This issue of The Missouri Bar’s *Legislative Digest* summarizes all bills passed during the Second Regular Session of the 96th General Assembly. Appropriations bills have been omitted. The *Digest* is published twice during each regular session of the Missouri General Assembly and made available to all members of The Missouri Bar.

This issue contains:
1. Topical index of bills.
2. Directory of legislative officers, lawyer-legislators and members of the General Assembly.
3. Summaries of bills Truly Agreed To and Finally Passed during the 2011 session. Bar-drafted legislative proposals are designated with an asterisk. Positions on other bills determined to be within the bar’s legislative scope taken by The Missouri Bar’s Executive Committee are noted. Positions noted are generally with respect to bills as introduced without consideration of changes that may have occurred in the legislative session.
4. Information about The Missouri Bar Protest and Dues Refund Procedure.

The Governor’s action is indicated after the summary of each bill. All bills enacted by the 2011 session and not vetoed by the Governor become effective August 28, 2011, except those having emergency clauses which become effective when signed by the Governor, and those having specific operative dates.

To access a summary of the Governor’s actions, including veto letters, connect via the Internet to http://governor.mo.gov/actions/ and select the desired information.

To view the text or summary of a particular bill, connect via the Internet to the Missouri General Assembly home page at www.moga.mo.gov and select Joint Bill Tracking. Then search for the bill number, select Full Bill Text, and then select the Truly Agreed To and Finally Passed version.

If you would like a copy of a particular bill, we will obtain it for you, but we cannot furnish multiple copies of the same bill. Send your request to: Legislative Department, The Missouri Bar, P.O. Box 119, Jefferson City, MO 65102-0119; or telephone (573) 638-2230.

Catherine J. Barrie, Senior Legislative Counsel

The editors gratefully acknowledge reliance on House and Senate bill summaries prepared by the Research Staff of the Missouri House of Representatives and used with permission.

**INDEX OF BILLS**

Administrative Law/Licensing .................................. 8
Agricultural & Animal Law ..................................... 9
Business Law ...................................................... 11
Commercial Law .................................................. 12
Construction Law .................................................. 15
Criminal Law ....................................................... 15
Education Law & School Law .................................... 20
Elder Law ........................................................... 21
Environmental & Energy Law ................................... 21
Family & Juvenile Law ........................................... 24
Health & Hospital Law .......................................... 26
Insurance Law ..................................................... 29
Judicial Administration .......................................... 31
Labor & Employment Law ...................................... 34
Licensing .................................................................... 37
Local Government .................................................. 39
Media Law ............................................................. 43
Military & Veterans Law ......................................... 43
Motor Vehicle Law ................................................ 43
Poverty Law ........................................................... 44
Probate & Trust Law ............................................... 44
Property Law .......................................................... 49
State Government ................................................... 51
Taxation Law .......................................................... 54
Tort Law ................................................................. 55
Transportation Law .................................................. 55
Utilities Law ............................................................. 58

**96TH GENERAL ASSEMBLY**

**Second Regular Session**

**Veto Session**

First Wednesday following the second Monday in September ............................................. September 14, 2011
LEGISLATIVE OFFICERS

Senate
President Pro Tem ............... Robert Mayer ................. 751-3859
Majority Floor Leader ........... Tom Dempsey ................. 751-1141
Minority Flr. Leader .......... Victor Callahan ................. 751-3074
Asst. Min. Flr. Leader ......... Jolie Justus ................. 751-2788
Maj. Caucus Chair .............. Bill Stouffer ................. 751-1507
Maj. Caucus Secretary ......... Eric Schmitt ................. 751-2853
Maj. Caucus Whip ............... Michael Parson ................. 751-8793
Min. Caucus Chair ............. Timothy Green ................. 751-2420
Min. Caucus Secretary ......... Robin Wright-Jones ................. 751-2606

House of Representatives
Speaker of the House ......... Steven Tilley ................. 751-1488
Speaker Pro Tem ............... Shane Schoeller ................. 751-2948
Majority Floor Leader ....... Timothy Jones ................. 751-0562
Asst. Maj. Floor Leader ...... Jeanie Riddle ................. 751-5226
Majority Whip ................. Jason T. Smith ................. 751-1688
Minority Floor Leader ....... Mike Talboy ................. 751-1309
Asst. Min. Floor Leader ...... Tishaura Jones ................. 751-6800
Majority Caucus Chair ......... Shelley Keeney ................. 751-5912
Maj. Caucus Secretary ......... Sue Allen ................. 751-9765
Minority Whip ................. Mike Colona ................. 751-6736
Minority Caucus Chair ......... Terry Swinger ................. 751-2264
Min. Caucus Vice-Chair ....... Chris Carter ................. 751-7605
Min. Caucus Secretary ........ Sara Lampe ................. 751-1460

LAWYER MEMBERS OF 2011 GENERAL ASSEMBLY

Representative Jason (Jay) Barnes (R)
Vice-Chair, Appropriations–General Administration
219 East Dunklin St., Suite A
Jefferson City, MO 65101

Representative Sue Carlson (D)
Chackes, Carlson & Sipritzer, LLP
230 South Bemiston, Suite 800
St. Louis, MO 63105

Representative Mike Colona (D)
Minority Whip
The Stokely Group, LLC
4387 Laclede Ave.
St. Louis, MO 63108

Representative Stanley Cox (R)
Chair, House Judiciary Committee
Vice-Chair, Special Standing Committee on Redistricting
Law Office of Cox & Associates, LLC
202 W. 4th Street
Sedalia, MO 65301

Representative Jason Crowell (R)
Chair, Veterans' Affairs/Emerging Issues/Pensions and Urban Affairs
Osburn, Hine, Yates & Murphy
3071 Lexington Avenue
Cape Girardeau, MO 63701

Representative John J. Diehl, Jr. (R)
Chair, Special Standing Committee on Redistricting
Chair, Rules-Rules Pursuant to Rule 25(32)(f)
Armstrong Teasdale LLP
7700 Forsyth Blvd., Suite 1800
St. Louis, MO 63105

Representative Rory Ellinger (D)
797 West Terra Lane
O'Fallon, MO 63366

Representative Kevin Elmer (R)
Vice-Chair, Judiciary
Elmer Law Firm, LLC
P.O. Box 1315
Nixa, MO 65714

Senator Jack Goodman (R)
Assistant Majority Floor Leader
Chair, Judiciary/Civil and Criminal Jurisprudence
212 S. Hickory
P.O. Box 181
Mount Vernon, MO 65712

Representative Caleb Jones (R)
Vice-Chair, Economic Development
P.O. Box 5
California, MO 65018
Missouri Senate

Members of the General Assembly may be contacted at the room and phone numbers listed. The address is:
State Capitol, Room ___, Jefferson City, MO 65101. All phone numbers should be preceded by (573) area code.

<table>
<thead>
<tr>
<th>DIST.</th>
<th>NAME</th>
<th>ROOM</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Dan Brown (R)</td>
<td>434</td>
<td>751-5713</td>
</tr>
<tr>
<td>11</td>
<td>Victor Callahan (D)</td>
<td>333</td>
<td>751-3074</td>
</tr>
<tr>
<td>14</td>
<td>Maria Chappelle-Nadal (D)</td>
<td>421</td>
<td>751-4106</td>
</tr>
<tr>
<td>27</td>
<td>Jason Crowell (R)</td>
<td>423</td>
<td>751-2459</td>
</tr>
<tr>
<td>7</td>
<td>Jane Cunningham (R)</td>
<td>321</td>
<td>751-1186</td>
</tr>
<tr>
<td>9</td>
<td>S. Kiki Curls (D)</td>
<td>425</td>
<td>751-3158</td>
</tr>
<tr>
<td>23</td>
<td>Tom Dempsey (R)</td>
<td>332</td>
<td>751-1141</td>
</tr>
<tr>
<td>30</td>
<td>Bob Dixon (R)</td>
<td>225</td>
<td>751-2583</td>
</tr>
<tr>
<td>3</td>
<td>Kevin Engler (R)</td>
<td>319</td>
<td>751-3455</td>
</tr>
<tr>
<td>29</td>
<td>Jack Goodman (R)</td>
<td>331A</td>
<td>751-2234</td>
</tr>
<tr>
<td>13</td>
<td>Timothy P. Green (D)</td>
<td>219</td>
<td>751-2420</td>
</tr>
<tr>
<td>10</td>
<td>Jolie Justus (D)</td>
<td>330</td>
<td>751-2788</td>
</tr>
<tr>
<td>4</td>
<td>Joseph Keaveny (D)</td>
<td>329</td>
<td>751-3599</td>
</tr>
<tr>
<td>6</td>
<td>Mike Kehoe (R)</td>
<td>429</td>
<td>751-2076</td>
</tr>
<tr>
<td>8</td>
<td>Will Kraus (R)</td>
<td>220</td>
<td>751-1464</td>
</tr>
<tr>
<td>12</td>
<td>Brad Lager (R)</td>
<td>422</td>
<td>751-1415</td>
</tr>
<tr>
<td>24</td>
<td>John T. Lamping (R)</td>
<td>226</td>
<td>751-2514</td>
</tr>
<tr>
<td>160</td>
<td>Ellen Brandom (R)</td>
<td>300</td>
<td>751-5471</td>
</tr>
</tbody>
</table>

