line if the line appears on the ballot and place a distinguishing mark immediately beside the candidate's name. The bill repeals the provisions allowing the election authority to authorize the use of a sticker or other item containing a write-in candidate's name in lieu of a handwritten name (Section 115.439);

(15) Repeals the provision requiring the ballot to be strung on a wire or string in the order read after all of the proper votes on a ballot have been counted and the wire or string tied in a firm knot that must be sealed so that it cannot be untied without breaking the seal (Section 115.449);

(16) Repeals the provisions regarding the responsibility of the election authority for ensuring that specified standards are followed when counting ballots cast using punch card voting systems and repeals the provision regarding the information that a sticker must contain when a voter uses a write-in sticker on a ballot (Section 115.456);

(17) Extends the time period that specified election ballots, records, and materials must be kept from 12 months to 22 months (Section 115.493);

(18) Changes, in a case where a candidate filed or a ballot question was originally filed with the Secretary of State, when the candidate or the person whose position on a ballot question was defeated must be allowed a recount of the votes from a standard requiring the candidate's or the ballot question's defeat by less than 1% of the votes cast to a defeat by less than .5% of the votes cast (Section 115.601); and

(19) Makes the public administrator for the City of St. Louis an appointed position. Currently, all public administrators must be elected by the voters in the county or city in which he or she serves. The administrator must be appointed by a majority of the judges of the 22nd Judicial Circuit. The qualifications and requirements for the position must meet those for an elected public administrator (Sections 473.730-473.737).

The provisions of the bill regarding the sales tax on motor vehicles are nonseverable and if any provision is for any reason held to be invalid, the decision must invalidate all of the remaining provisions.

The provisions of the bill regarding the sales tax on motor vehicles contain an emergency clause.

CCS HCS SB 100 — JUDICIAL PROCEDURES

This bill changes the laws regarding judicial procedures.

DEPARTMENT OF REVENUE RECORDS
(Section 32.056, RSMo)

The bill repeals the requirement that a member of the judiciary notify the Department of Revenue when the member's status changes and he or she and his or her immediate family do not qualify for the exemption from the release of specified personal information contained in the department's motor vehicle or driver registration records and repeals the requirement that the department revise its records in this case.

CRIMINAL RECORDS AND JUSTICE
INFORMATION ADVISORY COMMITTEE
(Section 43.518)

The bill replaces the chairman of the Circuit Court Budget Committee with the chairman of the Joint Legislative Committee on Court Automation for the purpose of service on the Criminal Records and Justice Information Advisory Committee within the Department of Public Safety.

CREDIT AGREEMENTS (Section 432.047)

The bill specifies that a party cannot maintain an action upon or a defense in any way related to a credit agreement unless the agreement is in writing, provides for the payment of interest or for other consideration, specifies the terms and conditions, and the agreement is executed by the debtor and the lender.

MORTGAGE LOAN ORIGINATORS
(Section 443.723)

A licensed mortgage loan originator must complete at least one hour of education in Missouri law and regulations in order to meet the annual state continuing education requirements.

VISITATION RIGHTS (Section 452.400)

If custody, visitation, or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts that constitute a violation of a judgment of paternity.

ADOPTIONS (Sections 453.030 - 453.050)

The bill specifies that a written consent to adoption must be executed in front of a judge or acknowledged before a notary public. If the consent is executed in front of a judge, the judge must advise the consenting birth parent and consenting party of the consequences of the consent.

A consent to adoption is final when executed unless the consenting party, prior to a final decree of adoption, alleges and proves by clear and convincing evidence that the consent was not freely and voluntarily given. The consenting party bears the burden of proving the consent was not freely and voluntarily given. A consent to an adoption must have been executed not more than six months prior to the date the petition for adoption is filed.

A parent's waiver of the necessity of his or her consent to a future adoption of the child must be executed in front of a judge or acknowledged before a notary public or the signature of the person giving consent must be witnessed by the signatures of at least two adults. If the waiver is executed in front of a judge, the judge is required to advise the consenting party of the consequences of the waiver of consent.

ADMINISTRATIVE HEARING OFFICERS
(Section 454.475)

An administrative hearing officer from the Department of Social Services is authorized to

correct any administrative child support decision or order, except a proposed administrative modification of a judicial order, containing clerical mistakes arising from oversight or omission at any time upon his or her own initiative or written motion filed by the division or any party to the action if the written notice is mailed to all parties. Any objection or response to the motion must be made in writing and filed with the hearing officer within 15 days from the mailing date. A proposed administrative modification of a judicial order may be corrected by an agency administrative hearing officer prior to the filing of the proposed modification with the court that entered the underlying order or upon the express order of the court that entered the underlying order. A correction cannot be made during the court's review of the administrative decision, order, or proposed order except in response to an express order from the reviewing court.

An administrative order or decision or proposed administrative modification of a judicial order containing errors arising from mistake, surprise, fraud, misrepresentation, excusable neglect, or inadvertence may be corrected prior to being filed with the court if the written motion is mailed to all parties and filed within 60 days of the administrative decision, order, or proposed decision and order. Any objection or response to the motion must be filed with the hearing officer within 15 days from the mailing date of the motion. Any decision, order, or proposed administrative modification of a judicial order cannot be corrected after 90 days from the mailing of the administrative decision, order, or proposed order or during the court's review of the decision, order, or proposed order except in response to an express order from the reviewing court.

In a case of lack of jurisdiction, the hearing officer may, after notice to the parties, on his or her own initiative or upon the motion of any party or the Family Support Division within the department vacate an administrative decision or order or proposed administrative modification of a judicial order if the hearing officer determines that it is found that the order or decision was issued without subject matter jurisdiction, without personal jurisdiction, or without affording the parties due process and the order, decision, or modification has not been filed with the court. Any objection or response to the motion must be filed with the hearing officer within 15 days from the mailing date of the motion. A decision, order, or proposed administrative modification of a judicial order cannot be vacated during the court's review of the applicable administrative decision, order, or proposed order as authorized under Sections 536.100 to 536.140 except in response to an express order from the reviewing court.

JUDICIAL PERSONNEL TRAINING FUND
(Section 476.057)

Any moneys received by or on behalf of the State Courts Administrator from fees, grants, or any other sources in connection with providing training to judicial personnel must be deposited into the Judicial Personnel Training Fund, but any moneys collected in connection with a particular purpose must be segregated and not disbursed for any other purpose.

JUDICIAL PERSONNEL
(Sections 477.405 and 478.320)

The Missouri Supreme Court must, by January 1, 2015, recommend the guidelines appropriate for use by the General Assembly in determining the need for additional judicial personnel or the reallocation of existing personnel and recommend appropriate guidelines for the evaluation of judicial performance. The guidelines must be filed with the chairs of the House and Senate Judiciary committees for distribution to the members of the General Assembly, and the court must annually file a report measuring and assessing judicial performance in the state appellate and circuit courts including a judicial weighted workload model and a clerical weighted workload model.

When the Office of the State Courts Administrator indicates in an annual weighted workload model for three consecutive years or more the need for four or more full-time judicial positions in any judicial circuit having a population of 100,000 or more, there must be one additional associate circuit judge position in the circuit for every four full-time judicial positions needed as indicated in the model. In a multicounty circuit, the additional positions must be apportioned among the counties in the circuit as specified based on population.

PRIVATE PROBATION AND PAROLE SERVICES
(Section 478.007)

The bill allows a DWI court to use a private probation service when the Division of Probation and Parole within the Department of Corrections is unavailable to assist in the judicial supervision of a person who wishes to enter the court. All additional costs may be assessed against the participant. A person cannot be rejected from participating in a DWI court solely because he or she does not reside in the city or county where the applicable court is located, but the DWI court can base acceptance into a treatment court program on its ability to adequately

provide services for the person or handle the additional caseload.

SURCHARGE IN CIVIL COURT CASES (Section 488.426)

The circuit court in any circuit, except the circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners under Section 487.020, is allowed to change the surcharge in civil actions to any amount up to $15. Currently, the only exception allowed is the circuit court in Jackson County.

The circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the salaries of family court commissioners is authorized to change the surcharge in civil actions to any amount up to $20.

COURT COSTS (Section 488.2230)

The City of Kansas City is allowed to charge, in addition to all other court costs for municipal ordinance violations, up to $7 for each municipal ordinance violation case except when the proceeding or the defendant has been dismissed by the court. The judge may waive the assessment if the defendant is found to be indigent and unable to pay the costs. The city must use the money to fund special mental health, drug, and veterans courts, including indigent defense and ancillary services associated with the specialized courts.

COURT REPORTERS (Section 488.2250)

Currently, the court reporter for all transcripts of testimony given or proceedings in any circuit court must receive $2 per 25-line page for the original of the transcript and 35 cents per 25-line page for each copy; a judge may order a transcript of all or any part of the evidence or oral proceedings and the court reporter's fee is to be paid by the state; and the court must order the court reporter to furnish three copies of the transcripts of the notes of the evidence for which the court reporter must receive $2 per legal page and 20 cents per page for the copies. The bill repeals these provisions and specifies that for all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter must receive the sum of $3.50 per legal page for the preparation of a paper and an electronic version of the transcript. In criminal cases where an appeal is taken by the defendant and the court determines that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter must receive a fee of $2.60 per legal page for the preparation of a paper and an electronic version of the transcript.

Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter must receive $2.60 per legal page for the preparation of a paper and an electronic version of the transcript. The court reporter's fees for an appeal in a criminal case where the court determines that the defendant is unable to pay the costs or in a case where the judge orders a transcript must be paid by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings must be paid by the party requesting the preparation and production.

CHARGES FOR LAW ENFORCEMENT SERVICES (Section 488.5320)

Currently, law enforcement officers are allowed to charge for their services rendered in criminal cases and in all contempt or attachment proceedings except for cases disposed of by a traffic violations bureau. The bill removes the exception and allows them to also charge $6 for their services in a case in a violations bureau. The charges from cases disposed of by a traffic violations bureau must be distributed so that one-half of the charges collected are deposited into the newly created MODEX Fund for the operational support and expansion of the Missouri Data Exchange (MODEX) System and one-half of the charges collected are deposited into the inmate security fund of the county or municipal political subdivision where the citation originated. The fund is to be administered by the Peace Officers Standards and Training Commission. If the county or municipal political subdivision has not established an inmate security fund, all of the funds must be deposited into the MODEX Fund.

Sheriffs, county marshals, or other officers located in St. Louis County or the City of St. Louis cannot charge for their services rendered in cases disposed of by a traffic violations bureau.

PROPERTY EXEMPT FROM ATTACHMENT (Section 513.430)

Any money or assets payable to a participant or beneficiary from or any interest of any participant or beneficiary in a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A, or 409 of the Internal Revenue Code of 1986, as amended, must be exempt from attachment and execution in a bankruptcy proceeding whether the participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise.

LAW SCHOOL CLINICS (Section 514.040)

Currently, when a legal aid society, legal services, or a nonprofit organization funded in whole or substantial part by moneys appropriated by the

General Assembly represents an indigent party in a civil case, the court costs and expenses may be waived without the necessity of a motion and court approval if the organization has already determined the party is unable to pay the expenses and has filed the determination with the clerk of the court. The bill adds a law school clinic that has as its primary purpose educating law students through furnishing legal services to indigent persons to the list of organizations that may waive court expenses without filing a motion with the court.

CCS SCS SB 106 — CURRENT AND FORMER MILITARY PERSONNEL

This bill changes the laws regarding current and former military personnel.

HONOR AND REMEMBER FLAG

The bill allows the Honor and Remember flag to be displayed at and upon the grounds of all state buildings and within state parks, along with the United States flag, Missouri flag, and the POW/MIA flag, as an official recognition and in honor of fallen members of the Armed Forces of the United States.

EDUCATIONAL CREDITS FOR VETERANS

The bill requires, by January 1, 2014, the Coordinating Board for Higher Education within the Department of Higher Education to adopt a policy requiring every public university, college, and vocational and technical school to award credits to a student who is a veteran for courses that are part of his or her military training or service that meet the standards of the American Council of Education or equivalent standards for awarding academic credit and are determined by the academic department or appropriate faculty of the awarding institution to be equivalent in content or experience to courses at that institution and meet the scope and mission of the awarding institution. Beginning with the 2014-2015 academic year and for every year thereafter, the department and every governing body of a public institution of postsecondary education must adopt the necessary rules and procedures to implement these provisions.

The Department of Health and Senior Services and the Department of Insurance, Financial Institutions and Professional Registration must require every health-related professional licensing board to establish a procedure to ensure that a member of the United States armed forces who, at the time of activation, was a member in good standing with any professional licensing body and was licensed or certified to engage in his or her profession or vocation is kept in good standing while on active duty. The renewal of a license or certificate while the member is on active duty must occur without the payment of dues or fees and without obtaining continuing education credits under specified conditions. The license or certificate must be continued as long as the licensee or certificate holder is a member of the armed forces on active duty and for at least six months after being released from active duty.

By January 1, 2014, every professional licensing board or commission in this state must, upon presentation of satisfactory evidence by an applicant for certification or licensure, accept education, training, or service completed by an individual who is a member of the United States armed forces or reserves, the national guard or military reserves of any state, or the naval militia of any state toward the qualifications to receive the license or certification. Every examination and professional licensing board in this state must adopt the necessary procedures to implement these provisions.

CHILD CUSTODY AND VISITATION RIGHTS FOR MILITARY PERSONNEL

The bill establishes the child custody and visitation rights of a deploying military parent. In its main provisions, the bill:

(1) Defines "deploying parent" as a parent of a child younger than 18 years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child younger than 18 years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component;

(2) Prohibits a court from entering a final order modifying the terms of an existing custody or visitation order until 90 days after the military parent's deployment ends unless there is a written agreement by both parties;

(3) Specifies that deployment or the potential for deployment must not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms of an existing order;

(4) Allows an existing order establishing the terms of custody or visitation to be temporarily modified to make reasonable accommodation for the parties due to a deployment and specifies the terms that must be included in the temporary order;

(5) Specifies that a temporary modification of an order ends no later than 30 days after the return of the deploying parent and the terms of the original custody order are automatically reinstated;

(6) Allows a court to delegate a deploying parent's visitation rights, or a portion of the rights, to a family member with a close and substantial relationship to the minor child for the duration of the deployment if

it is in the best interest of the child and the member does not have a history of perpetrating domestic violence;

(7) Specifies certain obligations that the non-deploying parent must have to the deploying parent under any order entered;

(8) Requires a deploying parent to provide a copy of his or her deploying orders to the non-deploying parent promptly and without delay prior to the deployment;

(9) Prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise visitation rights;

(10) Specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the federal Uniform Child Custody Jurisdiction and Enforcement Act; and

(11) Specifies the factors a court must consider in awarding attorney fees and costs in a custody determination.