Missouri House of Representatives

Members of the General Assembly may be contacted at the room and phone numbers listed. The address is:
State Capitol, Room ___, Jefferson City, MO 65101. All phone numbers should be preceded by (573) area code.

<table>
<thead>
<tr>
<th>DIST.</th>
<th>NAME</th>
<th>ROOM</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>092</td>
<td>Sue Allen (R)</td>
<td>310</td>
<td>751-9765</td>
</tr>
<tr>
<td>051</td>
<td>Ira Anders (D)</td>
<td>190G</td>
<td>751-5701</td>
</tr>
<tr>
<td>022</td>
<td>Randy Asbury (R)</td>
<td>201CA</td>
<td>751-6566</td>
</tr>
<tr>
<td>075</td>
<td>Bert Atkins (D)</td>
<td>116-4075</td>
<td>751-9760</td>
</tr>
<tr>
<td>026</td>
<td>Joe Aull (D)</td>
<td>101A026</td>
<td>751-2204</td>
</tr>
<tr>
<td>019</td>
<td>Kurt Bahr (R)</td>
<td>201G</td>
<td>751-9768</td>
</tr>
<tr>
<td>114</td>
<td>Jay Barnes (R)</td>
<td>115J</td>
<td>751-2412</td>
</tr>
<tr>
<td>113</td>
<td>Mike Bernskoetter (R)</td>
<td>234</td>
<td>751-0665</td>
</tr>
<tr>
<td>035</td>
<td>T.J. Berry (R)</td>
<td>400CB</td>
<td>751-2238</td>
</tr>
<tr>
<td>107</td>
<td>Linda Black (D)</td>
<td>105F</td>
<td>751-2317</td>
</tr>
<tr>
<td>160</td>
<td>Ellen Brandom (R)</td>
<td>300</td>
<td>751-5471</td>
</tr>
<tr>
<td>124</td>
<td>Rick Brattin (R)</td>
<td>201F</td>
<td>751-3783</td>
</tr>
<tr>
<td>085</td>
<td>Cloria Brown (R)</td>
<td>201BA</td>
<td>751-3719</td>
</tr>
<tr>
<td>050</td>
<td>Michael Brown (D)</td>
<td>130DB</td>
<td>751-7639</td>
</tr>
<tr>
<td>116</td>
<td>Wanda Brown (R)</td>
<td>134</td>
<td>751-3971</td>
</tr>
<tr>
<td>136</td>
<td>Eric Burlison (R)</td>
<td>412B</td>
<td>751-0136</td>
</tr>
<tr>
<td>064</td>
<td>Susan Carlson (D)</td>
<td>109D</td>
<td>751-1400</td>
</tr>
<tr>
<td>061</td>
<td>Chris Carter (D)</td>
<td>105A</td>
<td>751-7605</td>
</tr>
<tr>
<td>103</td>
<td>Ron Casey (D)</td>
<td>105C</td>
<td>751-4787</td>
</tr>
<tr>
<td>021</td>
<td>John Cauthorn (R)</td>
<td>235</td>
<td>751-9458</td>
</tr>
<tr>
<td>056</td>
<td>Mike Cierpiot (R)</td>
<td>305A</td>
<td>751-0907</td>
</tr>
<tr>
<td>067</td>
<td>Mike Colona (D)</td>
<td>107</td>
<td>751-6736</td>
</tr>
<tr>
<td>DIST.</td>
<td>NAME</td>
<td>ROOM</td>
<td>PHONE</td>
</tr>
<tr>
<td>-------</td>
<td>---------------------</td>
<td>------</td>
<td>-----------</td>
</tr>
<tr>
<td>014</td>
<td>Kathie Conway (R)</td>
<td>201D</td>
<td>751-2250</td>
</tr>
<tr>
<td>0247</td>
<td>Pat Conway (D)</td>
<td>102BA</td>
<td>751-9755</td>
</tr>
<tr>
<td>153</td>
<td>Steve Cookson (R)</td>
<td>115G</td>
<td>751-1066</td>
</tr>
<tr>
<td>118</td>
<td>Stanley Cox (R)</td>
<td>408A</td>
<td>751-9774</td>
</tr>
<tr>
<td>119</td>
<td>Sandy Crawford (R)</td>
<td>406B</td>
<td>751-1167</td>
</tr>
<tr>
<td>048</td>
<td>Gary Cross (R)</td>
<td>110B</td>
<td>751-1459</td>
</tr>
<tr>
<td>105</td>
<td>Paul Curtman (R)</td>
<td>405B</td>
<td>751-3776</td>
</tr>
<tr>
<td>128</td>
<td>Charlie Davis (R)</td>
<td>409A</td>
<td>751-7082</td>
</tr>
<tr>
<td>148</td>
<td>David Day (R)</td>
<td>402</td>
<td>751-1446</td>
</tr>
<tr>
<td>135</td>
<td>Charlie Denison (R)</td>
<td>316</td>
<td>751-2210</td>
</tr>
<tr>
<td>109</td>
<td>Scott Dieckhaus (R)</td>
<td>413B</td>
<td>751-0538</td>
</tr>
<tr>
<td>087</td>
<td>John Diehl (R)</td>
<td>309</td>
<td>751-1544</td>
</tr>
<tr>
<td>144</td>
<td>Tony Dugger (R)</td>
<td>407B</td>
<td>751-2205</td>
</tr>
<tr>
<td>072</td>
<td>Rory Ellinger (D)</td>
<td>109E</td>
<td>751-4265</td>
</tr>
<tr>
<td>141</td>
<td>Kevin Elmer (R)</td>
<td>111</td>
<td>751-3833</td>
</tr>
<tr>
<td>133</td>
<td>Sue Entlicher (R)</td>
<td>405A</td>
<td>751-1347</td>
</tr>
<tr>
<td>015</td>
<td>Sally Faith (R)</td>
<td>313-3</td>
<td>751-1452</td>
</tr>
<tr>
<td>104</td>
<td>Joe Fallert (D)</td>
<td>101C</td>
<td>751-7735</td>
</tr>
<tr>
<td>125</td>
<td>Barney Fisher (R)</td>
<td>411-2</td>
<td>751-5388</td>
</tr>
<tr>
<td>152</td>
<td>Paul Fitzwater (R)</td>
<td>115E</td>
<td>751-2112</td>
</tr>
<tr>
<td>127</td>
<td>Tom Flanagan (R)</td>
<td>412C</td>
<td>751-5458</td>
</tr>
<tr>
<td>145</td>
<td>Lyndall Fraker (R)</td>
<td>115F</td>
<td>751-3819</td>
</tr>
<tr>
<td>155</td>
<td>Diane Franklin (R)</td>
<td>400CA</td>
<td>751-1119</td>
</tr>
<tr>
<td>151</td>
<td>Ward Franz (R)</td>
<td>313-2</td>
<td>751-1455</td>
</tr>
<tr>
<td>149</td>
<td>Keith Frederick (R)</td>
<td>201C</td>
<td>751-3834</td>
</tr>
<tr>
<td>097</td>
<td>Gary Fuhr (R)</td>
<td>200BC</td>
<td>751-9766</td>
</tr>
<tr>
<td>012</td>
<td>Doug Funderburk (R)</td>
<td>412A</td>
<td>751-2176</td>
</tr>
<tr>
<td>013</td>
<td>Chuck Gatschenberger (R)</td>
<td>408B</td>
<td>751-3572</td>
</tr>
<tr>
<td>084</td>
<td>Don Gosen (R)</td>
<td>304A</td>
<td>751-1247</td>
</tr>
<tr>
<td>047</td>
<td>Jeff Grissamore (R)</td>
<td>205</td>
<td>751-1456</td>
</tr>
<tr>
<td>003</td>
<td>Casey Guernsey (R)</td>
<td>206A</td>
<td>751-4285</td>
</tr>
<tr>
<td>100</td>
<td>Marsha Haefner (R)</td>
<td>201A</td>
<td>751-3762</td>
</tr>
<tr>
<td>163</td>
<td>Kent Hampton (R)</td>
<td>233B</td>
<td>751-3629</td>
</tr>
<tr>
<td>110</td>
<td>Ben Harris (D)</td>
<td>109F</td>
<td>751-2398</td>
</tr>
<tr>
<td>029</td>
<td>Galen Higdon (R)</td>
<td>410B</td>
<td>751-3643</td>
</tr>
<tr>
<td>098</td>
<td>Dave Hinson (R)</td>
<td>114A</td>
<td>751-0549</td>
</tr>
<tr>
<td>161</td>
<td>Steve Hodges (D)</td>
<td>103BC</td>
<td>751-4085</td>
</tr>
<tr>
<td>045</td>
<td>Jason Holsman (D)</td>
<td>105B</td>
<td>751-6607</td>
</tr>
<tr>
<td>121</td>
<td>Denny Hoskins (R)</td>
<td>403A</td>
<td>751-4302</td>
</tr>
<tr>
<td>140</td>
<td>Lincoln Hough (R)</td>
<td>236A</td>
<td>751-9809</td>
</tr>
<tr>
<td>010</td>
<td>Jay Houghton (R)</td>
<td>230B</td>
<td>751-3649</td>
</tr>
<tr>
<td>058</td>
<td>Penny Hubbard (D)</td>
<td>317A</td>
<td>751-2383</td>
</tr>
<tr>
<td>042</td>
<td>Leonard Hughes IV (D)</td>
<td>105D</td>
<td>751-1501</td>
</tr>
<tr>
<td>108</td>
<td>Jacob Hummel (D)</td>
<td>109A</td>