HCS SB 110 — CHILD CUSTODY AND VISITATION RIGHTS FOR MILITARY PERSONNEL
(Vetoed by the Governor)

This bill changes the laws regarding foster care and establishes the child custody and visitation rights of a deploying military parent. In its main provisions, the bill:

(1) Requires a person providing emergency foster care in his or her home or a person seeking licensure as a foster parent to submit three sets of fingerprints, instead of two sets. The additional set must be retained by the Children's Division within the Department of Social Services. A person who submits fingerprints under these provisions cannot be required to submit additional fingerprints unless the original fingerprints retained by the division are lost or destroyed;

(2) Defines "deploying parent" as a parent of a child younger than 18 years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child younger than 18 years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component;

(3) Prohibits a court from entering a final order modifying the terms of an existing custody or visitation order until 90 days after the military parent's deployment ends unless there is a written agreement by both parties;

(4) Specifies that deployment or the potential for deployment must not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms of an existing order;

(5) Allows an existing order establishing the terms of custody or visitation to be temporarily modified to make reasonable accommodation for the parties due to a deployment and specifies the terms that must be included in the temporary order;

(6) Specifies that a temporary modification of an order ends no later than 30 days after the return of the deploying parent and the terms of the original custody order are automatically reinstated;

(7) Allows a court to delegate a deploying parent's visitation rights, or a portion of the rights, to a family member with a close and substantial relationship to the minor child for the duration of the deployment if it is in the best interest of the child and the family member does not have a history of perpetrating domestic violence;

(8) Specifies certain obligations that the non-deploying parent must have to the deploying parent under any order entered;

(9) Requires a deploying parent to provide a copy of his or her deploying orders to the non-deploying parent promptly and without delay prior to the deployment;

(10) Prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise visitation rights;

(11) Specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the federal Uniform Child Custody Jurisdiction and Enforcement Act; and

(12) Specifies the factors a court must consider in awarding attorney fees and costs in a custody determination.

HCS SS SCS SB 116 — VOTING PROCEDURES FOR UNIFORMED SERVICES AND OVERSEAS VOTERS

This bill repeals the provisions regarding absent uniformed services and overseas voters and establishes the Uniformed Military and Overseas Voters Act to apply to all federal, state, and local elections where absentee ballots are authorized.

The Secretary of State must:

(1) Make available to a uniformed services or an overseas voter as defined in the bill information

regarding the voter registration procedure for the individual and the procedure for casting a military-overseas ballot;

(2) Establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other specified information; and

(3) Develop standardized absentee-voting materials and voting instructions to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in this state and, to the extent reasonably possible, coordinate with other states in carrying out these provisions.

The bill allows an overseas voter or military voter to use a federal postcard or the application's electronic equivalent to apply to register to vote in addition to any other approved method. An overseas or military voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot if the declaration is received no later than 5:00 p.m. on the fourth Tuesday prior to the election. If the declaration is received after that date, it must be treated as an application to register to vote for subsequent elections. An overseas or military voter who is registered to vote in Missouri and satisfies voter eligibility requirements may use a federal write-in absentee ballot to vote for all offices and ballot measures in an election. A valid military-overseas ballot must be counted if it is received before noon on the Friday after election day.

The bill specifies that a person in the federal service under Section 115.275, RSMo, may vote in the same manner and using the same technology as an overseas voter.

An election authority or verification board cannot certify election results before noon on the Friday after election day.

The bill becomes effective July 1, 2014.

CCS HCS SCS SB 117 — MILITARY AFFAIRS

This bill changes the laws regarding military affairs.

HONOR AND REMEMBER FLAG

The bill allows the Honor and Remember flag to be displayed at and upon the grounds of all state buildings and within state parks, along with the United States flag, Missouri flag, and the POW/MIA flag, as an official recognition and in honor of fallen members of the Armed Forces of the United States.

RESIDENT STATUS FOR ADMISSION TO PUBLIC HIGHER EDUCATION INSTITUTIONS

A person who is separating from any branch of the United States military with an honorable discharge or a general discharge must have resident status for admission and in-state or in-district tuition at any approved public higher education institution in the state if the person can demonstrate presence and declare residency within the state and, if attending community college, within the taxing district of the community college he or she attends. The Coordinating Board for Higher Education within the Department of Higher Education must establish rules to implement these provisions.

CHILD CUSTODY AND VISITATION RIGHTS FOR MILITARY PERSONNEL

The bill establishes the child custody and visitation rights of a deploying military parent. In its main provisions, the bill:

(1) Defines "deploying parent" as a parent of a child younger than 18 years of age whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child younger than 18 years of age who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component;

(2) Prohibits a court from entering a final order modifying the terms of an existing custody or visitation order until 90 days after the military parent's deployment ends unless there is a written agreement by both parties;

(3) Specifies that deployment or the potential for deployment must not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms of an existing order;

(4) Allows an existing order establishing the terms of custody or visitation to be temporarily modified to make reasonable accommodation for the parties due to a deployment and specifies the terms that must be included in the temporary order;

(5) Specifies that a temporary modification of an order ends no later than 30 days after the return of the deploying parent and the terms of the original custody order are automatically reinstated;

(6) Allows a court to delegate a deploying parent's visitation rights, or a portion of the rights, to a family member with a close and substantial relationship to the minor child for the duration of the deployment if it is in the best interest of the child and the member

does not have a history of perpetrating domestic violence;

(7) Specifies certain obligations that the non-deploying parent must have to the deploying parent under any order entered;

(8) Requires a deploying parent to provide a copy of his or her deploying orders to the non-deploying parent promptly and without delay prior to the deployment;

(9) Prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise visitation rights;

(10) Specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the federal Uniform Child Custody Jurisdiction and Enforcement Act; and

(11) Specifies the factors a court must consider in awarding attorney fees and costs in a custody determination.

HCS SCS SB 118 — VETERANS TREATMENT COURTS

This bill authorizes a circuit court or a combination of circuit courts to establish a veterans treatment court upon the agreement of the presiding judges of the courts to provide an alternative to dispose of cases which stem from substance abuse or mental illness of current or former military personnel. A court must combine judicial supervision, drug testing, and substance abuse and mental health treatment to participants who have served or are currently serving in the United States armed forces, including members of the reserves, National Guard, or Missouri Guard. Each circuit court must establish conditions for referral of proceedings to the veterans treatment court and enter into a memorandum of understanding with each participating prosecuting attorney that may include other specified parties who are considered necessary. A veterans treatment court may accept participants from other jurisdictions based upon the residence of the participant in the receiving district or the unavailability of a veterans treatment court in the jurisdiction where the participant is charged under specified conditions.

Except for good cause found by the court, a veterans treatment court must make a referral for substance abuse or mental health treatment or a combination of substance abuse and mental health treatment through the federal Department of Defense health care, the Veterans Administration, or a certified community-based treatment program. Any statement made by a participant during treatment or any report prepared by the staff of the treatment program must not be admissible as evidence against the participant in a judicial proceeding. The staff of a veterans treatment court must have access to all records of any state or local government agency relevant to a participant's treatment, but the records and reports are to be treated as closed records and must be maintained by the court in a confidential file not available to the public. The charges, petition, or penalty may be dismissed, reduced, or modified upon the participant's successful completion of a treatment program. Any fees received by a court from a defendant as payment for a program must not be considered court costs, charges, or fines.

SS SCS SB 121 — LIQUOR CONTROL

This bill specifies that any intoxicating liquor manufactured for personal or family use cannot be offered for sale but allows beer brewed under Section 311.055, RSMo, for personal or family use to be removed from the premises where brewed for use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license, or on any tax-exempt organization's licensed premises.

A distiller, wholesaler, winemaker, retailer, brewer, or one of its employees or officers is allowed to make a financial contribution for specified festivals where alcohol is sold to a not-for-profit organization that is registered with the Secretary of State. The contribution cannot benefit a private shareholder or retail liquor licensee member of the organization and must be used to pay for special event infrastructure expenses that are unrelated to retail alcohol sales.

Currently, the Division of Alcohol and Tobacco Control within the Department of Public Safety may issue a license to serve liquor by the drink at retail for consumption on a boat that can carry 100 or more passengers. The bill allows a person to apply for and the Supervisor of Alcohol and Tobacco Control to issue a license to serve liquor by the drink at retail for consumption on a boat licensed by the United State Coast Guard to carry 45 to 99 passengers for hire on Table Rock Lake.

A wholesaler of malt liquor may give, and a retailer may accept, a sample of malt liquor that is no more than 72 fluid ounces if the retailer has not previously purchased the brand of malt liquor from that wholesaler, the wholesaler keeps a record of the transaction, and the sample is not consumed or opened on the premises of the retailer except as provided by the retail license. If a particular product is not available in a size of 72 ounces or less, a

wholesaler may give the next larger size to the retailer. Brands must be differentiated by differences in the brand name of the product or the product's nature, including its designation of class, type, or kind.

The provision prohibiting liquor from being sold on a train while it is stopped at a station is repealed.

Currently, some businesses licensed to sell alcohol can remain open but are required to close the rooms used for dispensing alcohol from 1:30 a.m. to 6:00 a.m. The bill adds bowling alleys to the list of businesses that are not required to close during these hours. The bowling alley must lock the rooms it uses for dispensing alcohol during these hours. If business is conducted in one room, the bowling alley may keep the refrigerators, cabinets, cases, boxes, and taps locked rather than the entire room in which intoxicating liquor is dispensed. Currently, a restaurant conducting business in only one room may remain open but must lock the refrigerators, cabinets, cases, boxes, and taps that dispense intoxicating liquor if substantial quantities of food and merchandise other than liquor are dispensed at the restaurant. The bill repeals the requirement that substantial quantities of food and merchandise be dispensed at the restaurant.

The bill allows the Supervisor of Liquor Control to issue a temporary liquor permit to a person holding a license to sell intoxicating liquor by the drink at retail who furnishes provisions and services for use at a festival as defined in Chapter 316. An application for a permit must be made at least five business days prior to the festival. The permit will be effective for no more than 168 consecutive hours and costs $10 for each day for which it is issued. A wholesaler may, but is not required to, give a retailer credit for liquor that is delivered but not used if the wholesaler removes the product within 72 hours of the expiration of the permit. Any law, rule, or regulation cannot be interpreted as preventing a wholesaler, retailer, or distributor from providing storage, cooling, or dispensing equipment for use at a festival.

Currently, a "festival" is defined as a musical activity that will continue uninterrupted for a period of 12 hours or more. The bill revises the definition to remove the requirement that the activity be uninterrupted.

The provisions of the bill regarding beer brewed for personal or family use in Section 311.055 contain an emergency clause.

SS SCS SB 125 — EDUCATIONAL ACCOUNTABILITY

The bill changes the laws regarding educational accountability.

SCHOOL CLASSIFICATION AND UNACCREDITED SCHOOL DISTRICTS

The bill:

(1) Requires the State Board of Education within the Department of Elementary and Secondary Education to establish rules for classifying the public schools of the state but requires the scoring guides, instruments, and procedures used in determining the accreditation status of a district to be subject to a public meeting upon notice in specified newspapers at least 14 days in advance of the meeting. The meeting must be conducted by the department at least 90 days prior to the district's application in accreditation. Notice must also be made to each school district board and superintendent, the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the members of the Joint Committee on Education at least 14 days prior to the meeting. All comments received must be reported to the state board;

(2) Requires, upon a district's classification or reclassification as unaccredited, the state board to establish the conditions under which the existing school board will continue governing a district or determine the date that the district will lapse and the alternative governing structure for the district. Currently, a district must be classified as unaccredited for two successive school years by the state board before specified action can be taken;

(3) Requires, if a school district is classified as unaccredited, the department to conduct at least two public hearings within the district regarding the district's unaccredited status. The hearings must provide an opportunity to convene the community resources that may be useful or necessary in supporting the district as it attempts to return to accredited status, continues under revised governance, or plans for the continuity of educational services and resources upon its attachment to a neighboring district. The hearings must continue to be held twice a year while the district is not fully accredited;

(4) Specifies the makeup of the special administrative board the state board can appoint for the operation of the unaccredited district which must include no fewer than five members, a majority of whom must be district residents; requires the administrative board to appoint a superintendent of schools for the unaccredited district; and requires the administrative board to be responsible for the operation of the district until it is classified by the state board as provisionally accredited for at least two successive years;

(5) Allows the state board to determine an alternative governing structure when lapsing an unaccredited district that must include a rationale for its decision, a method for district residents to provide public comment at specified times, the expectations for progress on academic achievement, and annual reports to the General Assembly and Governor on the progress toward accreditation;

(6) Requires the state board to lapse a district that has been unaccredited for three consecutive school years and failed to attain accredited status after the third school year or has been unaccredited for two consecutive school years and the state board determines that the district's academic progress will not allow the district to attain accredited status after the third school year;

(7) Allows the special administrative board to enter into contracts with accredited districts or other education service providers to deliver educational programs to students in an unaccredited district and specifies that a student who graduates while attending a school building that is operated by an accredited district will receive his or her diploma from the accredited district. A special administrative board and its members and employees are not to be considered state agents for any purpose. The state and its agencies and employees are immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, the administrative board, its members, or its employees; and

(8) Repeals provisions regarding:

(a) The assignment of funds, assets, and liabilities of the lapsed district to other districts;

(b) The requirement that an unaccredited district develop a plan to be submitted to the voters of the school district to divide it up into smaller districts if it cannot regain accreditation within three years; and

(c) The power of the special administrative board to appoint a superintendent if the state board replaces the chair of the administrative board.

STATEWIDE ASSESSMENT SCORES

The statewide assessment scores as well as all other performance data cannot be used for three years to calculate a receiving district's performance through the Missouri School Improvement Program if a school district receives additional students due to a change in the district's boundary lines.

TEACHERS AND EMPLOYEES IN THE ST. LOUIS CITY SCHOOL DISTRICT

The bill:

(1) Allows a teacher in the St. Louis City School District to also be permanently removed for incompetence and specifies that a teacher must be notified 30 days prior to the presentment of charges by the superintendent for incompetency or inefficiency in the line of duty;

(2) Specifies that the appointment of a new teacher in the district cannot be made while a properly qualified teacher on unrequested leave of absence is available to fill the position and removes the current stipulation that a new teacher cannot be appointed while a qualified available teacher under 70 years of age is on leave of absence. The leave of absence must not impair the tenure of a teacher and the leave must not continue for more than three years unless extended by the school district board;

(3) Allows the district to use the "St. Louis Plan" for teacher professional development if the state requires school districts to provide professional development for teachers and the district and teacher agree to participate in the plan; and

(4) Repeals the "last in, first out" provision for noncertificated employees who are on leave of absence in the district.

SCS SB 126 — PHARMACY INVENTORIES

This bill prohibits a Missouri licensed pharmacy from being required to carry or maintain in inventory any specific drug or device.

CCS HCS SB 127 — PUBLIC ASSISTANCE BENEFITS

This bill changes the laws regarding public assistance benefits.

The bill extends the provisions regarding the Ticket to Work Health Assurance Program from August 28, 2013, to August 28, 2019, and specifies that a person who is in foster care on the date he or she turns 18 years of age or in the 30 days before turning 18 is eligible for MO HealthNet benefits without regard to income or assets if the person is younger than 26 years of age, is not eligible for coverage under another mandatory coverage group, and was covered by the MO HealthNet Program while he or she was in foster care.

Drugs and medicines that are prescribed by an advanced practice registered nurse and the services of an advanced practice registered nurse with a collaborative practice agreement are added to the list of services that must be paid for by the MO HealthNet Program.

The MO HealthNet Division within the Department of Social Services may implement a statewide dental delivery system to ensure recipient participation and access to dental services under MO HealthNet to providers in all areas of the state. The division may seek a third party experienced in the administration

of dental benefits to administer the program under the division's supervision.

The bill changes the laws regarding MO HealthNet-funded home- and community-based care. The Department of Health and Senior Services is required, upon receiving a properly completed referral for service or a physician's order for service for MO HealthNet-funded home- and community-based care, to:

(a) Process, review, and approve or deny the referral within 15 business days of its receipt;

(b) Arrange for the provision of services by a home- and community-based provider for approved referrals;

(c) Notify the referring entity or individual within five business days of receiving the referral if a different physical address is required to schedule the assessment. The referring entity must provide a current physical address within five days if requested by the department. If a different physical address is needed, the 15-day deadline is suspended until the department receives the requested information;

(d) Inform the applicant of the full range of available MO HealthNet home- and community-based services, including adult day care services, home-delivered meals, and the benefits of self-direction and agency model services; the choice of service providers in the applicant's area; and the option to choose more than one service provider to deliver or facilitate the services the applicant is qualified to receive;

(e) Prioritize the referrals received, giving the highest priority to referrals for high-risk individuals, followed by individuals who are alleged to be victims of abuse or neglect as a result of an investigation initiated from the elder abuse and neglect hotline, and then individuals who have not selected a provider or who have selected a provider that does not conduct assessments; and

(f) Notify the referring entity and the applicant within 10 business days of receiving the referral if it has not scheduled the assessment.

The bill repeals the provisions allowing the Department of Health and Senior Services to contract for an initial home- and community-based assessment, including a care plan, through an independent third-party assessor and allows a provider to complete an assessment and care plan recommendation if the department fails to process, review, and approve or deny a referral within 15 business days. The department must approve or modify the assessment and care plan submitted by the provider within five business days of its receipt for the plan to become effective. If the department fails to approve, modify, or deny the provider's plan within five business days, the plan must be approved and payment must begin. The latest approved care plan must become effective when the department approves or modifies an assessment and care plan. If the department assessment determines that the client does not meet the level of care in the provider's plan, the state must not be responsible for the cost of services claimed prior to the department's written notification to the provider of the denial. The department must implement these provisions unless the Centers for Medicare and Medicaid Services disapproves any necessary state plan amendments or waivers to implement the provisions allowing providers to perform assessments.

The department's audit of a home- and community-based service provider must include a review of the client plan of care, provider assessments, and choice and communication of service options to the individuals seeking MO HealthNet services. The audit must be conducted utilizing a statistically valid sample, and the department must make publicly available a review of its process for informing participants of service options within MO HealthNet home- and community-based service provider services and information on referrals.

The bill requires the department to develop an automated electronic assessment care plan tool to be used by providers and by January 1, 2014, to make recommendations to the General Assembly for the implementation of the automated electronic assessment care plan tool.

The department must submit a report by December 31, 2014, to the General Assembly that reviews:

(a) How well the department is meeting the 15-day requirement;

(b) The process the department used to approve the assessors;

(c) The financial data on the cost of the program prior to and after enactment;

(d) Any audit information available on the assessments performed outside the department; and

(e) The department's staffing policies implemented to meet the 15-day assessment requirement.

In order to be eligible for MO HealthNet benefits, an individual must be a resident of Missouri; have a valid Social Security number; be a citizen of the United States or a qualified alien with satisfactory documentary evidence of qualified alien status that has been verified by the federal Department of Homeland Security; and if claiming eligibility as a pregnant woman, she must verify the pregnancy. Beginning January 1, 2014, the Family Support Division within the Department of Social Services must conduct an annual redetermination of all MO

HealthNet participants' eligibility. The department may contract with an administrative service organization to conduct the annual redetermination if it is cost effective. The department or division must conduct electronic searches to redetermine eligibility on the basis of income, residency, citizenship, identity, and other criteria upon availability of electronic data sources. The department or division may enter into a contract with a vendor to perform the electronic searches of eligibility information not disclosed during the application process and obtain an applicable case management system. The department will retain final authority over eligibility determinations made during the redetermination process.

An individual who is applying for MO HealthNet benefits must submit an application in accordance with applicable federal law, including 42 CFR 435.907, and provide all required information and documentation necessary to make an eligibility determination, resolve discrepancies found during the redetermination process, or for any purpose directly connected to the administration of the medical assistance program.

The department must determine an individual's financial eligibility based on projected annual household income and family size for the remainder of the current year and determine the modified adjusted gross household income by including all available cash support provided by the person claiming the individual as a dependent for tax purposes. A pregnant woman's household size is to be determined by counting the pregnant woman plus the number of children she is expected to deliver. A CHIP-eligible child must be uninsured and not have access to affordable insurance, and the child's parent must pay the required premium. An individual claiming eligibility as an uninsured woman must be uninsured. The income eligibility standards are specified in the bill.

An employer or vendor as defined in Sections 197.250, 197.400, 198.006, 208.900, or 660.250, RSMo, who is required to deny employment to an applicant or to discharge an employee as a result of information obtained through any portion of the background screening and employment eligibility determination process or subsequent, periodic screenings cannot be liable in any action brought by the applicant or employee relating to discharge if the employer is required by law to terminate the employee and cannot be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge if the employer terminated the employee because the employee:

(a) Has been found guilty or pled guilty or nolo contendere of specified crimes;

(b) Was placed on the employee disqualification list maintained by the Department of Health and Senior Services after the date of hire;

(c) Was placed on the employee disqualification registry maintained by the Department of Mental Health after the date of hire;

(d) Has a disqualifying finding or is on any background check list in the Family Care Safety Registry of the Department of Health and Senior Services; or

(e) Was denied a good cause waiver under Section 660.317.

SS SCS SB 129 — VOLUNTEER HEALTH SERVICES ACT

(Vetoed by the Governor)

This bill establishes the Volunteer Health Services Act which allows a licensed health care provider to provide volunteer professional health care services for a sponsoring organization. Any person with a suspended or revoked license or certificate or who provides services outside the scope of practice authorized by his or her licensure or certification is not eligible to provide services under the bill.

Before a health care professional can provide volunteer services, the sponsoring organization must register with the Department of Health and Senior Services and pay a $50 fee. The registration and fee must be submitted annually to the department for the administration of these provisions. A sponsoring organization must file a quarterly voluntary services report with the department listing all providers who provided services during the preceding quarter including the date, place, and type of services provided; maintain a list of its health care volunteers and a copy of their current licenses, certificates, or statements of exemption from licensure or certification; maintain the records for five years following the date of service rendered by the health care volunteer; and furnish the records upon request to any state regulatory board of any healing arts profession. The department may revoke the registration of any sponsoring organization that fails to comply with these requirements.

Any health care provider volunteering his or her services must not be liable for any civil damages for any act or omission resulting from the service unless it was the result of the provider's gross deviation from the ordinary standard of care or willful misconduct. "Gross deviation" is defined as a conscious disregard for the safety of others. The provisions of the bill do not require a health care provider or organization providing health care services without charge to register with the department and receive the liability protections under the bill.

A volunteer cannot receive any form of direct or indirect compensation, benefits, or consideration from any person for the free care, and the free care cannot be a part of the provider's training or assignment. The volunteer must perform services within the scope of his or her professional license, certification, or authority and must not engage in activities on behalf of the sponsoring organization at a clinic or at the volunteer's office unless the activities are authorized by the appropriate authorities and the clinic or office is in compliance with all applicable regulations.

A volunteer crisis response team member who participates in a crisis intervention conducted within specified generally accepted protocols of a registered team must not be liable for any personal injuries or infliction of emotional distress of any participant to the intervention that is caused by the act or omission of the team member during an intervention and for any civil damages for any act or omission resulting from the rendering of the services except for circumstances specified in the bill.

HCS SB 148 — SALVAGE MOTOR VEHICLES

This bill specifies that the assessed valuation of a tractor or trailer used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to the miles traveled in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available.

The Director of the Department of Revenue is allowed to issue a temporary permit to operate a salvage vehicle for the sole purpose of transporting a salvage motor vehicle to the nearest State Highway Patrol inspection station if he or she purchases the required motor vehicle examination form that is required to be completed and provides satisfactory evidence that the vehicle has passed the inspection.

Currently, when an insurer purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which he or she is unable to obtain a negotiable title, the insurer must make two written attempts to obtain the certificate of title and provide the Department of Revenue with evidence that the letters were delivered when applying for a salvage certificate title or junking certificate. The bill requires the insurer to provide the department with evidence that the letters were sent. The department director must notify the insurer of any additional owner or lienholder he or she identifies, and the insurer must notify the additional owner or lienholder of its intent to obtain title.

The bill allows an insurer that purchases a vehicle or trailer subject to a lien through the claims adjustment process to apply for a salvage title or junking certificate without obtaining a lien release. The insurer may request a letter of guarantee from the lienholder containing a description of the vehicle and indicating the amount of the lien from each lienholder and may pay the amount indicated within 10 days of receipt of the letter. The insurer may then submit proof of the payment, a copy of each letter of guarantee, and the title for the vehicle or trailer to the department which must accept the documents in lieu of a lien release and process the insurer's application.

CCS HCS SCS SB 157 & SB 102 — DISPOSITION OF PERSONAL PROPERTY

This bill changes the laws regarding the disposition of personal property.

SALE OF PRECIOUS METALS
(Section 407.292, RSMo)

The bill requires a buyer to record and photograph every transaction involving gold, silver, and platinum and to include specified information. The records must be maintained by the buyer for one year and must be made available for inspection by any law enforcement official of the federal government, state, municipality, or county and may, upon request, be made available to law enforcement officials, governmental entities, and any other concerned entities or persons. When a purchase is made from a minor, the written authority of the parent or guardian authorizing the sale must be attached and maintained with the record. When a weighing device is used to purchase gold, silver, or platinum, a sign must be posted listing the prices for the gold, silver, or platinum as specified in the bill. The weighing device must be positioned in a location that is readable by the buyer and seller, and the person operating the device must make a verbal statement of the result of the weighing. If a buyer violates these provisions, he or she will be subject to a fine of up to $1,000. These provisions do not apply to a pawnbroker or scrap metal dealer.

SCRAP METAL TRANSACTIONS
(Sections 407.300 - 407.303)

The bill changes the documentation requirements for transactions made where junk or scrap metal is sold or traded. Currently, the purchaser must keep a separate record for transactions involving specified products made of copper, brass, bronze, or aluminum. The bill requires a purchaser to also keep a separate record for transactions involving a catalytic converter. In addition to the current requirements, the records for the transactions must contain the gender, birth date, and a photograph of the seller if different

than the photo identification currently required. The record must also include the license plate number of the vehicle used by the seller during the transaction, as well as a full description of the metal by weight and the purchase price. Currently, these provisions do not apply to any transaction that does not exceed $50 for all scrap metal sold. The sale of a catalytic converter is excluded from this exemption. The penalty for anyone convicted of violating the documentation requirements is changed from a class A misdemeanor to a class B misdemeanor.

Currently, a scrap yard is prohibited from purchasing metal that can be identified as belonging to a cemetery, political subdivision, electrical cooperative, municipal utility, or a utility regulated under Chapter 386 or 393 unless the scrap metal seller has written permission. The bill adds metal that can be identified as belonging to a telecommunications provider, cable provider, wireless service or other communications-related provider, water utility, or municipal utility. A person convicted of purchasing prohibited scrap metal will be guilty of a class B misdemeanor.

A scrap metal dealer paying an amount that is $500 or more must make the payment by issuing a prenumbered check drawn on a regular bank account in the name of the dealer made payable to the seller or by using a system for automated cash or electronic payment that photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with current law. A dealer that pays in cash is required to obtain a copy of the seller's driver's license if the metal is copper or a catalytic converter. A person who knowingly and willfully violates these provisions is guilty of a class B misdemeanor and subject to a fine of up to $500 for the first offense, a class A misdemeanor and subject to a fine of up to $1,000 for the second offense, and the revocation of all state business licenses for a third offense. A person selling stolen metal is responsible for the consequential damages relating to obtaining the scrap metal.

DONATED GOODS RECEPTACLES
(Section 407.485)

The bill specifies that a for-profit entity or person collecting unwanted household items via a public receptacle and reselling the items for profit must display a statement prominently on the receptacle that the deposited items are not for charitable organizations and will be resold for profit and are not tax deductible. Also, a not-for-profit entity collecting unwanted household items via a public receptacle must display a statement prominently on the receptacle stating that it is owned by the not-for-profit organization and the percentage of the proceeds from the sale of any donations that will be used for the charitable mission of the charity or charitable cause. The owner or operator of a receptacle must display the owner's name, address, and telephone number on it, and the owner must maintain written permission to place the receptacle on the property from the property owner where it is located. Until September 1, 2014, the owner and operator of a recycling bin is allowed to display the website of the owner and operator in lieu of the address if the mailing address is easily accessible on the website.

SS SCS SB 159 — INSURANCE COVERAGE FOR PHYSICAL THERAPY SERVICES

This bill prohibits a health carrier or health benefit plan from imposing a greater copayment or coinsurance percentage to an insured for prescribed covered services provided by a licensed physical therapist than those charged for the same covered services provided by a licensed primary care physician. A health carrier or benefit plan must clearly state the availability of physical therapy coverage under its plan and all related limitations, conditions, and exclusions.

Beginning September 1, 2013, the Oversight Division of the Joint Committee on Legislative Research must perform an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if these provisions were enacted. By December 31, 2013, the division director must submit a report of the actuarial findings to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the chairpersons of the standing committees of the House of Representatives and Senate having jurisdiction over health insurance matters. If the fiscal note cost estimation is less than the cost of an actuarial analysis, the actuarial analysis requirement must be waived.

CCS HCS SB 161 — HEALTH INSURANCE COVERAGE

This bill requires, beginning September 1, 2013, the Oversight Division of the Joint Committee on Legislative Research to conduct an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverages for the following:

(1) Orally administered anticancer medication charged at the same co-payment or deductible as intravenously administered or injected cancer medication; and

(2) Diagnosis and treatment of eating disorders, including residential treatment and access to psychiatric and medical treatments.

By December 31, 2013, the division director must submit a report of the actuarial findings to the Speaker of the House of Representatives; President Pro Tem of the Senate; and the chairs of the House Committee on Health Insurance and the Senate Small Business, Insurance and Industry Committee or the committees having jurisdiction over health insurance issues if the committees no longer exist. The actuarial analysis must assume that the mandated coverage will not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan and will not apply to a supplemental insurance policy. The cost for each analysis cannot exceed $30,000, and the joint committee may utilize any actuary contracted to perform services for the Missouri Consolidated Health Care Plan to perform the required analysis.

The provisions of the bill will expire December 31, 2013.

SB 170 — VOTES OF PUBLIC GOVERNMENTAL BODIES

(Vetoed by the Governor)

Currently, a vote taken by roll call in a meeting of a public governmental body consisting of members who are all elected, except for the General Assembly and any committee of a public governmental body, must be cast by a member who is physically present and in attendance at the meeting. This bill allows a member to cast a vote if he or she is participating in the meeting via videoconferencing.

HCS SCS SB 182 — LOCAL SALES TAX ON MOTOR VEHICLE PURCHASES

(Vetoed by the Governor)

This bill prohibits state and local use taxes on the sale of motor vehicles, trailers, boats, or outboard motors. State and local sales taxes must be imposed on the sale of these items at the time of titling in Missouri, regardless of whether the item was purchased in this state. The residence of the purchaser will be used for determining the local tax rate that should apply. The rate of tax for motor vehicles, trailers, boats, or outboard motors sold at retail must be the sum of the state sales tax and the local sales tax.

All local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the sale of motor vehicles, trailers, boats, or outboard motors purchased out-of-state when titling in Missouri. If a taxing jurisdiction does not hold the vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. A taxing jurisdiction may, at any time, hold a vote to repeal the tax. Language repealing the tax must also be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting it.

The provisions of the bill are nonseverable and if any provision is for any reason held to be invalid, the decision must invalidate all of the remaining provisions.

The bill contains an emergency clause.