<td>751-0438</td>
</tr>
<tr>
<td>028</td>
<td>Delus Johnson (R)</td>
<td>203C</td>
<td>751-3666</td>
</tr>
<tr>
<td>117</td>
<td>Caleb Jones (R)</td>
<td>201B</td>
<td>751-2134</td>
</tr>
<tr>
<td>089</td>
<td>Timothy Jones (R)</td>
<td>302A</td>
<td>751-0562</td>
</tr>
<tr>
<td>063</td>
<td>Tishaura Jones (D)</td>
<td>130DA</td>
<td>751-6800</td>
</tr>
<tr>
<td>044</td>
<td>Jason Kander (D)</td>
<td>101I</td>
<td>751-2437</td>
</tr>
<tr>
<td>156</td>
<td>Shelley Keeney (R)</td>
<td>313</td>
<td>751-5912</td>
</tr>
<tr>
<td>126</td>
<td>Mike Kelley (R)</td>
<td>201E</td>
<td>751-2165</td>
</tr>
<tr>
<td>024</td>
<td>Chris Kelly (D)</td>
<td>106B</td>
<td>751-4189</td>
</tr>
<tr>
<td>091</td>
<td>Jeanne Kirkton (D)</td>
<td>135BC</td>
<td>751-1285</td>
</tr>
<tr>
<td>005</td>
<td>Glen Klippenstein (R)</td>
<td>410A</td>
<td>751-0246</td>
</tr>
<tr>
<td>008</td>
<td>Andrew Koenig (R)</td>
<td>207A</td>
<td>751-5568</td>
</tr>
<tr>
<td>099</td>
<td>Bart Korman (R)</td>
<td>114C</td>
<td>751-2689</td>
</tr>
<tr>
<td>065</td>
<td>Michele Kratky (D)</td>
<td>109C</td>
<td>751-4220</td>
</tr>
<tr>
<td>007</td>
<td>Mike Lair (R)</td>
<td>400</td>
<td>751-2917</td>
</tr>
<tr>
<td>138</td>
<td>Sara Lampe (D)</td>
<td>101B</td>
<td>751-1460</td>
</tr>
<tr>
<td>131</td>
<td>Bill Lant (R)</td>
<td>115B</td>
<td>751-9801</td>
</tr>
<tr>
<td>120</td>
<td>Scott Largent (R)</td>
<td>403B</td>
<td>751-1484</td>
</tr>
<tr>
<td>053</td>
<td>Brent Lasater (R)</td>
<td>115I</td>
<td>751-3674</td>
</tr>
<tr>
<td>054</td>
<td>Jeanie Lauer (R)</td>
<td>415A</td>
<td>751-1487</td>
</tr>
<tr>
<td>137</td>
<td>Melissa Leach (R)</td>
<td>115H</td>
<td>751-3795</td>
</tr>
<tr>
<td>095</td>
<td>Mike Leara (R)</td>
<td>411B</td>
<td>751-2150</td>
</tr>
<tr>
<td>157</td>
<td>Donna Lichtenegger (R)</td>
<td>409B</td>
<td>751-6662</td>
</tr>
<tr>
<td>112</td>
<td>Tom Loehner (R)</td>
<td>311</td>
<td>751-1344</td>
</tr>
<tr>
<td>134</td>
<td>Thomas Long (R)</td>
<td>236B</td>
<td>751-2381</td>
</tr>
<tr>
<td>030</td>
<td>Nick Marshall (R)</td>
<td>115D</td>
<td>751-6593</td>
</tr>
<tr>
<td>057</td>
<td>Karla May (D)</td>
<td>101F</td>
<td>751-2198</td>
</tr>
<tr>
<td>090</td>
<td>John McCahert (R)</td>
<td>115A</td>
<td>751-3751</td>
</tr>
<tr>
<td>043</td>
<td>Gail McCann Beatty (D)</td>
<td>116-2</td>
<td>751-2124</td>
</tr>
<tr>
<td>049</td>
<td>Tom McDonald (D)</td>
<td>135BA</td>
<td>751-9851</td>
</tr>
<tr>
<td>077</td>
<td>Eileen McGeoghegan (D)</td>
<td>116-1</td>
<td>751-0855</td>
</tr>
<tr>
<td>122</td>
<td>Mike McGhee (R)</td>
<td>414</td>
<td>751-1462</td>
</tr>
<tr>
<td>046</td>
<td>Kevin McManus (D)</td>
<td>101G</td>
<td>751-9469</td>
</tr>
<tr>
<td>DIST.</td>
<td>NAME</td>
<td>ROOM</td>
<td>PHONE</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>086</td>
<td>Cole McNary (R)</td>
<td>206B</td>
<td>751-4183</td>
</tr>
<tr>
<td>078</td>
<td>Margo McNei (D)</td>
<td>116A-1</td>
<td>751-5365</td>
</tr>
<tr>
<td>101</td>
<td>Tim Meadows (D)</td>
<td>109B</td>
<td>751-1311</td>
</tr>
<tr>
<td>123</td>
<td>Chris Molendrop (R)</td>
<td>206C</td>
<td>751-2175</td>
</tr>
<tr>
<td>066</td>
<td>Genise Montecillo (D)</td>
<td>135AC</td>
<td>751-9472</td>
</tr>
<tr>
<td>036</td>
<td>Bob Nance (R)</td>
<td>200A</td>
<td>751-1468</td>
</tr>
<tr>
<td>060</td>
<td>Jamilah Nasheed (D)</td>
<td>317B</td>
<td>751-4415</td>
</tr>
<tr>
<td>034</td>
<td>Myron Neth (R)</td>
<td>110A</td>
<td>751-1218</td>
</tr>
<tr>
<td>073</td>
<td>Stacey Newman (D)</td>
<td>101K</td>
<td>751-0100</td>
</tr>
<tr>
<td>079</td>
<td>Mary Nichols (D)</td>
<td>105H</td>
<td>751-1832</td>
</tr>
<tr>
<td>033</td>
<td>Jerry Nolte (R)</td>
<td>315</td>
<td>751-1470</td>
</tr>
<tr>
<td>059</td>
<td>Jeanette Mott Oxford (D)</td>
<td>135BB</td>
<td>751-4567</td>
</tr>
<tr>
<td>070</td>
<td>Sharon Pace (D)</td>
<td>105G</td>
<td>751-4726</td>
</tr>
<tr>
<td>016</td>
<td>Mark Parkinson (R)</td>
<td>200B</td>
<td>751-2949</td>
</tr>
<tr>
<td>062</td>
<td>Don Phillips (R)</td>
<td>135</td>
<td>751-3851</td>
</tr>
<tr>
<td>1069</td>
<td>Tommie Pierson (D)</td>
<td>116-5</td>
<td>751-6845</td>
</tr>
<tr>
<td>146</td>
<td>Darrell Pollock (R)</td>
<td>314</td>
<td>751-4451</td>
</tr>
<tr>
<td>009</td>
<td>Paul Quinn (D)</td>
<td>101J</td>
<td>751-4028</td>
</tr>
<tr>
<td>001</td>
<td>Craig Redmon (R)</td>
<td>203A</td>
<td>751-3644</td>
</tr>
<tr>
<td>130</td>
<td>Bill Reiboldt (R)</td>
<td>235BB</td>
<td>751-9781</td>
</tr>
<tr>
<td>154</td>
<td>Todd Richardson (R)</td>
<td>233A</td>
<td>751-4039</td>
</tr>
<tr>
<td>020</td>
<td>Jeanie Riddle (R)</td>
<td>302B</td>
<td>751-5226</td>
</tr>
<tr>
<td>040</td>
<td>John Rizzo (D)</td>
<td>103BA</td>
<td>751-3310</td>
</tr>
<tr>
<td>143</td>
<td>Lyle Rowland (R)</td>
<td>207B</td>
<td>751-2042</td>
</tr>
<tr>
<td>132</td>
<td>Don Ruzick a(R)</td>
<td>404A</td>
<td>751-4077</td>
</tr>
<tr>
<td>068</td>
<td>David Sater (R)</td>
<td>112</td>
<td>751-1480</td>
</tr>
<tr>
<td>115</td>
<td>Rodney Schad (R)</td>
<td>411A</td>
<td>751-2077</td>
</tr>
<tr>
<td>093</td>
<td>Dwight Scharnhorst (R)</td>
<td>413A</td>
<td>751-4392</td>
</tr>
<tr>
<td>111</td>
<td>Dave Schatz (R)</td>
<td>235BA</td>
<td>751-6668</td>
</tr>
<tr>
<td>032</td>
<td>Ronald Schieber (R)</td>
<td>115C</td>
<td>751-3618</td>
</tr>
<tr>
<td>011</td>
<td>Ed Schieffer (D)</td>
<td>103BB</td>
<td>751-9459</td>
</tr>
</tbody>
</table>
**Key**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCS</td>
<td>Conference Committee Substitute</td>
</tr>
<tr>
<td>HB</td>
<td>House Bill</td>
</tr>
<tr>
<td>HCS</td>
<td>House Committee Substitute</td>
</tr>
<tr>
<td>HS</td>
<td>House Substitute</td>
</tr>
<tr>
<td>HJR</td>
<td>House Joint Resolution</td>
</tr>
<tr>
<td>SB</td>
<td>Senate Bill</td>
</tr>
<tr>
<td>SCS</td>
<td>Senate Committee Substitute</td>
</tr>
<tr>
<td>SS</td>
<td>Senate Substitute</td>
</tr>
<tr>
<td>SJR</td>
<td>Senate Joint Resolution</td>
</tr>
</tbody>
</table>