HCS SCS SB 186 — CERTIFICATES OF DEATH, UNCLAIMED CREMATED VETERANS' REMAINS, AND ABANDONED MILITARY MEDALS

This bill changes the laws regarding certificates of death, disposal of unclaimed veterans' remains, and abandoned military medals. In its main provisions, the bill:

(1) Allows a funeral director to enter the required personal data into the electronic death registration system and complete the filing by presenting the signed cause of death certification to the local registrar if the person or entity that certifies the cause of death is not part of or does not use the electronic system;

(2) Allows a licensed funeral establishment in possession of cremated remains to release the remains to a veterans' service organization under specified procedures;

(3) Defines "veteran" as a person honorably discharged from the Armed Forces of the United States including, but not limited to, the Philippine Commonwealth Army, the Regular Scouts, and the Special Philippine Scouts or a person who died while on active military service with any branch of the Armed Forces of the United States;

(4) Revises the definition of "veterans' service organization" as a veterans organization that is federally chartered by the United States Congress, recognized by the United States Department of Veterans Affairs, or qualifies as a Section 501(c)(3) or 501(c)(19) nonprofit tax exempt organization under the Internal Revenue Code that is organized for the verification and burial of veterans and dependents;

(5) Repeals the provisions specifying that a funeral establishment is not liable for simple negligence in the disposition of the cremated remains of a veteran to a veterans' service organization for the purposes of interment under specified situations and specifies that a funeral establishment or a coroner in the possession of the cremated remains is authorized to release the identifying information to the department or a veterans' service organization for the purpose

of obtaining verification of the veteran's or veteran's dependent's eligibility for a military burial, interment, or scattering. A funeral establishment or coroner who releases the identifying information cannot be liable in any action regarding the release of the identifying information, and the establishment, coroner, or veterans' service organization cannot be liable in any action stemming from the final disposition, interment, burial, or scattering of remains so long as the funeral establishment follows specified notification procedures; and

(6) Authorizes the State Treasurer to make any information, other than Social Security numbers, contained in the holder report and record and any photograph or other visual depiction of an abandoned military medal to the public in order to facilitate the identification of the original owner or the owner's heirs or beneficiaries. The treasurer may designate a veterans' organization to assist in the identification except that a person or entity cannot be designated as custodian of military medals and any agreement to pay compensation to recover or assist in the recovery of the medals is unenforceable.

HCS SB 188 — CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

This bill revises the definition of "sexually violent offense" for the purposes of civil commitment to include sexual abuse in the first degree; sexual assault in the first degree; deviate sexual assault in the first degree; the act of abuse of a child involving sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor; or any felony offense that contains elements substantially similar to these offenses.

Currently, a sexually violent predator who has been civilly committed is allowed to petition the court for conditional release over the objections of the Director of the Department of Mental Health. The petition must be served upon the court that committed the person, the department director, the head of the facility housing the offender, and the Attorney General. The bill requires the petition to also be served to the prosecuting attorney of the jurisdiction into which the committed person is to be released.

The bill specifies that the Department of Corrections must provide, upon request, access by the chief of the local law enforcement agency to the information gathered by the global positioning system or other technology used to monitor a person who has been granted conditional release from the department upon the determination by a court or jury that he or she is not likely to commit acts of sexual violence if released when the person is being electronically monitored and remains in the county, city, town, or village where the releasing facility is located. The information obtained must be closed and cannot be disclosed to any person outside the agency except upon an order of the court supervising the conditional release.

The provisions of the bill regarding the definition of a sexually violent offense contain an emergency clause.

SCS SB 191 — MISSOURI PUBLIC SERVICE COMMISSION FORMS OF PUBLICATION

This bill allows the Missouri Public Service Commission to publish certain papers, studies, reports, decisions, findings, and orders in an electronic form as an alternative to publishing them in a pamphlet or book.

SB 197 — DISEASE MANAGEMENT

This bill changes the laws regarding meningococcal disease information and the testing of persons with tuberculosis (TB). In its main provisions, the bill:

(1) Requires the Department of Health and Senior Services to develop an informational brochure about meningococcal disease. The department must make the brochure available on its website and must notify every public institution of higher education that the brochure is available. Every institution must provide a copy of the brochure to all students and the parent or guardian of a student who is younger than 18 years of age. The brochure must include:

(a) A statement that an immunization against the disease is available;

(b) The risk factors for and symptoms of the disease, how it may be diagnosed, and the possible consequences if the disease is left untreated;

(c) How the disease is transmitted;

(d) The latest scientific information on immunization for the disease and its effectiveness; and

(e) A statement that any questions or concerns regarding immunization against the disease can be answered by the individual's health care provider;

(2) Allows the local public health authority to also institute proceedings by petition for directly-observed therapy or commitment when a person with TB violates state rules and regulations. Strictness of pleading cannot be required and a general allegation that the public health requires therapy or commitment of the person with TB must be sufficient;

(3) Allows the department to contract for the care of a person with TB. The contract must provide that state payment will be available for the treatment and care of a patient only after benefits from all third-party payers have been exhausted;

(4) Specifies that a person with TB cannot be required to submit to medical or surgical treatment without his or her consent unless a circuit court authorizes the treatment by a written order or as otherwise permitted by law;

(5) Specifies that if a person with TB is committed to a facility for treatment and leaves the facility without a proper discharge, he or she can be prosecuted if appropriate;

(6) Allows a patient with TB or, if incapacitated, the patient's legal guardian, or, if a minor, a parent or next of kin to petition the circuit court that originally issued the commitment order if he or she believes that the patient no longer has contagious TB or that discharging the patient from the facility is not a public health danger;

(7) Prohibits any person who is knowingly infected with active pulmonary or laryngeal tuberculosis from acting in a reckless manner by exposing another person without the knowledge and consent of the person to being exposed, reporting to work with active contagious TB, or violating the requirements of a commitment order. A person who violates any of these provisions is guilty of a class B misdemeanor unless the victim contracts TB in which case it is a class A misdemeanor;

(8) Authorizes the department to respond to TB cases, outbreaks, and disease investigations; and

(9) Requires all volunteers and employees of a health care facility to receive a tuberculin skin test or interferon gamma release assay test upon employment as recommended in the most recent version of the Centers for Disease Control and Prevention guidelines. All institutions of higher education in the state must implement a targeted testing for all faculty and on-campus students upon matriculation, and any student who does not comply with the testing cannot be permitted to maintain enrollment in the subsequent semester. If an institution does not have a student health center or similar facility, any person identified to be at high risk for TB must be referred to a local public health agency for specified action.

HCS SB 205 — FOSTER CHILDREN

This bill specifies that if a youth younger than 21 years old is released from the custody of the Children's Division within the Department of Social Services and after the release it appears that it would be in the youth's best interest to have his or her custody returned to the division, the juvenile officer, the division, or the youth can petition the court to return custody of the youth to the division until the youth is 21 years old. Currently, this provision applies to a child younger than 18 years old.

Beginning July 1, 2014, every child 15 years of age or older who is in the foster care system or the Division of Youth Services Program within the Department of Social Services must receive a visit to a state university or community or technical college in the child's area or visit with an armed services recruiter before being adopted or terminated by foster care or completing the division's custody or training unless the visit is waived by the youth's family support team. The visit must include an entry application process, financial support application and availability, career options with academic or technical training, a school tour, and other information and experience desired. Agencies that are providing foster care case management services for foster children can document and, if requested, must receive reimbursement from the department for the costs associated with meeting the requirements of these provisions.

SB 208 — RE-ENTRY INTO FOSTER CARE

This bill specifies that if a youth younger than 21 years old is released from the custody of the Children's Division within the Department of Social Services and after the release it appears that it would be in the youth's best interest to have his or her custody returned to the division, the juvenile officer, the division, or the youth can petition the court to return custody of the youth to the division until the youth is 21 years old. Currently, this provision applies to a child younger than 18 years old.

SB 216 — FIRST RESPONDER POLITICAL ACTIVITY

This bill specifies that a political subdivision of the state cannot prohibit any first responder from engaging in any political activity while off duty and not in uniform, from being a candidate for elected or appointed public office, or from holding the office unless the political activity or candidacy is otherwise prohibited by state or federal law.

Currently, an employee of the Kansas City Police Department is prohibited from soliciting any assessment, contribution, or payment for any political purpose from any other employee and from soliciting for any purpose in any building or room occupied for the discharge of the official duties of the department. The bill repeals these provisions and specifies that an employee of the department is not allowed to solicit for any political purpose in any building or room occupied for the discharge of the official duties of the department.

The provision prohibiting an employee of the department from directly or indirectly giving, paying, lending, or contributing any part of his or her salary,

compensation, money, or other valuable thing to any person on account of or to be applied to the promotion of any political party, political club, or any other political purpose is repealed.

The provision prohibiting an employee of the department from being a member or an official of any political party committee or being a ward committeeman or committeewoman is repealed.

Currently, an employee of the department cannot solicit any person to vote for or against any candidate for public office or poll precincts or be connected with other similar political work on behalf of any political organization, party, or candidate. The bill prohibits these activities only while the employee is on duty or wearing the official department uniform.

CCS SCS SB 224 — PUBLIC SAFETY
(Vetoed by the Governor)

This bill changes the laws regarding public safety.

KANSAS CITY POLICE DEPARTMENT
(Sections 84.480, 84.490, and 84.510, RSMo)

The bill increases the maximum salary that may be paid to the chief of police and officers of the Kansas City Police Department and repeals the provision specifying that an action taken by the Kansas City Board of Police Commissioners in suspending, removing, or demoting the chief of police is not subject to review by any court.

ST. LOUIS POLICE RETIREMENT SYSTEM
(Sections 86.200, 86.257, and 86.263)

Currently, any member of the Police Retirement System of St. Louis who has completed at least 10 years of creditable service and has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused or induced by the performance of his or her official duties or by his or her own negligence must be retired by the Board of Police Commissioners upon certification by the medical director of the retirement system, the application of the member or the board, and the approval of the board of trustees of the retirement system. The bill lowers the creditable service requirement to five years once the retirement system's annual actuarial valuation is at least 80% as required by Section 105.660 and requires the certification to be performed by the medical board of the retirement system upon application of the board or any successor body.

The bill defines "medical board" as a board of three physicians of different disciplines appointed by the trustees of the police retirement board who are responsible for arranging and passing upon all medical examinations required to determine disability retirement eligibility.

The bill changes the requirements that determine if the board should retire a member in active service if he or she is permanently unable to perform all the essential job functions of a police officer as established by the board or any successor body.

PRESENTING FALSE IDENTIFICATION ON A GAMBLING BOAT (Section 313.817)

The bill specifies that it is unlawful for a person 21 years or older to present false identification to a licensee or gaming agent in order to enter a gambling boat. A person violating this provision will be guilty of a class B misdemeanor for a first offense and guilty of a class A misdemeanor for any subsequent offense. When a person younger than 21 years old presents false identification, he or she will be guilty of an infraction and fined $500 for a first offense and guilty of a class B misdemeanor for any subsequent offense.

CRIMINAL NONSUPPORT (Section 568.040)

The bill defines "arrearage" as the amount of money created by a failure to provide support to a child as required under an administrative or judicial support order or support to an estranged or former spouse if the judgment or order for spousal support also requires the payment of child support and the individual receiving the spousal support is the custodial parent.

The arrearage must reflect any retroactive support ordered under a modification, any judgments entered by a court or any authorized agency, and any satisfactions of judgment filed by the custodial parent.

A person may petition the court for the expungement of the criminal records of a first felony offense of criminal nonsupport. The expungement is allowed only when at least eight years have lapsed since the person requesting expungement has completed his or her imprisonment or period of probation, he or she has not been convicted of a felony, he or she is current on all child support obligations, he or she has paid off all arrearages, he or she has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement, and he or she has successfully completed a criminal nonsupport courts program under Section 478.1000.

If a court grants the order of expungement, the records and files maintained in any court proceeding in an associate circuit or circuit court for the offense ordered expunged must be confidential and only available to the parties or by the order of the court for good cause shown. An individual is only entitled to have one petition for expungement granted under these provisions.

QUASI-GOVERNMENT ENTITIES (Section 1)

Any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts, and other government agencies whose originating agency identifier was terminated by the Federal Bureau of Investigations must provide integration data access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format online in a timely manner upon written request at no additional cost as is required by the political subdivision or its agency.

HCS SCS SB 229 — MENTAL HEALTH EMPLOYMENT DISQUALIFICATION REGISTRY

This bill changes the laws regarding the Department of Mental Health Disqualification Registry, which includes individuals who are disqualified from holding any position in a public or private facility, day program, residential facility, or specialized service operated, licensed, certified, accredited, in possession of deemed status, or funded by the department or in a mental health facility or program. A person who has been found guilty of or pleaded guilty or nolo contendere in Missouri to a felony violation of the drug provisions under Chapter 195, RSMo, trafficking in children, stealing, forgery, financial exploitation of the elderly and disabled, identity theft, aiding escape of a prisoner, or supporting terrorism or an equivalent felony offense in another state, an equivalent federal felony offense, or an equivalent offense under the federal Uniform Code of Military Justice is disqualified from holding any direct-care position in any of the facilities or programs.

A person hired after January 1, 2014, who has been found guilty or pleaded guilty or nolo contendere to driving while intoxicated or driving with excessive blood alcohol content and is found by a court to be an aggravated or chronic offender is also disqualified from holding a direct-care position in the previously mentioned facilities or programs.

A disqualified person may seek an exception to the disqualification from the department director or his or her designee if the person is in recovery and the disqualifying felony offense was alcohol or drug related.

SB 230 — CHLOE'S LAW

This bill establishes Chloe's Law, which requires, effective January 1, 2014, every newborn infant born in this state to be screened for critical congenital heart disease. Every newborn delivered on or after January 1, 2014, in an ambulatory surgical center, birthing center, hospital, or home must be screened for the disease with pulse oximetry or in another manner as directed by the Department of Health and Senior Services in accordance with the American Academy of Pediatrics and American Heart Association guidelines prior to the newborn being discharged from a health care facility. If delivery occurs in a home, the individual performing the delivery must perform the screening within 48 hours of birth.

The screening results must be reported to the parents or guardians of the newborn and the department in a manner prescribed by the department. The facility or individual must develop and implement plans to ensure that newborns with positive screens receive appropriate confirmatory procedures and referral for treatment as indicated.

The provisions of the bill must not apply if a parent or guardian of the newborn objects to the screening because it conflicts with his or her religious tenets and practices. The refusal must be in writing and reported to the department in a manner prescribed by the department.

The department must provide consultation and administrative technical support to facilities and persons implementing the provisions of the bill including assistance in developing and implementing screening protocols, developing and training facilities and persons on the implementation of protocols, developing and distributing education materials for families, and implementing reporting requirements.

SB 234 — MARITAL AND FAMILY THERAPISTS

This bill requires each applicant for licensure or provisional licensure as a marital and family therapist to provide evidence to the State Committee for Marital and Family Therapists in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration that the applicant has a master's or doctoral degree in marital and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or an equivalent program from an educational institution accredited by a regional accrediting body that is recognized by the United States Department of Education. Currently, the applicant must furnish evidence that he or she has a master's or doctoral degree in marital and family therapy or its equivalent from an acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body that has been approved by the United States Department of Education.

SB 235 — RESIDENTIAL REAL ESTATE LOAN REPORTING

This bill changes the laws regarding residential real estate loan reporting. In its main provisions, the bill:

(1) Repeals the provisions requiring the directors of the Division of Finance and the Division of Credit Unions within the Department of Insurance, Financial Institutions and Professional Registration to examine and determine the number and total dollar amount of residential real estate loans originated, purchased, or foreclosed and the number of residential real estate loan applications denied by a financial institution with an office in a county or city with a population over 250,000. The bill requires the division directors to report specified information annually to the Governor and the department director with regard to state financial institutions in each county or city with a population of more than 250,000. The report must include the number and type of violations, a statement of enforcement actions taken, the names of institutions found upon a hearing to be in violation, the number and nature of all complaints received, and the action taken on each complaint. The report must be maintained by each division as a public document for five years; and

(2) Changes the provisions regarding the required hearing when a person alleges to have been aggrieved as a result of a violation of the specified provisions regarding residential loans. Currently, each division director must conduct a hearing when he or she on the basis of an examination, an investigation of a complaint that has not been resolved by negotiation, a report by the financial institution as required under Section 408.592, RSMo, or any public document or information has reason to believe that a violation has occurred or does exist. The bill requires the division director to conduct the hearing if he or she has reason to believe that a violation has occurred or does exist.

SB 236 — STATE HIGHWAY PATROL FUNDS

Currently, the Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund, which is administered by the Superintendent of the State Highway Patrol, includes funds received and used for the purchase of patrol vehicles, watercraft, and aircraft. This bill requires the fund to include money received and used for the purchase and maintenance of vehicles, watercraft, and aircraft.

The bill requires the patrol to receive a specific appropriation from the General Assembly before obligating any moneys in the fund for the purchase of an individual unit that costs more than $100,000.

SB 237 — TELECOMMUNICATIONS PRICE CAP WAIVERS

This bill allows specified alternative local exchange telecommunications companies providing basic local telecommunications services that are currently regulated by the Missouri Public Service Commission and have maximum price caps to seek a waiver from the commission for the price cap regulations in the same manner as a waiver for other rules and regulations.

SCS SB 240 — GAS CORPORATION INFRASTRUCTURE REGULATIONS

(Vetoed by the Governor)

This bill changes the laws regarding a request to the Missouri Public Service Commission for a rate increase by a gas corporation. In its main provisions, the bill:

(1) Requires a commission order or decision to specify the annual amount of net write-offs incurred by the corporation in providing service to system sales customers as of the date revenues, rate base, and expenses were last updated or trued-up in the general rate proceeding. The corporation must thereafter defer and accumulate for future recovery from or return to customers 90% of the net increase or decrease in the annual amount of the net write-offs until they are updated or trued-up in the corporation's next general rate case proceeding. Subject to a review of the reasonableness and prudence of the corporation's collection practices, the deferred amounts must be recovered from or returned to customers through a positive or negative rate base adjustment designed to recover or return the amounts within five years;

(2) Prohibits the commission from approving an infrastructure system replacement surcharge (ISRS) request from a gas corporation if it would produce total annualized ISRS revenues exceeding 13% of the corporation's base revenue level approved in its most recent general rate case proceeding. Currently, the commission cannot approve an ISRS if it would produce total annualized ISRS revenues exceeding 10% of the corporation's base revenue level approved in its most recent general rate proceeding; and

(3) Prohibits the commission from approving an ISRS request for any gas corporation that has not had a general rate proceeding decided or dismissed by a commission order within the past five years and prohibits a gas corporation from collecting an ISRS for more than five years unless the gas corporation has filed for or is subject to a new general rate proceeding. Currently, the commission cannot

approve an ISRS request for any gas corporation that has not had a general rate proceeding decided or dismissed within the past three years and a corporation cannot collect an ISRS for more than three years unless the corporation has filed for or is subject to a new general rate proceeding.

CCS SCS SB 248 — PROPERTY TAXES

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

(1) Requires, prior to any assessment being levied against any real property and specified liens against real property being imposed within a neighborhood improvement district, the county or city clerk of the governing body establishing the district to record a document with the recorder of deeds in the county where the land is located that contains each owner of record of property within the district at the time of recording who must be identified as grantors and indexed by the recorder, the governing body establishing the district and the title of any official or agency responsible for collecting or enforcing any assessments identified as grantees and indexed by the recorder, the legal description of the property within the district, and the identifying number or a copy of the resolution or ordinance establishing the district (Section 67.457, RSMo);

(2) Authorizes the county collector in Jackson County to assess a fee for the collection of special property assessments in a neighborhood improvement district. Currently, only the Boone County collector can assess this fee (Section 67.463);

(3) Specifies that a lien on property for an unpaid special assessment in a neighborhood improvement district in specified first classification counties, charter counties, and the City of St. Louis may also be foreclosed in the same manner as a tax upon real property by land tax sale under Chapter 141. Currently, these liens may only be foreclosed in the same manner as a tax upon real property by a land tax sale under Chapter 140 or by a judicial foreclosure proceeding (Section 67.469);

(4) Authorizes any county to add a special assessment levied for a community improvement district to the annual real estate tax bills for the properties being benefited by the district. Currently, only the county collector in Boone County has this authorization. An unpaid special assessment on January 1 is considered delinquent and enforcement of the delinquent bill is governed by the laws concerning delinquent and back taxes. A lien may be foreclosed in the same manner as a tax upon real property by land tax sales (Section 67.151);

(5) Allows a county clerk to deliver an electronic copy of the back tax book to the county collector. Currently, he or she must deliver the book (Section 140.050);

(6) Specifies that a person other than the owner or a lien holder who pays the original property taxes plus interest cannot invoke a lien on the property or person without the knowledge and consent of the owner. Any lien invoked without the knowledge and consent of the owner will be null and void (Section 140.115);

(7) Authorizes a county collector to use the procedures in Section 140.150 for selling property with delinquent property taxes or special assessments. Currently, he or she is authorized to only use the procedures for a delinquent special assessment within a neighborhood improvement district (Sections 140.150 and 140.160);

(8) Specifies that any additional moneys from the sale of real estate for delinquent taxes or other debt that are placed in a trust fund for the owners of the property when the property sells for a greater amount than the debt will become part of the permanent school fund of the county if the funds are not called for as part of a redemption or collector's deed issuance within three years (Section 140.230);

(9) Repeals the provisions authorizing the county collector to retain a 50-cent fee for each certificate of purchase issued and a 25-cent fee for noting any assignment of any certificate when recording a certificate of purchase of land sold at a tax sale. The collector continues to be authorized to receive the fee necessary to record the certificate of purchase in the office of the county recorder (Section 140.290);

(10) Clarifies that before the owner of record or the holder of any other publicly recorded claim on a property can transfer ownership or execute an additional lien on the property, he or she must first redeem the property under Section 140.340 (Section 140.405);

(11) Repeals the provision requiring the county clerk to witness the county collector signing the deed given to the property purchaser at a tax sale (Section 140.460);

(12) Repeals the provision authorizing the county collector to charge $1.50 to a person applying for a tax deed for property acquired from a land sale (Section 140.470); and

(13) Clarifies that for the provisions relating to real estate taxes in township counties, "collector" means "collector-treasurer" instead of "treasurer and ex officio collector" (Section 140.665).

SS SB 251 — PUBLIC ASSISTANCE FRAUD AND ABUSE

This bill changes the laws regarding public assistance fraud and abuse.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES ELECTRONIC BENEFIT TRANSFERS

Eligible recipients of temporary assistance for needy families (TANF) benefits must not use these funds in any electronic benefit transfer (EBT) transaction in a liquor store, casino, gambling casino, gaming establishment, adult-oriented establishment, or in any place or for any item that is primarily marketed to or used by a person 18 years of age or older and/or is not in the best interests of the child or household. A TANF recipient who does so must reimburse the Department of Social Services for the purchase. An individual, store owner, or proprietor must not accept TANF cash assistance funds held on an EBT card for the purchase of alcoholic beverages, lottery tickets, or tobacco products or for a transaction in any of the establishments listed above. An individual, store owner, or proprietor who knowingly accepts an EBT card in violation of these provisions will be punished by a fine of up to $500 for the first offense, a fine of at least $500 but no more than $1,000 for the second offense, and a fine of at least $1,000 for the third or subsequent offense.

PUBLIC ASSISTANCE FRAUD

The bill revises provisions regarding public assistance fraud to be consistent with current federal language regarding the Food Stamp Program and for the use of EBT cards. The criminal offenses of unlawfully receiving, unlawful conversion, and unlawful transfer of public assistance benefits have been updated and renamed to include EBT cards. A person found guilty of violating these offenses will be guilty of a class A misdemeanor for a first offense if the value of the benefits is less than $500, a class D felony for a second offense if the value of the benefits is less than $500, and a class C felony for a second or subsequent felony offense.

A person who is found guilty of felony unlawfully receiving, unlawful conversion, or unlawful transfer of public assistance benefits or EBT cards must serve at least 120 days in the Department of Corrections unless the person pays full restitution to the state within 30 days of the date of execution of sentence. In addition to any criminal penalty, a person found guilty of unlawfully receiving, unlawful conversion, or unlawful transfer of public assistance benefits or EBT cards must pay full restitution to the state for the total amount of moneys converted. A person placed on probation for the offense cannot be released from probation until full restitution has been paid.

The Department of Social Services, rather than the Attorney General's Office, must establish and maintain a statewide toll-free telephone service to be operated eight hours a day during the work week, rather than a 16-hour schedule during the work week and an eight-hour schedule on weekends and holidays, to receive complaints of suspected public assistance fraud. The department must also study analytical modeling-based methods of detecting fraud and issue a report to the General Assembly and Governor by December 1, 2013, relating to the benefits and limitations of the model, experiences in other states using the model, and estimated costs for implementation.

HCS SS SB 252 — DEPARTMENT OF REVENUE

This bill changes the laws regarding the Department of Revenue. In its main provisions, the bill:

(1) Adds a fee agent appointed or selected by the department director to the list of persons covered under the State Legal Expense Fund to the extent that the actions or inactions of the agent were in the course of the person's official duties and in the manner required by state law or department rules (Section 105.711, RSMo);

(2) Allows a trailer as defined in Section 301.010 to be registered permanently at the option of the registrant upon the payment of a $52.50 fee (Section 301.067);

(3) Prohibits, beginning August 28, 2013, the department director from collecting the $10 voluntary contribution to the World War II Memorial Trust Fund that an applicant for a military license plate is allowed to make (Section 301.3031);

(4) Requires the department director to notify an applicant for a military license plate that he or she may make a $10 voluntary contribution and an applicant for any other license plate that he or she may make a $1 voluntary contribution to the newly created World War I Memorial Trust Fund for the restoration, renovation, and maintenance of a memorial, museum, or both, dedicated to World War I in Kansas City. The Missouri Veterans Commission will administer the fund (Section 301.3033);

(5) Prohibits the department from retaining copies, in any format, of source documents presented by an individual applying for or holding a driver's or nondriver's license. The department must not use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format (Section 302.065.1);

(6) Requires, by December 31, 2013, the department to securely destroy so as to make irretrievable any source documents that were obtained after September 1, 2012, from driver's or nondriver's license applicants (Section 302.065.2);

(7) Prohibits the department from retaining copies of any certificate of qualification for a concealed carry endorsement and from using technology to capture digital images of the certificate. The department must not retain digital or electronic images of the certificates, but verify whether the applicant has presented the certificate that will allow the applicant to obtain the endorsement. By December 31, 2013, the department must securely destroy so as to make irretrievable any copies of certificates of qualification that have been obtained from driver's or nondriver's license applicants (Section 302.065.3);

(8) Allows the following documents to be retained by the department:

(a) Original application forms, which may be retained but not scanned;

(b) Test score documents issued by State Highway Patrol driver examiners;

(c) Documents demonstrating the lawful presence of an applicant who is not a United States citizen, including the documents demonstrating the duration of the person's lawful presence;

(d) A document required to be retained under federal motor carrier regulations, including commercial driver's license and instruction permits; and

(e) Any alternative document that the applicant requests the department to review as proof required for the issuance of a driver's or nondriver's license or instruction permit (Section 302.065.4);

(9) Specifies that "source documents" means original or certified copies of documents presented by an applicant as required under specified federal regulations and any documents required for the issuance, renewal, or replacement of driver's or nondriver's licenses by the department under Chapter 302 or accompanying regulations (Section 302.065.5);

(10) Allows a person who is harmed or damaged because the department retained a document to bring a civil action for damages against the department and any person participating in the violation, including noneconomic and punitive damages, as well as injunctive relief in the circuit court where the person resided at the time of the violation or in the Cole County Circuit Court. Sovereign immunity is not available as a defense for the department. If the plaintiff prevails, he or she is entitled to recover reasonable attorney fees from the defendants (Section 302.065.6);

(11) Repeals the provisions exempting any data collected, obtained, or retained for a purpose other than compliance with the federal REAL ID Act of 2005 from the requirement that any biometric data previously collected, obtained, or retained in connection with motor vehicle registrations or the issuance or renewal of driver's licenses or any identification cards by any department or agency of the state charged with those activities from being retrieved and deleted from all databases (Section 302.183);

(12) Prohibits the department from using, collecting, obtaining, sharing, or retaining biometric data and from using biometric technology including, but not limited to, retinal scanning, facial recognition, or fingerprint technology to produce a driver's or nondriver's license or to uniquely identify licensees or license applicants for any purpose except digital images or licensee signatures required for the issuance of driver's and nondriver's licenses (Section 302.189.1);

(13) Defines "biometric data" and "biometric technology" to include facial feature pattern recognition, voice data, iris recognition data and retinal scans, fingerprints and other hand measurements, eye spacing, walk or gait, DNA, or keystroke dynamics (Section 302.189.2);

(14) Prohibits a state agency, department, or contractor or agent working for the state from constructing, enabling by providing or sharing records to, maintaining, participating in, developing, cooperating, or enabling the federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that a person possesses (Section 571.500); and

(15) Prohibits a state agency from disclosing the statewide list of concealed carry endorsement or permit holders to the federal government. These provisions cannot be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri Uniform Law Enforcement System (Section 1).

The provisions of the bill regarding the retention of documents by the department in Sections 302.065, 302.183, 302.189, and 571.500 contain an emergency clause.

SCS SB 254 — FEES ON SMALL LOANS

Currently, a creditor can charge a credit advance fee of the lesser of $25 or 5% of the credit advanced on a small loan that is an open-end credit contract tied to a transaction account in a depository institution and the contract provides for loans of 31 days or longer. This bill allows the creditor to charge

a fee of up to the lesser of $75 or 10% of the credit advanced.

CCS HCS SCS SB 256 — CHILD ABUSE AND NEGLECT

This bill changes the laws regarding child abuse and neglect.

TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN (Section 160.2100, RSMo)

The bill repeals the expiration date of January 1, 2013, of the provisions regarding the Task Force on the Prevention of Sexual Abuse of Children and requires, beginning January 1, 2014, the Department of Elementary and Secondary Education, in collaboration with the task force, to report annually to the General Assembly on the department's progress in preventing child sexual abuse.

SAFE PLACE FOR NEWBORNS ACT (Sections 210.950 and 211.447 and Section 1)

The bill changes the laws regarding the Safe Place for Newborns Act of 2002. Currently, a parent will not be prosecuted for the abandonment of a child up to five days old if he or she leaves the child in the custody of an employee, agent, or staff member of any hospital in a health care provider position or on duty in a volunteer position; a firefighter; emergency medical technician; or a law enforcement officer. The bill increases the age of a child to 45 days after birth and includes an employee, agent, or staff member of any maternity home or pregnancy resource center in a health care provider position or on duty in a volunteer position.

A parent voluntarily relinquishing a child cannot be required to release any identifying information about the child or parent. An officer, employee, or agent of this state or any political subdivision cannot attempt to locate or determine the identity of a parent or disclose identifying information except in certain cases.

It is an affirmative defense to prosecution for the abandonment or endangerment of the welfare of a child if the defendant voluntarily relinquished a child no more than one year of age.

A school district or charter school is allowed to annually provide high school students enrolled in health education at least 30 minutes of age and grade appropriate classroom instruction relative to the Safe Place for Newborns Act of 2002. The information must include an explanation that relinquishment means to give over possession of a child with the intent to give up all parental responsibility, the process and general locations for relinquishing a child, options for a parent who is unable to travel to a designated facility, and the process for reclaiming parental rights.