**STATE BOARD OF REGISTRATION FOR THE HEALING ARTS** (Sections 334.001, 334.040, 334.070, 334.090, 334.099, 334.100, 334.102, 334.103, 334.108, 334.715, 536.063, 536.070, and 621.110)

1. Requires the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration to release, upon the request of any person, certain specified information regarding individuals who are licensed or applying for licensure by the board and allows it to publish the information on its website. The board must disclose specified confidential information to a licensee or applicant upon request without charge if the information is less than five years old. If the requested information is more than five years old, the board may charge a fee as specified by regulation;

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

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

4. Authorizes the board to cause a complaint to be filed with the Administrative Hearing Commission against a licensee for violating a municipal ordinance, prescribing drugs through the internet without a valid physician–patient relationship, being on a state or federal sexual offender registry, violating a probation order or other settlement agreement, engaging unethical or unprofessional conduct involving a minor, knowingly making a false statement to the board, habitual intoxication or dependence on alcohol, failing to comply with a treatment or an aftercare program, or probation or voluntary termination of any controlled substance authority, or violating any professional trust or confidence;
(5) Requires the board to hold a hearing to determine if probable cause exists when determining whether to issue an emergency suspension or impose a restriction on a licensee for engaging in sexual conduct with a patient; sexual misconduct with a minor; possession of a controlled substance without a valid prescription; court-determined incapacity or disability; habitual intoxication or alcohol or drug addiction; failing to comply with various treatment programs, or any conduct that is a serious danger to the health, safety, or welfare of a patient or the public. The suspension or restriction will take effect when the document is served to the licensee;

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

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

(8) Requires a doctor, prior to prescribing any drug, controlled substance, or other treatment through the Internet, to establish a valid physician–patient relationship;

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

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

This bill also makes changes in provisions relating to the licensure of funeral directors and embalmers and revises various laws relating to preneed funeral contracts (Sections 333.041–333.061, 333.061, 333.091, 333.151, 436.405, 436.412, and 436.445–436.456) (Signed 7/13/11)

CCS/HCS/SB 48 – Utilities (See Utilities Law)

CCS/HCS/SB 284 – Pharmacies (See Health & Hospital)

SS SB 306 – Credit Unions (See State Government)

**Agricultural/Animal Law**

SCS HCS HB 344 – Agriculture Establishes the Farm-to-Table Advisory Board and changes laws regarding the Commodity Merchandising Council Program. The mission of the Farm-to-Table Advisory Board is to provide recommendations for strategies that allow schools and state institutions to more easily incorporate locally grown agricultural products into their facilities that increase public awareness of local agricultural practices and the role that local agriculture plays in sustaining healthy communities and supporting healthy lifestyles. Provisions relating to the Farm-to-Table Advisory Board will expire August 31, 2012. (Signed 7/7/11)

CCS SS HB 458 – Agriculture Changes the laws regarding sales tax exemptions for farm equipment, noxious weeds, listing of livestock brands and grain dealers and establishes the Missouri Farmland Trust Act and the Private Landowner Protection Act.

**MISSOURI FARMLAND TRUST ACT** (Section 262.815)
The Missouri Farmland Trust Act is established to allow individuals and entities to donate or otherwise convey farmland to preserve it as farmland and to assist beginning farmers by allowing long-term low and variable cost leases on the land making it affordable for the next generation of farmers to produce food, fiber, and fuel.

The Missouri Farmland Trust Fund is created consisting of gifts, donations, and appropriations by the General Assembly. Upon appropriation, moneys in the fund must be used for the administration of the trust and may be used to make payments to counties for the value of land in lieu of real and personal property taxes for privately owned land acquired and for the maintenance, operation, regulation, and improvement of the trust’s assets to promote agriculture and the general welfare. Property acquired by the department must be used for agricultural purposes and must be farmed and maintained using the best environmental, conservation, and stewardship practices as specified by the department. No beginning farmer can lease farmland in the trust for more than 20 years. Any person or entity donating to or leasing land from the department must release the state, its employees, volunteers, agents, and any entity acting in concert or on behalf of the state from any and all claims, actions, or demands that he or she and his or her relatives and legal representatives have now or may have in the future for any injury, death, or property damage related to participation in these activities as well as the negligence or any other acts connected to the activities and the condition of the property where the activities occurred.