FORENSIC EXAMINATIONS IN CHILD ABUSE CASES (Section 595.220)

The Department of Public Safety must establish rules for reimbursing the costs of forensic examinations for children younger than 14 years of age, including establishing conditions and definitions for emergency and non-emergency forensic examinations and may, by rule, establish additional qualifications for appropriate medical providers performing non-emergency forensic examinations for children younger than 14 years of age. The department must provide reimbursement regardless of whether or not the findings indicate that the child was abused.

SB 257 — PORT IMPROVEMENT DISTRICT ACT

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

(1) Defines "consent" as the written acknowledgment and approval of the creation of a district by more than 60% of the property owners and by property owners who collectively own more than 60% of the assessed value of the real property within the proposed port improvement district;

(2) Revises the definition of "project" to include the construction or modification of any infrastructure or fixture the port authority determines to be essential in developing energy resources; preventing, reducing, or eliminating pollution; or providing water facilities or the disposal of solid waste. A "project" also includes the clearing and grading of real property and the acquisition of other property and improvements or rights and interest therein that are determined to be significant in the history, architecture, archeology, or culture of the United States, the state of Missouri, or its political subdivisions;

(3) Revises the definition of "qualified project costs" to include the costs of constructing, operating, rehabilitating, reconstructing, maintaining, or repairing new or existing infrastructure and facilities or removing public works or improvements;

(4) Defines "taxpayer" as a person or owner of real property within the proposed district who would pay real estate or use taxes as a result of the district's establishment;

(5) Changes where an approved draft petition for creating a district must be filed to the circuit court of the county where a majority of the proposed district is located. Currently, the petition must be filed in the circuit court of the county where the district is located;

(6) Changes when the port authority board must file certain specified documents with the Highways and Transportation Commission within the Department of Transportation to when the proposed district is within the highways of Missouri. Currently, a port authority board must file the documents with the commission for every proposed district;

(7) Specifies that a petition is proper for consideration and approval by the board and the circuit court if it has the consent of the property owners and contains specified information. Currently, a petition is proper for consideration and approval by the board and the circuit court if it has been signed by property owners collectively owning more than 60% per capita of all owners of real property within the boundaries of the proposed district. No consent can be required if the port authority is the owner of all the real property within the proposed district;

(8) Repeals the provision prohibiting Clay County from establishing a port improvement district within its port district boundaries;

(9) Requires a port authority to hold a public hearing on a proposed project, any proposed applicable real property tax or sales and use tax, and the establishment of the proposed district no more than 60 days prior to the submission of the draft petition to the circuit court. Currently, the public hearing must be held no more than 10 days prior to the submission of the petition. The notification by publication and mailing of the public hearing is not required if the authority is the owner of all the real property within the proposed district;

(10) Clarifies that the circuit court must give the required notice to the public in a newspaper serving the area in the proposed district of a petition to create a district upon the receipt of the filed petition;

(11) Allows a property tax resolution to be final without a mail-in ballot election if the port authority is the owner of all the real property within the proposed district;

(12) Requires a port authority to repeal by resolution the continuation of any real property tax when all of the obligations of the port improvement project have been met unless the tax secures an outstanding obligation of the project or covers ongoing expenses the port authority incurs to pay qualified project costs of the approved project;

(13) Requires any funds remaining in a special trust fund for a specific project upon expiration or termination of any real property tax to be refunded pro-rata to the property owners if the funds exceed any remaining obligations of the port improvement project and are not needed to cover ongoing expenses. Currently, the remaining funds that are not needed for current expenditures may be invested by the port authority and used for other approved port improvement projects;

(14) Allows a resolution for a district-wide sales and use tax to be final without a mail-in ballot election if the port authority is the owner of all of the real property within the proposed district; and

(15) Requires a port authority to repeal by resolution the continuation of any sales and use tax when all of the obligations of the port improvement project have been met unless the tax secures an outstanding obligation of the project or covers ongoing expenses the port authority has incurred to pay qualified project costs of the approved project.

The bill specifies that Sections 68.025, 68.035, 68.040, 68.057, 68.070, and 68.200 to 68.260, RSMo, regarding port authorities are severable and if any provision is held to be invalid for any reason, the decision cannot invalidate any of the remaining provisions. Currently, the provisions are nonseverable and if any provision is held to be invalid, the decision must invalidate all of the remaining provisions.

SCS SB 258 — KANSAS CITY SCHOOL DISTRICT BOARD OF EDUCATION

Beginning in 2019, this bill reduces the membership on the Kansas City School District board of directors from nine to seven members, reduces the number of at-large directors elected by the entire district from three to two, and reduces the number of subdistricts for electing the remaining directors from six to five. The local redistricting commission is required to redraw the new subdistricts by November 1, 2018.

Beginning in 2019, the election for school board members is moved from the date of the municipal election in each even-numbered year to the local election date as specified in Kansas City's charter. A director will serve a four-year term. Directors elected in 2014 and 2016 will serve until 2019.

CCS HCS SS SB 262 — HEALTH INSURANCE

This bill changes the laws regarding health insurance.

MISSOURI ORAL CHEMOTHERAPY PARITY INTERIM COMMITTEE (Section 338.321, RSMo)

The Missouri Oral Chemotherapy Parity Interim Committee is established to study the disparity in patient co-payments between orally and intravenously administered chemotherapies, the reasons for the disparity, and the patient benefits in establishing co-payment parity between oral and infused chemotherapy agents. The committee must consider information on the costs or actuarial

analysis associated with the delivery of patient oncology treatments.

The committee must consist of the following members:

(1) Two members of the Senate appointed by the President Pro Tem of the Senate;

(2) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(3) One member who is an oncologist or physician with expertise in the practice of oncology licensed in this state under Chapter 334;

(4) One member who is an oncology nurse licensed in this state under Chapter 335;

(5) One member who is a representative of a Missouri pharmacy benefit management company;

(6) One member from an organization representing licensed pharmacists in this state;

(7) One member from the business community representing businesses on health insurance issues;

(8) One member from an organization representing the leading research-based pharmaceutical and biotechnology companies;

(9) One patient advocate;

(10) One member from the organization representing a majority of hospitals in this state;

(11) One member from a health carrier as the term is defined under Section 376.1350;

(12) One member from the organization representing a majority of health carriers in this state as the term is defined under Section 376.1350;

(13) One member from the American Cancer Society; and

(14) One member from an organization representing generic pharmaceutical drug manufacturers.

All members, except for the members from the General Assembly, are to be appointed by the Governor by September 1, 2013. The Department of Insurance, Financial Institutions and Professional Registration must provide assistance to the committee. By January 1, 2014, the committee must submit a report to the Governor, Speaker of the House of Representatives, President Pro Tem of the Senate, and the appropriate legislative committees of the General Assembly regarding the results of the study and any legislative recommendations.

HEALTH INSURANCE COVERAGE
(Sections 354.410 - 354.430)

The bill:

(1) Specifies that the powers of a health maintenance organization include the power to offer as an option at least one health benefit plan that contains deductibles, coinsurance, coinsurance differentials, or variable co-payments. The plan must be permitted only when combined with a specified health savings or health reimbursement account that meets specified conditions; and

(2) Requires a statement or summary of evidence of coverage to include any limitations on the services, kinds of services, benefits, or kinds of benefits to be provided, including coinsurance or other cost-sharing features as requested by the group contract holder or, in the case of non-group coverage, the individual certificate holder.

EXCLUSIVE NETWORK PLANS
(Section 376.325)

A health carrier with a closed or exclusive provider network must accept into the network any willing licensed physician who agrees to accept a fee schedule, payment, or reimbursement rate that is 15% less than the health carrier's standard prevailing or market fee schedule, payment, or reimbursement rate for the network in the geographic area of the licensed physician's practice. These provisions do not apply to any licensed physician who does not meet the health carrier's selection standards and credentialing criteria or who has not entered into the carrier's standard participating provider agreement.

POLICY FORM APPROVAL PROCESS
(Sections 376.405 and 376.777)

The Director of the Department of Insurance, Financial Institutions and Professional Registration is authorized to make reasonable rules and regulations concerning the filing and submission of policies, including the disapproval of policies. The bill specifies that if a policy form is disapproved, all specific reasons for nonconformance must be stated in writing within 45 days from the date of filing, and the department director must approve or disapprove a submitted policy within 45 days, instead of the current 60 days, from the date of filing or the policy will be considered approved. If the department director determines at any time after a policy form is approved or deemed approved that any provision of the filing is contrary to state law, he or she must notify the carrier of the specific provisions and any specific statute or regulation in conflict with the provision and request that the carrier file an amendment form to modify it within 30 days. Upon approval of the amendment form by the department director, the health carrier must issue a copy of the amendment to every individual and entity to which the filing was issued. The amendment must have the force and effect as if it was in the original filing or policy.

MANAGED CARE PLANS
(Sections 376.426 and 376.777)

A health carrier may offer a managed care plan that requires all health care services to be delivered by a participating provider in the health carrier's network, except for emergency services and certain chemical dependency treatments, and requires the health carrier to disclose this provision in clear, conspicuous, and understandable language in the enrollment application and the policy form. If a health carrier offers a managed care health benefit plan to a group contract holder as an exclusive or full replacement health benefit plan, the health carrier must offer at least one additional health benefit plan option that includes an out-of-network benefit. The decision to accept or reject the offer of the optional health benefit plan must be made by the enrollee and not the group contract holder. The health benefit plan must have a procedure by which an enrollee may obtain a referral to a nonparticipating provider when he or she is diagnosed with a life-threatening condition or disabling degenerative disease.

MISSOURI HEALTH INSURANCE POOL
(Sections 376.961 - 376.973)

The bill:

(1) Specifies that beginning August 28, 2013, the board of directors, on behalf of the Missouri Health Insurance Pool, the executive director, and any other employees of the pool will have the authority to provide assistance or resources to any department, agency, public official, employee, or agent of the federal government for the specific purpose of transitioning individuals enrolled in the pool to coverage outside of the pool beginning on or before January 1, 2014. This authority does not extend to authorizing the pool to implement, establish, create, administer, or otherwise operate a state-based exchange. By September 1, 2013, the board must submit the amendments to the plan of operation as are necessary or suitable to ensure a reasonable transition period to allow for the termination of the issuance of policies by the pool. The amendments must include all current requirements under Section 376.962.2, including the selection of an administering insurer or third-party administrator, and must address the transition of individuals covered under the pool to alternative health insurance coverage as it is available after January 1, 2014. The plan of operation must also address procedures for finalizing the financial matters of the pool, including assessments, claims expenses, and other specified matters. The department director must review the plan of operation and establish rules to effectuate the transitional plan of operation. The rules must be effective by October 1, 2013;

(2) Allows, prior to January 1, 2014, the board of directors and administering insurers to issue policies of insurance from the pool. A new insurance policy cannot be issued on or after January 1, 2014. All coverage under the pool must expire on January 1, 2014;

(3) Requires, by September 1, 2013, the board to invite all insurers and third-party administrators, including the current administering insurer, to submit bids to serve as the administering insurer or third-party administrator for the pool. The selection of the administering insurer or third-party administrator must be made prior to January 1, 2014. Beginning January 1, 2014, the administering insurer or third-party administrator must:

(a) Submit to the board and the department director a detailed plan outlining the winding down of operations of the pool. The plan must be submitted no later than January 31, 2014, and updated quarterly thereafter;

(b) Perform all administrative claim-payment functions relating to the pool;

(c) Perform all necessary functions to assure timely payment of benefits to covered persons under the pool, including making available information on the proper manner of submitting a claim for benefits to the pool, distributing forms on which submissions must be made, and evaluating the eligibility of each claim for payment by the pool;

(d) Submit regular reports to the board regarding the operation of the pool. The frequency, content, and form of the report must be determined by the board;

(e) Determine, following the close of each calendar year, the expense of administration and the paid and incurred losses for the year and report the information to the board and department on a form prescribed by the department director; and

(f) Be paid as provided in the plan of operation for its expenses incurred in the performance of its services; and

(4) Requires pool assessments to continue until the executive director of the pool notifies the board and the department director that all claims have been paid. Any assessment funds remaining at the time that all claims have been paid must be deposited in the General Revenue Fund.

ACTUARIAL ANALYSIS

The bill requires, beginning September 1, 2013, the Oversight Division of the Joint Committee on Legislative Research to conduct an actuarial analysis of the cost impact to health carriers, insureds with a health benefit plan, and other private and public payers if state mandates were enacted to provide health benefit plan coverages for the following:

(1) Orally administered anticancer medication charged at the same co-payment or deductible as intravenously administered or injected cancer medication; and

(2) Diagnosis and treatment of eating disorders, including residential treatment and access to psychiatric and medical treatments.

By December 31, 2013, the division director must submit a report of the actuarial findings to the Speaker of the House of Representatives; President Pro Tem of the Senate; and the chairs of the House Committee on Health Insurance and the Senate Small Business, Insurance and Industry Committee or the committees having jurisdiction over health insurance issues if the committees no longer exist. The actuarial analysis must assume that the mandated coverage will not be subject to any greater deductible or co-payment than other health care services provided by the health benefit plan and will not apply to a supplemental insurance policy. The cost for each analysis cannot exceed $30,000, and the joint committee may utilize any actuary contracted to perform services for the Missouri Consolidated Health Care Plan to perform the required analysis.

UTILIZATION REVIEW PROCEDURE
(Section 376.1363)

The bill allows a health carrier to electronically contact enrollees and providers acting on behalf of enrollees in the case of a determination or adverse determination to certify an admission, procedure, service, extended stay, or additional services. Currently, a carrier must make the notification by telephone.

HEALTH CARE PROVIDER CREDENTIALING
(Sections 376.1575 and 376.1578)

Within two working days after receipt of a faxed or mailed completed application seeking authorization to provide patient care services, a health carrier must send a notice of receipt to the practitioner. A health carrier must provide access to a provider Internet web portal that allows a practitioner to receive notice of the status of an electronically submitted application. A health carrier must assess a practitioner's credentialing information and approve or deny the application within 60 business days of receipt of the completed application. The deadline must not apply if the application or subsequent verification information indicates that the practitioner has a history of behavioral disorders or other impairments affecting his or her ability to practice, including substance abuse; has had any disciplinary actions against his or her license imposed by any state, territory, or foreign jurisdiction; has had his or her hospital admitting or surgical privileges or other credentials or authority to practice revoked, restricted, or suspended based on his or her clinical performance; or has had a judgment or judicial award against him or her arising from a medical malpractice liability lawsuit. The Department of Insurance, Financial Institutions and Professional Registration must establish a mechanism for reporting alleged violations of these provisions to the department.

TELEHEALTH HEALTH INSURANCE COVERAGE
(Section 376.1900)

The bill prohibits a health carrier or health benefit plan issuing or renewing a health benefit plan on or after January 1, 2014, from denying coverage for a health care service on the basis that the service was provided through telehealth if the same service would be covered when delivered in person. A health care service cannot be excluded from coverage solely because the service is provided through telehealth rather than in person. A health carrier cannot be required to reimburse a telehealth provider or a consulting provider for site origination fees or costs of telehealth services but, subject to correct coding, must reimburse a telehealth provider for the diagnosis, consultation, or treatment of an insured person delivered through telehealth on the same basis that the health carrier covers the service when it is delivered in person. A health care service provided through a telehealth service must not be subject to any greater deductible, co-payment, or co-insurance amount than would be applicable if the same service was provided in person. A health carrier may undertake utilization review to determine the appropriateness of telehealth as a means of delivering a health care service as long as the determinations are made in the same manner as those regarding the same service when it is delivered in person. A health carrier must not impose durational benefit limits or maximums that are not equally imposed on all terms and services covered under the plan. A health carrier or health benefit plan may limit coverage for health care services that are provided through telehealth to health care providers that are in a network approved by the plan or the health carrier. A health care provider is not required to be physically present with the patient unless the provider determines that the presence of a health provider is necessary. The bill does not apply to specified types of supplemental insurance policies.