**PRIVATE LANDOWNER PROTECTION ACT** (Section 442.014) The Private Landowner Protection Act is established which allows for the creation and enforcement of conservation easements designed to protect the environment or preserve certain historical, architectural, archaeological, or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned,
sections 273.327, 7 Changing the term “regular exercise” to mean the
6 Revising the term “pet” from meaning any domes-
5 Changing the term “necessary veterinary care” to
4 Revising the term “adequate rest between breeding
3 Removing the provision prohibiting a person from
2 Renames the Puppy Mill Cruelty Prevention Act
1 Increases the maximum annual license fee for those

HCS SB 161 – Agriculture/dog breeders Repeals SS SCS SB 113 & 95 regarding dog breeders previously passed in 2011 and changes the laws regarding the Animal Care Facilities Act, animal cruelty prevention, and agribusiness loan guarantees.

ANIMAL CARE FACILITIES ACT AND THE CANINE CRUELTY PREVENTION ACT (Sections 273.327, 273.345, and 273.347, RSMo, and Section 1)

(1) Increases the maximum annual license fee for those licensed under the Animal Care Facilities Act from $500 to $2,500 and requires each licensee to pay an additional $25 fee each year to be used by the Department of Agriculture for administering Operation Bark Alert or any successor program;

(2) Renames the Puppy Mill Cruelty Prevention Act to the Canine Cruelty Prevention Act and changes the provisions of the act by:

(3) Removing the provision prohibiting a person from owning more than 50 dogs for the purpose of breeding them and selling any offspring as a pet;

(4) Revising the term “adequate rest between breeding cycles” to mean, at a minimum, ensuring that a female dog is not bred to produce more litters in any given time period than what is recommended by a licensed veterinarian as appropriate for the species, age, and health of the dog;

(5) Changing the term “necessary veterinary care” to mean prompt treatment of any serious illness or injury by a licensed veterinarian and humane euthanasia by a licensed veterinarian when needed;

(6) Revising the term “pet” from meaning any domesticated animal to only mean dogs;

(7) Changing the term “regular exercise” to mean the type and amount of exercise sufficient to comply with an exercise plan that has been approved by a licensed veterinarian, developed in accordance with department regulations, and where the plan gives the dog maximum opportunity for outdoor exercise as weather permits;

(8) Revising the term “sufficient food and clean water” to mean access to nutritious food at least twice a day instead of once a day and water that is not frozen and is generally free of debris, feces, algae, and other contaminants;

(9) Changing the term “sufficient housing, including protection from the elements” to mean the continuous provision of a sanitary facility, the provision of a solid surface on which to lie in a recumbent position, protection from extreme weather conditions, proper ventilation, and appropriate space depending on the species of animal as required by department regulations and in compliance with the space requirements in the bill. No dog is to remain inside its enclosure while the enclosure is being cleaned. Dogs housed within the same enclosure must be compatible in accordance with department regulations;

(10) Revising the term “sufficient space to turn and stretch freely, lie down, and fully extend his or her limbs” to mean sufficient indoor space or shelter from the elements for each dog to turn in a complete circle, to be able to lie down and fully extend his limbs and stretch freely without touching the side of an enclosure or another dog, and appropriate space depending on the species of the animal as required by department regulations and in compliance with the space requirements in the bill;

(11) Removing the provisions regarding the crime of puppy mill cruelty;

(12) Requires any person subject to the provisions of the act to maintain all veterinary records and sales records for the most recent previous two years. The records must be made available to the State Veterinarian, a state or local animal welfare official, or a law enforcement agent upon request;

(13) Removes the provision which exempts certain retail pet stores, animal shelters, hobby or show breeders, and dog trainers from the provisions of the Canine Cruelty Act;

(14) Specifies that nothing in the act can be construed to limit hunting or the ability to breed, raise, sell, control, train, or possess dogs with the intention to use the dogs for hunting or other sporting purposes;

(15) Requires a phase in of additional space requirements from January 1, 2012, through December 31, 2015, for any enclosure existing prior to April 15, 2011, and specifying that for any enclosure newly constructed after April 15, 2011, and for all enclosures as of January 1, 2016, wire strand flooring will be prohibited and all enclosures must meet the flooring standard established by department rule;

(16) Specifies that when the State Veterinarian or a
state animal welfare official finds that past violations of the Animal Care Facilities Act have occurred and have not been corrected or addressed, the department director may request the Attorney General or the county prosecuting attorney or circuit attorney to bring an action for a temporary restraining order, preliminary or permanent injunction, or a remedial order to correct the violation and that the court may assess a civil penalty of up to $1,000 for each violation; 

(17) Specifies that a person commits the crime of canine cruelty, a class C misdemeanor, if he or she repeatedly violates the Animal Care Facilities Act so as to pose a substantial risk to the health and welfare of the animals in his or her custody or if he or she knowingly violates an agreed-to remedial order involving the safety and welfare of animals under these provisions. If the person has previously pled guilty to, nolo contendere to, or been found guilty of a violation of this crime, he or she will be guilty of a class A misdemeanor for each violation. The Attorney General or the county prosecuting attorney or circuit attorney may bring an action in the circuit court in the county where the crime occurred for criminal punishment; and

(18) Specifies that any breeder licensed under the Animal Care Facilities Act who houses animals in stacked cages without an impervious barrier between the levels of the cages, except when cleaning the cages, will be guilty of a class A misdemeanor.

Also includes provisions relating to noxious weeds (Sections 263.190–263.241 and 263.450) listing of livestock brands (Section 268.121) Commodity Merchandising Council Program (Section 275.360) and grain dealers (Sections 276.401, 276.416, 276.421, 276.436, 276.441, 276.446, and 411.280) (Signed 7/11/11)

BUSINESS LAW

SS SCS HCS HB 45 – Small business tax relief Changes the laws regarding the “Big Government Get Off My Back Act” which provides tax relief to certain small businesses. In its main provisions, the bill:

(1) Specifies that any federal mandate compelling the state to enact, enforce, or administer a federal regulatory program must be subject to authorization through appropriation or statutory enactment;

(2) Extends from four years to five years the restriction on an increase for any state-imposed user fee and the requirement that any state agency proposing a rule must certify that it does not have an adverse impact on small businesses or that it is necessary to protect the life, health, or safety of the public or must exempt any small business from the rule;

(3) Revises the definition of “small business” to include businesses with fewer than 50 employees instead of the current 25; and

(4) Authorizes, for tax years 2011 through 2014, an income tax deduction for a small business for each full-time job created with an annual salary of at least equal to the county average wage as determined by the Department of Economic Development.

The provisions of the bill regarding the income tax deduction will expire December 31 three years from the effective date. (Signed 7/8/11)

SCS/SB 19 – Corporate franchise tax (See Taxation Law)

HCS SCS SB 366 – Missouri Cooperative Associations Act Changes the laws regarding the conversion of certain businesses to a different type of entity and establishes the Missouri Cooperative Associations Act.

CONVERSION OF BUSINESSES Specifies that a limited liability company; statutory trust; business trust or association; real estate investment trust; common-law trust; any other unincorporated business, including a partnership; or a foreign corporation may convert to a Missouri corporation upon executing a certificate of conversion in the Office of the Secretary of State. A Missouri corporation is also allowed to convert to one of the aforesmen-
tioned types of entities in the same manner and upon the adoption of a resolution approving the conversion and the approval of its shareholders. All property, obligations, and liabilities must follow the converting entity to the business organization into which it is converting. The converting entity cannot be required to wind up affairs, pay liabilities, or distribute assets; and the conversion will not constitute a dissolution of the corporation. These provisions cannot be deemed to authorize the conversion of a nonprofit corporation into another entity. Specifies the amount that the Secretary of State can charge for filing a certificate of conversion to or from a corporation under these provisions.

MISSOURI COOPERATIVE ASSOCIATIONS ACT. The Missouri Cooperative Associations Act is established which allows a cooperative to be formed and organized to conduct or promote any lawful business or purpose for the mutual welfare of its members. In its main provisions, the bill:
(1) Specifies that any cooperative formed under this act will not be subject to the provisions in Sections 357.010 – 357.190 RSMo, relating to cooperative companies;
(2) Specifies that a cooperative will be comprised of members and governed by a board of directors. Members may be patron or nonpatron members with patron members being those who conduct business with the cooperative;
(3) Allows a cooperative to elect to be structured as a corporation or as a partnership under federal income tax laws;
(4) Specifies that the articles of association may limit a director’s liability except for a breach of the duty of loyalty to the cooperative or its members, intentional misconduct, illegal distributions, and improper benefits;
(5) Allows a cooperative to indemnify persons in certain situations;
(6) Specifies the requirements for the organization of a cooperative including defining organizational purpose, who may organize, cooperative names, elements to be included in the articles of organization and bylaws, and the procedures and requirements for amending the articles and bylaws;
(7) Requires a member to have access to the books and records of the cooperative;
(8) Specifies the requirements governing the actions and liabilities of directors and officers including the number and election procedures for directors, quorum requirements, removal procedures for directors and officers, meeting requirements, limitation of liability, and indemnification procedures;
(9) Specifies member requirements including membership interests, meetings, voting rights, sale of assets, and contribution agreements; and
(10) Specifies the procedures for merging, consolidating, and dissolving a cooperative. (Signed 7/11/11)

COMMERCIAL LAW

HCS HB 83 – Automated teller machine foreign account surcharges Specifies that an agreement to operate or share an automated teller machine (ATM) cannot prohibit the owner or operator of the machine from imposing an access fee or surcharge on an individual conducting a transaction using a foreign bank account if the fee or surcharge is not otherwise prohibited by federal or state law. Currently, foreign banks, trust companies, or credit unions may charge fees but domestic ones cannot. (Signed 6/16/11)

CCS SCS HB 101 – Liquor control Changes the laws regarding liquor control. In its main provisions, the bill:
(1) Creates a special liquor license for a wine shop to serve alcohol in the shop on Sundays from 10 a.m. to 10 p.m.
(2) Creates a special permit for a licensed liquor establishment located in Kansas City to sell intoxicating liquor from 6 a.m. to 3 a.m. on the morning of the following day within one 24-hour period. Only six permits per calendar year can be granted for each establishment.
(3) Allows any winery, distiller, manufacturer, wholesaler, or brewer or designated employee, with the permission of the licensee, to provide distilled spirits, wine, or malt beverage samples for customer tasting purposes at licensed retail premises that have a special permit or a by-the-drink-for-consumption-on-the-premises-wholesale retail license. No money or anything of value can be given to the retailer for the privilege or opportunity of conducting the tasting. (Signed 7/8/11)

HB 109 – Linked deposit program (See State Government)

SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 – Firearms (See Licensing Law)

HCS HB 407 – Certificate of insurance for property and casualty insurance coverage (See Insurance Law)

SCS HCS HB 412 – Pharmacies (See Health & Hospital Law)

CCS SS SCS HCS HB 430 – Transportation (See Transportation Law)
HCS HB 465 – Credit unions
Changes laws regarding the Division of Credit Unions within the Department of Insurance, Financial Institutions and Professional Registration.

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

Allows the division director to serve a written notice to an individual of his or her intention to remove the person from office when it appears that the person while conducting the affairs of a credit union has committed a violation of any law or regulation or a cease and desist order; has violated any agreement or condition imposed in writing by the division director, has engaged in any unsafe or unsound practice; or has committed or engaged in an act, omission, or practice which constitutes a breach of his or her fiduciary duty to the credit union or a crime involving dishonesty or breach of trust. If the division director finds it necessary to protect any credit union or its members, he or she can serve written notice on the person to suspend or prohibit him or her from participating in any manner in the conduct of the affairs of the credit union or from any other credit union supervised by the division director unless the division director gives written consent allowing for participation in another credit union;

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

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

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

Requires a credit union that is merging to mail or deliver a notice of the meeting to vote upon the merger to each member between 14 and 30 days prior to the meeting. All members must be given the opportunity to vote on the merger or consolidation plan at the meeting or without attending the meeting by written or electronic ballot. Currently, notice must be given as provided in the credit union’s bylaws or by a letter to the shareholders. These same procedures will apply when a state-chartered credit union votes to convert to a federal credit union. (Vetoed 7/5/11)

HB 550 – Liens and encumbrances on motor vehicles, trailers, watercraft, and manufactured homes
Changes the laws regarding liens and encumbrances on motor vehicles, trailers, watercraft, and manufactured homes. (Signed 7/1/11)

SCS HB 661 – Debt adjusters
Changes the laws regarding debt adjusters. In its main provisions, the bill:

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

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

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

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

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

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

(7) Requires a debt adjuster to disclose truthfully, in a clear and conspicuous manner, prior to a debtor consenting to pay for goods or services offered, the amount of time require to complete his or her services, the amount of money the debtor needs to accumulate before a debt
adjusted will make a settlement offer to a creditor or collector, that the use of the debt relief service will likely adversely affect the debtor’s creditworthiness and cost more money, that any funds required to be placed in an account for payment of debts are the debtor’s funds that can be withdrawn from the debt relief service at any time without penalty, and that all funds in a debtor’s account must be returned to the debtor within seven business days upon request excluding any funds earned by the debt adjuster;

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

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

(Signed 7/8/11)

HCS SB 77 – Outdoor advertising and memorial highway designations Changes the laws regarding outdoor advertising and designates several memorial highways.

OUTDOOR ADVERTISING. Currently, no outdoor advertising may be erected or maintained within 660 feet of certain federal highway right-of-ways with the exception of directional and other official signs, on-premise signs, outdoor advertising signs located in certain areas zoned commercial or industrial or in certain unzoned commercial or industrial areas, and certain outdoor advertising for tourist-oriented businesses or scoreboards and other electronic signs.

The bill adds to the types of directional signs which may be erected and maintained to include signs pertaining to a cultural, including agricultural activities or attractions; scientific; educational; or religious site.

Various memorial highways are designated.

(Signed 7/8/11)

SB 83 – Sale of deficiency waiver addendums Authorizes the sale of a deficiency waiver addendum, a guaranteed asset protection, or a similar product as part of certain consumer loans, second mortgage loans, or retail credit sales if the product is purchased as part of a loan transaction with collateral. The borrower must consent to the purchase in writing and acknowledge receipt of the required disclosures. The cost of the product must be reasonable and disclosed in the loan contract. Each deficiency waiver addendum, guaranteed asset protection, or other similar product must provide that in the event of the termination of the product prior to the scheduled maturity date of the indebtedness, any refund must be paid or credited promptly to the debtor, except that a refund of less than $1 does not need to be made. The pro rata method must be used in computing the refund. A debtor may cancel a product within 15 days of its purchase and receive a complete refund or credit of the premium. This information must be specified in the loan contract or in a separate written disclosure at the time the debt is incurred in 10-point type and in a manner reasonably calculated to inform the debtor of this right.

(Signed 6/30/11)

SB 101 – Residential contractors Prohibits a residential contractor from advertising or promising to pay or rebate all or any portion of an insurance deductible as an inducement to the sale of good or services including any allowance or discount against fees to be charged or the payment of any form of compensation or other item of monetary value to the insured or any person directly or indirectly associated with the property.

An insured individual under contract with a residential contractor for goods or services that are to be paid for under a property and casualty insurance policy can cancel the contract if the insurer has notified the individual in writing that all or part of the contract is not covered under the insurance policy. The individual must notify the contractor in writing to cancel the contract prior to midnight on the fifth business day after notification from the insurer. Before entering into a contract, the contractor must provide a statement to the insured individual with the required cancellation information.