HEALTH INSURANCE MARKETPLACE
INNOVATION ACT OF 2013
(Sections 376.2000 - 376.2014 and Section 1)

The Health Insurance Marketplace Innovation Act of 2013 is established, which:

(1) Defines a "navigator" as person who, for compensation, provides information or services in connection with eligibility, enrollment, or program

specifications of any health benefit exchange operating in Missouri. This includes any person selected to perform the activities and duties identified in 42 U.S.C. 18031(i) in this state, any person who receives funds from the United States Department of Health and Human Services to perform any of the activities and duties identified in 42 U.S.C. 18031(i), any other person certified by the United States Department of Health and Senior Services, or a health benefit exchange operating in Missouri to perform the defined or related duties whether or not the person is identified as a navigator, certified application counselor, in-person assister, or other title. A navigator does not include any not-for-profit entity disseminating public health information to a general audience;

(2) Requires an individual or entity to be licensed as a navigator by the Department of Insurance, Financial Institutions and Professional Registration before performing, offering to perform, or advertising any service as a navigator or receiving navigator funding from the state or an exchange;

(3) Allows a navigator to:

(a) Provide fair and impartial information and services in connection with eligibility, enrollment, and program specifications of any health benefit exchange operating in Missouri, including information about the costs of coverage, advance payments of premium tax credits, and cost sharing reductions;

(b) Facilitate the selection of a qualified health plan;

(c) Initiate the enrollment process;

(d) Provide referrals to any applicable office of health insurance consumer assistance, ombudsman, or other agency for any enrollee with a grievance, complaint, or question regarding his or her health plan, coverage, or determination under the plan; and

(e) Use culturally and linguistically appropriate language to communicate the information authorized in these provisions;

(4) Prohibits a navigator from engaging in the following activities unless the navigator is properly licensed as an insurance producer in this state with specified authority:

(a) Selling, soliciting, or negotiating health insurance;

(b) Engaging in any activity that would require an insurance producer license;

(c) Providing advice concerning the benefits, terms, and features of a particular health plan or offering advice about which plan is better or worse for an individual or employer;

(d) Recommending or endorsing a particular health plan or advising consumers about which plan to choose; or

(e) Providing any information or services related to health benefit plans or other products not offered in the exchange;

(5) Exempts the following entities and persons from being required to be licensed as a navigator:

(a) An entity or person licensed as an insurance producer in Missouri with authority for health under Section 375.014;

(b) A law firm or attorney licensed in Missouri; and

(c) A health care provider if the provider does not receive any moneys from the United States Department of Health and Human Services or a health exchange operating in this state to act as a navigator and the activities or functions performed are related to advising, assisting, or counseling patients regarding private or public coverage or financial matters related to medical treatments or government assistance programs. These provisions cannot prohibit a health care provider from voluntarily becoming licensed as a navigator;

(6) Requires an individual applying for a navigator license to apply on a form developed by the department director and declare under penalty of refusal, suspension, or revocation of license that the statements made in the application are true, correct, and complete to the best of his or her knowledge and belief;

(7) Requires, before approving an application, the director to determine that an individual is 18 years old or older; resides in Missouri or maintains his or her principal place of business in Missouri; is not disqualified for having committed any act that would be grounds for refusal to issue, renew, suspend, or revoke an insurance producer license; has successfully passed the written examination; has identified the entity with which he or she is affiliated and supervised; has paid the required fees; and if applicable, has received the written consent of the department director concerning crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce;

(8) Requires any entity that acts as a navigator, supervises navigators, or receives funding to do either activity to obtain a navigator entity license;

(9) Allows the department director to require any necessary documents to verify the information contained in an application by an entity or individual;

(10) Requires an entity licensed as a navigator to provide the department director with a list of all

individual navigators employed by or affiliated with the entity and to report any changes in employment or affiliation within 20 days of the change;

(11) Requires the department director to provide initial training, continuing education, and written examination standards and requirements for navigators prior to an exchange becoming operational;

(12) Specifies that a navigator license will be valid for two years. To renew the license, the navigator must comply with any continuing education and ongoing training requirements and provide proof of its completion. A navigator who fails to timely file his or her renewal will be charged a late fee in an amount prescribed by the department director;

(13) Requires a navigator to advise a person to consult with a licensed insurance producer regarding coverage in the private market if the person acknowledges having existing health insurance coverage through another insurance producer;

(14) Allows the department director to suspend, revoke, place on probation, or refuse to issue, renew, or reinstate a navigator license or to levy a fine of up to $1,000 per violation for specified offenses and requires him or her to provide, if a license is denied or not renewed, written notice of the reason. An appeal of the nonrenewal or denial must be made to the Administrative Hearing Commission;

(15) Allows the department director to issue administrative orders and maintain a civil action for relief if he or she believes a person is or was violating or materially aiding someone in violating these provisions. A violation is a level two violation under the state insurance code;

(16) Requires a navigator to report to the department director within 30 days of the final disposition of any administrative action against him or her and within 30 days of the initial pretrial hearing date in any criminal prosecution of him or her in any jurisdiction. An entity acting as a navigator that terminates the employment, engagement, affiliation, or other relationship with an individual navigator must notify the department director within 20 days of the effective date of the termination;

(17) Specifies that the requirements of Sections 379.930 to 379.952 and Chapters 375, 376, and 407 and any related rules must apply to a navigator, and the activities and duties of a navigator must be deemed to be transacting the business of insurance; and

(18) Requires the department to exercise its authority and responsibility over health insurance product form filings, consumer complaints, and investigations into compliance with state law regardless of how a product may be sold or marketed in this state or to its residents.

The provisions of the bill regarding managed care plans in Section 376.426 will expire and be null and void at the end of the year following the repeal of 42 U.S.C. Section 300gg by the United States Congress or at the end of the year following a finding by a court that the provisions are unconstitutional or otherwise infirm.

The provisions of the bill regarding the licensing of navigators are severable and if any provision of the act or its application is held invalid by a court, the invalidity will not affect other provisions or applications and the remaining provisions or applications will remain in full force and effect.

The provisions of the bill regarding the actuarial analysis for specified health benefit plan coverages will expire December 31, 2013.

The provisions of the bill regarding health care provider credentialing and telehealth health insurance coverage become effective January 1, 2014.

The provisions of the bill regarding the Health Insurance Marketplace Innovation Act of 2013 contain an emergency clause.

SB 265 — PRIVATE PROPERTY RIGHTS
(Vetoed by the Governor)

This bill prohibits the State of Missouri and all political subdivisions from adopting or implementing policy recommendations that infringe or restrict private property rights without due process as may be required by policy recommendations originating in or traceable to Agenda 21 or any other international law or ancillary plan of action that conflicts with the United States or Missouri constitutions. Agenda 21 is a non-binding action plan regarding sustainable development adopted by the United Nations in 1992 at its Conference on Environment and Development.

The State of Missouri and all political subdivisions are also prohibited from entering into any agreement with, expending any sum of money for, receiving funds from, contracting services from, or giving financial aid to nongovernmental and intergovernmental organizations as defined in Agenda 21.

SS SB 267 — CIVIL LIBERTIES DEFENSE ACT
(Vetoed by the Governor)

This bill establishes the Civil Liberties Defense Act.

Any court, arbitration, tribunal, or administrative agency ruling or decision is void and unenforceable if based on a foreign law, legal code, or system that is repugnant or inconsistent with the Missouri and United States constitutions.

A contract or contractual provision that applies a foreign law to a contractual dispute or allows the dispute to be settled in another country is void and unenforceable in Missouri if the court, arbitration, tribunal, or administrative agency bases it rulings or decisions in the matter at issue in whole or in part on any foreign law, legal code, or system that is repugnant or inconsistent with the Missouri or United States constitutions.

In specified cases, a court may refuse to take jurisdiction over matters if it believes that there is a more appropriate forum for the dispute. If a state resident brings the case and the court finds that not hearing the case in Missouri would likely violate rights protected under the Missouri and United States constitutions, the court must hear the case in Missouri.

Without prejudice to any legal right, these provisions do not apply to a business entity that contracts to subject itself to a foreign law in a jurisdiction other than this state or the United States.

The bill specifies that no court can interpret these provisions to require or authorize any court to adjudicate or prohibit any religious organization from adjudicating ecclesiastical matters where adjudication by a court would violate the Missouri Constitution or the prohibition of the establishment clause of the First Amendment of the United States Constitution.

HCS SS SB 282 — MOTOR VEHICLES

This bill changes the laws regarding motor vehicles.

COLLEGIATE REGULATION OF VEHICULAR TRAFFIC

The bill allows the governing body of any state college or university to establish regulations to control vehicular traffic on campus. The regulations must be consistent with state law and must be printed and distributed for public use. College or university police officers must have the authority to enforce the general motor vehicle laws of Missouri and the regulations adopted by the governing board on the campus. There must be adequate signs displaying the speed limit on thoroughfares. A violation will have the same effect as a municipal ordinance with penalty provisions and points assessed. State college or university police officers must be certified under Chapter 590, RSMo, and will have the same powers as other law enforcement officers (Sections 174.700 - 174.712 and 544.157).

INCOMPETENT OR UNQUALIFIED DRIVERS

An emergency medical technician is added to the list of health care professionals who can report to the Director of the Department of Revenue that a driver has been diagnosed or assessed with a condition that may prevent the person from safely operating a motor vehicle or that he or she has good cause to believe that a person is incompetent or unqualified to retain his or her driver's license (Section 302.291).

SUSPENSION OF DRIVING PRIVILEGES

Currently, if a person's driving privileges are suspended for failing to dispose of charges related to a moving violation, his or her driving privileges will be suspended until proof of the final disposition of charges is furnished to the Director of the Department of Revenue. Upon proof of disposition of charges and payment of any fine and reinstatement fees, the license must be restored and the suspension removed from the person's record if he or she was not operating a commercial motor vehicle or a holder of a commercial driver's license. The bill repeals the provision requiring the director to return the person's license and to remove the suspension from the offender's driving record (Section 302.341).

MOTORCYCLE CHECKPOINTS

The bill prohibits a law enforcement agency from establishing a roadside checkpoint or road block pattern based upon a particular vehicle type, including the establishment of a motorcycle-only checkpoint. A law enforcement agency may establish a roadside checkpoint pattern that only stops and checks commercial motor vehicles. The provisions of the bill cannot be construed to restrict any other type of checkpoint or road block that is lawful and is established and operated in accordance with the provisions of the United States and Missouri constitutions (Section 304.152).

ENDANGERMENT OF EMERGENCY WORKERS

The bill increases the penalty for a moving violation or traffic offense occurring within an active emergency zone. An "active emergency zone" is an area that is visibly marked by emergency responders on or around a highway where an active emergency or incident removal is temporarily occurring.

A person convicted of a first moving violation or traffic offense within an active emergency zone must be assessed a fine of $35 in addition to any other fine authorized by law. A second or subsequent offense within an active emergency zone must be assessed a fine of $75 in addition to any other fine (Section 304.892.1).

The bill makes it a class C misdemeanor to pass another vehicle in an active emergency zone, and a person who pleads guilty to or is convicted of a speeding or passing violation in an active emergency zone must be assessed a fine of $250 for a first offense and $300 for any subsequent offense in addition to any other fine authorized by law (Sections 304.892.2 and 304.892.3).

A person commits the offense of endangerment of an emergency responder if, while in an active emergency zone with emergency responders present, he or she:

(1) Exceeds the posted speed limit by 15 m.p.h. or more;

(2) Passes another vehicle;

(3) Fails to stop for a flagman, an emergency responder, or a traffic control signal in the active emergency zone;

(4) Drives through or around an active emergency zone via any lane that is not for motorists;

(5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument; or

(6) Intentionally strikes or moves a barrel, barrier, sign, or other device for a reason other than to avoid an obstacle or emergency or to protect the health and safety of another person.

When injury or death does not result from the offense, a person who pleads guilty to or is convicted of endangering an emergency responder is subject to a fine of up to $1,000 and assessed four points to his or her license. If death or injury results, the person commits the offense of aggravated endangerment of an emergency responder and is subject to a fine of up to $5,000 if a responder is injured and $10,000 if death resulted and 12 points will be assessed to his or her license (Sections 302.302, 304.894.2, and 304.894.3).

A person cannot be cited for or found guilty of endangerment or aggravated endangerment of an emergency responder if the act or omission is the result of a vehicle's mechanical failure or the negligence of another person (Section 304.894.5).

MOTORCYCLE BRAKE LIGHTS

The bill allows a motorcycle to be equipped with a means of varying the brightness of the vehicle's brake light for up to five seconds upon applying the brakes (Section 307.075).

SCS SB 287 — CAPTIVE INSURANCE COMPANIES

This bill allows the Director of the Department of Insurance, Financial Institutions and Professional Registration to issue a certificate of general good to permit the formation of a sponsored captive insurance company that is established for the sole purpose of consolidating or merging with or assuming existing insurance or reinsurance business from an existing Missouri licensed captive insurance company. The director may, upon a request of the newly formed insurance company, waive or modify specified licensing requirements. The assets for one or more participants in a sponsored captive insurance company must be kept in a separate account to be known as a "protected cell." The assets of two or more protected cells may be combined for purposes of investment and the combination cannot be construed as defeating the segregation of the assets for accounting or other purposes.

One or more sponsors may form a sponsored captive insurance company to insure the risks of only its participants with separate contracts for each participant. A sponsored captive insurance company:

(1) Must possess and maintain an unimpaired paid-in capital and surplus of at least $500,000 and pay an annual minimum aggregate tax of $7,500 in order to be issued a license which must apply to the company as a whole and not to each protected cell. Each protected cell under a sponsoring captive insurance company is required to pay a portion of the tax as specified in the bill based on the amount of premiums collected. The bill reduces, from $750,000 to $500,000, the minimum amount of unimpaired paid-in capital and surplus that an association captive insurance company must possess and maintain in order to be issued a license;

(2) Must be subject to the reporting and operational requirements of the department;

(3) Can be sponsored by any person approved by the department director if the determination is consistent with specified purposes. A risk retention group cannot be a sponsor or a participant of a sponsored captive insurance company;

(4) Can have an association, corporation, limited liability company, partnership, trust, and other business entity as a participant. A sponsor may be a participant in a sponsored captive insurance company. A participant does not have to be a shareholder of the sponsored captive insurance company or an affiliate of the company. A participant must insure only its own risks through a sponsored captive insurance company;

(5) Must comply with the specified investment requirements; and

(6) Must have capital and surplus available at all times to pay any expenses of or claims against the sponsored captive insurance company. The

assets of a protected cell cannot be used to pay any expense or claim other than those attributable to the protected cell.

A sponsored captive insurance company must be incorporated as a stock insurer with its capital divided into shares and held by the stockholders as a mutual corporation, a nonprofit corporation with one or more members, or as a manager-managed limited liability company. An applicant for a sponsored captive insurance company must file specified information with the department director. Each sponsored captive insurance company must notify the department director in writing within 10 business days of any protected cell that is insolvent or otherwise unable to meet its claim or expense obligations. A participant contract cannot take effect without the department director's prior written approval, and the addition of each new protected cell, withdrawal of a participant, or the termination of any existing protected cell constitutes a change in the business plan requiring the department director's prior written approval. Each participant contract must state that no benefit will be paid to the participant or any other party from any state guaranty fund based on a claim against the assets of the participant's protected cell in which the assets are insufficient to satisfy the claim. The sale, exchange, transfer of assets, dividend, or distribution between or among any of its protected cells without the consent of the cells and the approval of the department director is prohibited. The approval cannot be given if it would result in insolvency or impairment to a protected cell.