Within 10 days of cancelling a contract, a residential contractor must return any payments or deposits made by the insured individual and any note or other evidence of indebtedness. However, the contractor is entitled to the reasonable value of emergency services provided and acknowledged in writing by the insured individual to be necessary to prevent damage to his or her premises.

A residential contractor cannot represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an individual on any insurance claim in connection with the repair or replacement of a roof system or the performance of any other exterior repair, replacement, construction, or reconstruction services.

Any violation of these provisions by a residential contractor must be considered an unlawful practice under the Merchandising Practices Act.

(Signed 6/30/11)

HCS SB 220 – Architects, professional engineers, land surveyors, landscape architects, well diggers (See Licensing Law)
SS SB 306 – Credit unions (See State Government)

SS#2 SCS HCS HB 89 – Natural resources (See Environmental & Energy Law)

SB 101 – Residential contractors (See Commercial Law)

SCS SB 108 – Installation of fire sprinklers in certain dwellings. Specifies that a builder of a one- or two-family dwelling or a townhouse must offer to any purchaser the option to install or equip fire sprinklers in the building at the purchaser’s cost. Currently, a builder of a single-family dwelling or residence or a multi-unit dwelling of four or fewer units must offer to install or equip fire sprinklers in the dwelling. (Signed 4/29/11)

HCS SB 220 – Architects, professional engineers, land surveyors, landscape architects, well diggers (See Licensing Law)

SCS HCS HB 38 – Work-off rate for certain county criminal defendants and notification of jail escapes (See Local Government)

SS#2 SCS HCS HB 111 – Judicial procedures (See Judicial Administration)

HB 199 – Community service for intoxication-related traffic offenses. Currently, as an alternative to imprisonment, a prior offender of an intoxication-related traffic offense can perform at least 30 days of community service as one condition of being eligible for parole or probation and a persistent offender can perform at least 60 days of community service. Specifies that a prior offender must perform at least 30 days involving at least 240 hours of community service and a persistent offender must perform at least 60 days involving at least 480 hours of community service before he or she is eligible for probation or parole. (Signed 6/16/11)

SCS HCS HB 214 – Human trafficking. Changes the laws regarding human trafficking. In its main provisions, the bill:

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

2. Revises the crime of trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to $250,000. If death results from a violation of this crime or if the violation includes kidnapping or an attempt to kidnap, sexual abuse or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, the crime will be punishable by imprisonment for a term of not less than five years or life and a fine of up to $250,000 (Section 566.206);

3. Revises the crime of trafficking for the purpose of sexual exploitation. The crime will be punishable by imprisonment for a term of not less than five years and not more than 20 years and a fine of up to $250,000. If a violation of this crime was effected by force, abduction, or coercion, the punishment will be imprisonment for a term of not less than 10 years or life and a fine of up to $250,000 (Section 566.209);

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

5. Expands the crime of sexual trafficking of a child younger than 12 years of age to include if a person knowingly uses force, abduction, coercion, fraud, deception, or
(10) Allows a victim of trafficking to bring a civil action to recover from any person or entity that benefits from trafficking a civil penalty of up to $50,000 for each violation and injunctive and other equitable relief as may be ordered by the court. Any money or property collected by a civil action must first be used to pay restitution to the victim (Section 566.223.7). (Signed 7/12/11)

SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 – Firearms (See Licensing Law)

HB 340 – County facilities (See Judicial Administration)

CCS SS SCS HCS HB 430 – Transportation (See Transportation Law)

SCS HCS HB 641 – Controlled substances Changes the laws regarding the designation of controlled substances, including synthetic cannabinoids.

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

Also adds cocaine base to the list of controlled substances for which a person commits the offense of distribution of a controlled substance near a park, a class A felony (Section 195.217). (Signed 7/14/11)

SCS HB 661 – Debt adjusters (See Commercial Law)

HB 675 – County coroner training (See Health & Hospital Law)

HJR 2 – Religious freedom in public places (See Education & School Law – Includes provisions relating to rights of prisoners)

SCS/SB 54 – Protecting children from sexual offenders Changes the laws regarding the protection of children from sexual offenders. In its main provisions, the bill:

(1) Authorizes the Office of Child Advocate within the Office of Administration to file any findings or reports regarding the parent or child with the court, issue recommendations regarding the disposition of an investigation which may be provided to the court and the investigating agency, and mediate between an alleged victim of sexual misconduct and a school district(Section 37.710, RSMo);
(2) Specifies that certain provisions regarding the protection of children from sexual offenders will be known as the Amy Hestir Student Protection Act (Section 160.085);

(3) Requires a school employee who is a mandated reporter and the superintendent of the school district to forward any allegation by a student of sexual misconduct by a teacher or other school employee to the Children’s Division within the Department of Social Services within 24 hours of receiving the information in order for the division to investigate the report.

The district must not conduct an investigation for the purpose of determining whether the allegation should be substantiated, but it may investigate the allegation for the purpose of making a decision regarding the accused employee’s employment. The investigating officer must review the report using a preponderance of evidence standard (Section 160.261);

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

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

(6) Requires, by July 1, 2012, every school district to adopt a written policy on information that the district provides about a former employee to another public school. A district must immediately suspend an employee who has been investigated by the division for whom there has been a substantiated finding of sexual misconduct with a student. The district may return the person to employment if the review board’s finding that the allegation is substantiated is reversed by a court on appeal and becomes final. Nothing will preclude a district from otherwise lawfully terminating the employment of an employee about whom there has been an unsubstantiated finding from an investigation. A district employee who is permitted to respond to a request for information regarding a former employee, communicates only the information that the policy directs, and acts in good faith without malice will be immune from any civil action for damages brought by the former employee arising from the communication of the information. If an action is brought against the employee, he or she may request the Attorney General to defend him or her in the suit, except as specified in the bill. If a district received an allegation of an employee’s sexual misconduct or the substantiation of an allegation by the Child Abuse and Neglect Review Board and the district dismissed or allowed the employee to resign in lieu of being fired and failed to disclose the allegation when furnishing a reference for the former employee or when responding to a potential employer’s request for information, the district will be liable for damages to any student of a subsequently employing district who is found by a court of competent jurisdiction to be a victim of the former employee’s sexual misconduct. The district will bear third-party liability for any legal liability and expenses incurred by the employing district caused by the failure to disclose the information. A district that has employed a person for whom there was a substantiated finding from a division investigation must disclose the results of the division’s investigation to any other public school that contacts it for a reference. A district is prohibited from discharging or discriminating against an employee who, when acting in good faith, reports alleged sexual misconduct of a teacher or other school employee (Section 162.068);

(7) Requires every school district to develop a written policy by January 1, 2012, concerning teacher-student communication and employee-student communication. Each policy must include appropriate oral and nonverbal personal communication and appropriate use of electronic media. A teacher cannot establish or use a work-related website unless it is available to school administrators and the child’s legal custodian, physical custodian, or legal guardian and cannot establish or use a nonwork-related website that allows exclusive access with a current or former student. By July 1, 2012, each district must include in its teacher and employee training a component on identifying signs of sexual abuse in children and danger signals of potentially abusive relationships between children and adults with an emphasis on the importance of mandatory reporting of abuse;

(8) Clarifies that an applicant must complete a background check as provided in Section 168.133 in order to obtain a teaching certificate (Section 168.021);

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

(10) Specifies requirements for criminal background checks of school bus drivers;

(11) Changes the number of sets of fingerprints an applicant must submit for a criminal history background check from two to one. The Department of Elementary and Secondary Education must facilitate an annual check of employed individuals with current active teaching certificates against criminal history records in
the central repository, sexual offender registry, and child abuse central registry. The department must also facilitate procedures for school districts to submit personnel information annually for persons employed by districts who do not hold a certificate but are required to undergo the background checks. The patrol must provide ongoing electronic updates to criminal history background checks of those persons previously submitted by the department. A district may, in its discretion, conduct a new criminal background check and fingerprint collection for a newly hired employee at its expense (Sections 168.133.2 and 168.133.4).