SB 306 — TESTING OF COMPOUNDED DRUGS

Currently, any person authorized by the Board of Pharmacy in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration may enter and inspect any open premises selling drugs or chemicals. This bill allows the board to establish and implement a program for testing drugs or drug products maintained, compounded, filled, or dispensed by licensees, registrants, or permit holders of the board. The board must pay all testing costs and must reimburse the licensee, registrant, or permit holder for the reasonable, usual, and customary cost of the drug or drug product requested for testing.

SCS SB 324 — LICENSURE OF LIMITED LINES TRAVEL INSURANCE PRODUCERS

This bill allows the Director of the Department of Insurance, Financial Institutions and Professional Registration to issue an individual or business entity that has complied with specified requirements a limited lines travel insurance producer license that authorizes the producer to sell, solicit, or negotiate travel insurance through a licensed insurer. Travel insurance may be provided under an individual or a group or master policy. An application must be filed with the department in a form and manner prescribed by the department director.

At the time of licensure, the producer must establish and maintain a register on a form prescribed by the department director of each travel retailer that offers travel insurance on behalf of the producer, which includes specified information. The register must be maintained and updated annually. A producer must designate one of its employees who is a licensed individual producer as the person responsible for the business' compliance with state travel insurance laws, rules, and regulations.

A travel retailer must make available to prospective purchasers brochures or other written materials that provide the identity and contact information of the insurer and the limited lines travel insurance producer; explain that the purchase of travel insurance is not required to purchase any other product or service from the travel retailer; and explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage. A travel retailer's employee or authorized representative may not evaluate or interpret the technical terms, benefits, and conditions of the offered coverage; evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or hold himself or herself out as a licensed insurer, licensed producer, or insurance expert.

As the insurer designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and must use reasonable means to ensure compliance by the retailer with these provisions. The limited lines travel insurance producer and any travel retailer offering and disseminating travel insurance under the limited lines travel insurance producer license are subject to all provisions of Chapter 374 and 375, RSMo, except as specified in the bill.

CCS SB 327 — SUPERVISION OF CRIMINAL OFFENDERS

This bill allows a DWI court to use a private probation service when the Division of Probation and Parole within the Department of Corrections is unavailable to assist in the supervision of a person

who wishes to enter the court. All additional costs may be assessed against the participant. A person cannot be rejected from participating in a DWI court solely because he or she does not reside in the city or county where the applicable court is located, but the DWI court can base acceptance into a treatment court program on its ability to adequately provide services for the person or handle the additional caseload.

Currently, a judge can release a person charged with a crime pending trial or on probation after being convicted of a crime on house arrest with electronic monitoring if the person can afford the costs of monitoring. The bill allows a person to be placed on electronic monitoring if the person can afford the costs or the county commission agrees to pay the costs of monitoring from its general revenue.

SB 329 — EGGS

This bill revises the definition of "eggs" as it relates to the regulation of the sale of eggs to mean the shell eggs of a domesticated chicken, turkey, duck, goose, or guinea that are intended for human consumption.

CCS#2 HCS SB 330 — PROFESSIONAL REGISTRATION

This bill changes the laws regarding members of the State Board of Chiropractic Examiners, dental assistants, collaborative practice agreements, hearing instrument specialists, and adoption investigations.

STATE BOARD OF CHIROPRACTIC EXAMINERS

Currently, a member of the State Board of Chiropractic Examiners within the Department of Insurance, Financial Institutions and Professional Registration cannot be held personally liable for any act committed in the performance of his or her official duties except gross negligence. The bill repeals the gross negligence exception.

DENTAL ASSISTANTS

A dental assistant, certified dental assistant, or expanded functions dental assistant is allowed to place pit or fissure sealants and apply topical fluoride to patients if he or she is under the direct supervision of a registered and licensed dentist.

COLLABORATIVE PRACTICE AGREEMENTS

Currently, a collaborative practice arrangement must include a provision on how the collaborating physician and advanced practice registered nurse will maintain geographic proximity. The bill allows geographic proximity to be waived for up to 28 days per year as long as the arrangement includes specified alternative plans in order for the advanced practice registered nurse to provide care at an independent rural health clinic or a provider-based rural health clinic where the provider is a critical access hospital as provided in federal regulations or where the main location of the hospital sponsor is more than 50 miles from the clinic. The collaborating physician must maintain documentation related to this requirement and present it to the State Board of Registration for the Healing Arts when requested.

HEARING INSTRUMENT SPECIALISTS

The bill:

(1) Changes the minimum age requirement for licensure as a hearing instrument specialist from 21 to 18 years of age;

(2) Requires an applicant for a hearing instrument specialist license or a hearing instrument specialist-in-training permit to hold an associate's degree or higher in hearing instrument sciences from a state or regionally accredited higher education institution, hold an associate's degree or higher from a state or regionally accredited higher education instruction and submit proof of completion of a specified course or program, or hold a master's or doctoral degree in audiology from a state or regionally accredited institution;

(3) Allows a person holding a current, unsuspended, and unrevoked license from another jurisdiction to receive a license if the standards for licensing are substantially equivalent to or exceed those required by the Board of Examiners for Hearing Instrument Specialists within the Department of Insurance, Financial Institutions and Professional Registration or if she or he has been actively practicing as a licensed hearing aid fitter or dispenser for at least 48 of the last 72 months and submits proof of completion of advance certification from the International Hearing Society or the National Board for Certification in Hearing Instrument Sciences. The provisions allowing a person holding a license from another state or jurisdiction to receive a Missouri license through a reciprocal agreement are repealed; and

(4) Requires the board to establish reasonable standards and rules for the evaluation of an applicant for the purpose of determining the course of instruction and training required of each applicant under the licensing requirements.

ADOPTION INVESTIGATIONS

A professional counselor, a licensed psychologist who is associated with a licensed child-placement agency, and any social worker are added to the list of persons authorized to conduct a full investigation

into whether an individual is suitable as an adoptive parent for a child.

CCS HCS SB 342 — AGRICULTURE
(Vetoed by the Governor)

This bill changes the laws regarding agriculture.

LIQUEFIED PETROLEUM GAS INSTALLATIONS (Section 64.196, RSMo)

The bill prohibits a county building ordinance adopted by a first or second classification county commission from conflicting with liquefied gas installations governed under Section 323.020.

TAX CREDIT FOR WOOD ENERGY PRODUCERS (Section 135.305)

The bill extends the tax credit for a Missouri wood energy producer from June 30, 2013, to June 30, 2019, and limits the total amount of tax credits allowed in any fiscal year to $3 million.

MOTOR FUEL TAX DEFINITIONS (Section 142.800)

"Additive" is defined as a substance designed to increase engine power or performance but not capable of propelling the vehicle without the primary fuel. The bill specifies that the use of an additive does not require compliance with the provisions regarding the alternative fuel decal fee under Section 142.869.

UNIVERSITY OF MISSOURI EXTENSION DISTRICTS (Section 262.598)

A University of Missouri extension council, except a council located in St. Louis County, is authorized to form an extension district made up of cooperating counties for the purpose of funding extension programming. An extension district can be a single-council district or a consolidated district consisting of two or more extension councils. A majority vote of each participating council is required to form an extension district.

In a single-council district, the existing University of Missouri extension council will serve as the extension district's governing body. In a consolidated district, the governing board will consist of at least three but no more than five representatives appointed by each participating council. The powers and duties of a district's governing body are specified in the bill.

The governing body of a district may submit a question to the voters of the district to institute a property tax levy in the district's counties. A property tax levy cannot exceed 30 cents per $100 of assessed valuation. The costs of submitting the question to the voters at the general municipal election must be paid by the district. In a single-county district, the property tax levy will be imposed if a majority of the voters in the county approve it. In a consolidated district, the property tax levy will be imposed if a majority of the voters in each county in the district approve it. If one of the counties in a consolidated district does not approve it, that county's council may withdraw from the district. Upon the withdrawal, the district will be made up of the remaining counties and the tax will be imposed in those counties. However, if the county that did not approve the tax levy does not withdraw, the tax cannot be imposed.

A single-council district for which a tax has not been levied may be dissolved in the same manner in which it was formed. A county may withdraw from a consolidated district at any time by filing a petition signed by at least 10% of the voters in the county who voted in the most recent presidential election with the circuit court having jurisdiction over the district. The court must hear evidence on the petition, and if it determines that it is in the best interest of the county inhabitants, it must submit the question to the voters at the next general municipal election. If two-thirds of the voters vote in favor of withdrawing from the district, the court must issue an order withdrawing the county from the district. The costs of the election are to be paid by the district. The withdrawal will not become effective until the following January 1, and the district will remain intact for the purposes of paying all outstanding and lawful obligations and disposing of the district's property.

The governing body of any district may seek voter approval to increase its current tax rate if the increase will not cause the total tax to exceed 30 cents per $100 of assessed valuation. The governing body must submit the question to the voters at the next general municipal election. The costs of submitting the question to the voters must be paid by the district. If a majority of the voters in the county in a single-council district approve the question, the tax will be imposed. In a consolidated district, a majority of the voters in the district is required.

MISSOURI INTERNATIONAL AGRICULTURE EXCHANGE (Section 262.975)

The Department of Agriculture is allowed to contract with an Internet website development company to build and maintain the Missouri International Agricultural Exchange website. The website must contain content approved by the department to promote Missouri agricultural products and services to international agricultural buyers.

The bill:

(1) Requires the exchange to allow Missouri-based agricultural sellers to post their products produced in Missouri on the website at no charge to assist in marketing them to international buyers. A

seller must register through the website, show proof of Missouri residency, and provide any additional information required by the department;

(2) Specifies that the state will have exclusive ownership rights of content on the exchange, but the website developer may use informational content provided by the department, add to the content, and apply search engine optimization to the website's content to achieve a high search engine ranking;

(3) Allows the website developer to sell advertising on the website to any entity that will benefit from marketing to international agricultural producers or buyers. The developer will be responsible for all costs associated with the development, marketing, and maintenance of the website and will retain all advertising revenues obtained from the website. The developer is prohibited from selling advertising to any entity that is not related to agriculture or furthers the interest of specified content types;

(4) Requires the website developer to have proven experience and expertise in search engine optimization as determined by the Department of Agriculture or the Department of Economic Development and to provide evidence of website development projects that increased search engine rankings for the client;

(5) Requires the Department of Agriculture, in conjunction with the Department of Economic Development, to review all applications and award an annual contract for the development, design, marketing, and maintenance of the website with annual contract renewals for continuing upgrades, marketing, and maintenance of the website; and

(6) Authorizes the Department of Agriculture to terminate a contract at its discretion. A developer may have his or her contract terminated for failure to operate under the department's guidelines for the website. If the contract is terminated, the department will assume ownership of all site-related domain names and must award a new contract in accordance with the procedures for awarding the initial contract.

LIVESTOCK FEED AND CROP LOANS (Section 348.521)

The maximum amount of certificates of guaranty that the Missouri Agricultural and Small Business Development Authority within the Department of Agriculture may issue on a loan for livestock feed and crop input is increased from $40,000 to $100,000.

FOREIGN OWNERSHIP OF AGRICULTURAL LAND (Sections 442.571 and 442.576)

Currently, an alien or foreign business may not purchase agricultural land in Missouri. The bill prohibits the purchase if the total aggregate alien and foreign ownership of agricultural acreage in the state exceeds 1% of the total aggregate agricultural acreage in this state. The Director of the Department of Agriculture must approve any sale, transfer, or acquisition of any agricultural land, and the department must establish the requirements for the submission and approval of requests to purchase, transfer, or acquire agricultural land under these provisions.

CLEAN WATER PERMITS (Section 644.029)

The bill requires the Department of Natural Resources to allow an appropriate schedule of compliance for a permittee to make upgrades or changes to its facilities that are necessary to meet new water quality requirements. The department must incorporate new water quality requirements into an existing permit at the time of renewal unless there is a compelling reason to implement the requirements earlier through permit modifications. All new permit applicants may be required to meet any new water quality standards or classifications prescribed by the Clean Water Commission within the department.

MINING PERMITS (Section 1)

The bill exempts any business entity located in Cape Girardeau County from Section 444.771 that prohibits the Department of Natural Resources from issuing a mining permit to any person whose mine plan boundary is within 1,000 feet of an accredited school.

SB 350 — MISSOURI SENIOR SERVICES PROTECTION FUND

(Vetoed by the Governor)

This bill repeals the provisions regarding the rent constituting property taxes under the Senior Citizens Property Tax Credit, commonly known as circuit breaker. The Director of the Department of Revenue must calculate the amount of property tax credits that was attributable to renters in Fiscal Year 2012. Beginning in Fiscal Year 2014, the department director must annually deposit that amount into the newly created Missouri Senior Services Protection Fund to be allocated for services for low-income senior citizens and people with disabilities.

SS SB 357 — MECHANICS' LIENS

Currently, a lien involving the rental of machinery or equipment to others who use the machinery or equipment is for the reasonable rental value while the machinery or equipment is on the property. This bill repeals the requirement that the machinery or equipment be rented to others who actually use the machinery or equipment.

Currently, the party claiming a lien involving the rental of machinery or equipment must provide written notice to the property owner that rental machinery or equipment is being used on his or her property within five business days of the start of use, which includes the name of the entity that rented the machinery or equipment and the rental rate. The bill requires the notice to be given within 15 business days and removes the requirement that the rental rate be included in the notice.

SCS SB 376 — POWERS OF HOSPITAL DISTRICTS

This bill allows a hospital district, except in third or fourth classification counties where a hospital organized under Chapters 96, 205, or 206, RSMo, already exists, to lease or allow an institution of higher education to use or occupy the hospital, any real estate or facility owned or leased by the district, or any part of the hospital for health care related and general education or training.

SCS SB 381 — INNOVATION EDUCATION CAMPUS FUND

This bill creates the Innovation Education Campus Fund to be administered by the Commissioner of Higher Education in the Department of Higher Education. An "innovation education campus" is defined as an educational partnership consisting of at least one local high school or K-12 school district, a Missouri four-year public or private institution of higher education, a Missouri-based business or businesses, and a Missouri public two-year institution of higher education or Linn State Technical College. The General Assembly may appropriate moneys to the fund that must be used for the program of instruction at any innovation education campus.

An innovation education campus may receive moneys from the fund if it demonstrates that it is actively working to lower the cost for students to earn a college degree; the program decreases the time required for a student to earn a college degree; the campus provides applied and project-based learning experiences for students and leverages curriculum developed in consultation with partner Missouri business and industry representatives; students graduate from the campus with direct access to career opportunities with a Missouri-based business in partnership with the innovation education campus; and the campus engages and partners with industry stakeholders in ongoing program development and program outcomes review. The bill specifies that the existing Missouri Innovation Campus which includes the University of Central Missouri has satisfied these criteria and is eligible for funding under these provisions.

The Coordinating Board for Higher Education must review an innovation education campus for compliance with the requirements every five years and must consult with and take input from each entity that is a partner to the campus. An innovation education campus must annually verify to the coordinating board that it has satisfied the statutory criteria.

Moneys appropriated to the fund must not be considered part of the annual appropriation to any higher education institution or any school district. Private moneys received by a campus must not be placed in the fund.

SUBJECT INDEX OF 2013
TRULY AGREED TO AND FINALLY PASSED
HOUSE BILLS AND SENATE BILLS
Regular Session

BILL STATISTICS

	Introduced	Third Read*	Truly Agreed	Vetoed by the Governor
House Bills	1,017	178	63	10
House Joint Resolutions	40	8	2	0
House Appropriation Bills	17	17	17	0**
Senate Bills	484	137	82	19
Senate Joint Resolutions	24	6	0	0
TOTALS	**1,582**	**346**	**164**	**29**

* In chamber of origin

** Does not include line item vetoes

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