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

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

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

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

The provisions of the bill regarding Erin's Law will expire January 1, 2013. In scope. Oppose, share comments. (Signed 7/14/11)

CCS HCS SB 250 – Sexual offenders Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or child care facilities. Specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but subject to state fire, safety, health, and sanitation inspections and holds itself out to be a child care facility. Also requires a person incarcerated for a sexual assault offense to successfully complete the treatment, education, and rehabilitation program provided by the Department of Corrections prior to being eligible for parole or conditional release. (Signed 6/22/11)

CCS HCS SB 282 – Elections (See Local Government)

HCS SC 161 – Agricultural/dog breeders (See Agricultural/Animal Law)

SS#2 SCS SB 320 – Domestic violence Changes the laws regarding domestic violence and orders of protection. In its main provisions, the bill:

(1) Specifies that the juvenile court or family court will have exclusive original jurisdiction in a proceeding involving an order of protection when the respondent is younger than 17 years of age;

(2) Revises the definition of “abuse” to specify that it does not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner;

(3) Revises the definition of “harassment” to include conduct that alarms or causes distress to a child as well as to an adult;

(4) Defines “child” as any person younger than 17 years of age unless he or she is emancipated;

(5) Revises the definition of “domestic violence” as abuse or stalking;

(6) Revises the definition of “family” or “household member” to include any person related by blood or marriage; persons presently residing together or who have resided together in the past; any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim; and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(7) Revises the definition of “petitioner” to be a family or household member who has been a victim of domestic violence, any person who has been a victim of stalking, or a person filing on behalf of a child pursuant to Section 455.503;

(8) Revises the definition of “respondent” to be a family or household member alleged to have committed an act of domestic violence, a person alleged to have committed an act of stalking against whom a petition has been filed, or a person served on behalf of a child pursuant to Section 455.503;

(9) Revises the definition of “stalking” to include stalking by any person instead of by an adult;
(10) Prohibits a petitioner from being charged a filing fee in any action regarding an adult order or protection, including a contempt motion seeking to enforce an existing order of protection;

(11) Specifies that if a respondent is younger than 17 years of age and is not emancipated, service of process of an ex parte order of protection must be made upon his or her parent, guardian, or a court-appointed guardian ad litem;

(12) Requires a court to transfer a case to juvenile court for a hearing on a full order of protection if an ex parte order is entered and the respondent is younger than 17 years of age. The court must appoint a guardian ad litem for any respondent not represented by a parent or guardian;

(13) Specifies that the provisions of Section 491.075 regarding the admissibility of statements of a child younger than 14 years of age, instead of the current younger than 12 years of age, are to apply to any hearing regarding allegations of domestic violence;

(14) Requires the local law enforcement agency or any other government agency responsible for serving ex parte orders of protection to enter service information into the State Highway Patrol’s Missouri Uniform Law Enforcement System (MULES) or future secure electronic databases that are intended for law enforcement use within 24 hours after an ex parte order is served on a respondent;

(15) Allows the court, upon a finding that it is in the best interest of the parties, to include a provision that a full order of protection with a duration of one year must automatically renew unless the respondent requests a hearing at least 30 days prior to the expiration of the order;

(16) Requires the law enforcement agency maintaining MULES to enter information contained in an order of protection including any orders regarding child custody or visitation and all specifics as to the times and dates of custody or visitation provided in the order. Any change in child custody or visitation within an order must be issued to the local law enforcement agency and the agency responsible for entering the information into MULES. Any expiration of termination must be entered within 24 hours of receiving notice;

(17) Requires the court to cause a copy of any objection filed by the respondent and a notice of the date set for the hearing on that objection to an automatic renewal of a full order of protection with a duration of one year to be personally served upon the petitioner by a personal process server, sheriff, or police officer at least three days prior to the hearing. This service of process must be served at the earliest time and take priority over service in other actions except those of a similar emergency nature;

(18) Allows the court to include in any full or ex parte order of protection any terms reasonably deemed necessary to ensure the petitioner’s safety;

(19) Specifies that before the court terminates any order of protection, it can examine the circumstances of the motion to dismiss the order and may inquire of the petitioner or others in order to assist the court in determining if the dismissal is voluntary;

(20) Specifies that a respondent in violation of an ex parte or full order of protection for a child will be guilty of a class A misdemeanor for entering a petitioner’s place of employment or school or for being within a certain distance of the petitioner or a child of the petitioner unless the respondent has previously pled guilty to or has been found guilty of violating an order of protection within five years of the date of the subsequent violation in which case he or she will be guilty of a class D felony. Evidence of a prior plea of guilty or finding of guilt must be heard by the court out of the presence of the jury prior to the submission of the case to the jury. If the court finds the existence of a prior plea of guilty or a finding of guilt beyond a reasonable doubt, the court must decide the extent or duration of the sentence or other disposition and cannot instruct the jury regarding the range of punishment or allow the jury to assess the punishment as part of its verdict;

(21) Requires any ex parte order of protection to be for the purpose of protecting the victim from domestic violence which can include restraining the respondent from communicating with the victim in any manner or through any medium;

(22) Requires any full order of protection to be for the purpose of protecting the victim from domestic violence which can include temporarily enjoining the respondent from communicating with the victim in any manner or through any medium;

(23) Requires the Division of Probation and Parole within the Department of Corrections to establish standards and to adopt a credentialing process for any court-appointed batterer intervention program;

(24) Requires all records in a proceeding of the juvenile court regarding an order of protection to be kept confidential and to only be open for inspection without a court order to the juvenile officer; officials at the child’s school, law enforcement officials, prosecuting attorneys, or any person or agency having or proposed to provide care, custody, control, or treatment of the child; and the parent, guardian, or court-appointed guardian ad litem of the child;

(25) Specifies that any person who has pled guilty to or been found guilty of any offense committed in violation
of any county or municipal ordinance in any state, federal, or military law which, if committed in Missouri, would be a third degree domestic assault will be guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault;

(26) Repeals the expiration provision of the Safe at Home Confidentiality Program which provides victims of sexual assault, rape, stalking, and domestic violence a substitute mailing address through the Secretary of State’s Office;

(27) Prohibits a public or private agency providing services to victims from using more than 10% of any funds received from the Services to Victims Fund for administrative purposes; and

(28) Requires the Department of Public Safety to establish the maximum reimbursement rate for a forensic examination for a victim of a sexual offense which reflects the reasonable cost of providing the examination. (Signed 7/12/11)

### Education & School Law

#### SS#2 SCS HCS HB 111 – Judicial procedures

(See Judicial Administration)

#### HCS HB 174 – Higher education governing boards

Currently, the Coordinating Board for Higher Education, the University of Missouri Board of Curators, and the Missouri State University Board of Governors have nine voting members, with no more than one person appointed from the same Congressional district. This bill requires at least one voting member, but no more than two, to be appointed from each Congressional district. A member who is in office on the effective date of the bill may complete his or her term. (Signed 5/2/11)

#### HCS HB 223 & 231 – Higher education financial assistance programs

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

The Nursing Education Incentive Program is established within the Department of Higher Education to address nursing shortages. Subject to appropriation, the Department of Higher Education will award grants to eligible higher education institutions accredited by the Higher Learning Commission of the North Central Association based on criteria to be determined by the board and the Department of Higher Education. An eligible institution must offer a nursing program that meets the predetermined category and area of need as established by the board and the Department of Higher Education based on data from sources specified in the bill. (Signed 6/16/11)

#### HB 229 – Public school retirement system of Kansas City

Changes the laws regarding the Public School Retirement System of Kansas City. (Signed 6/16/11)

#### SCS HCS HB 300, 334 & 387 – Interscholastic Youth Sports Brain Injury Prevention Act

(See Health & Hospital Law)

#### SCS HCS HB 344 – Agriculture

(See Agriculture & Animal Law)

#### SS SCS HCS HB 555 – Healthcare

(See Health & Hospital Law)

#### HB 795 – Missouri School Read-In Day

Designates the second Friday in March as “Missouri School Read-In Day.” The day is to be appropriately observed with activities that promote an increased awareness of the importance and benefits of reading and that encourage greater emphasis on reading in the school and in the home. (Signed 5/5/11)

#### HJR 2 – Religious freedom in public places

Upon voter approval, this proposed constitutional amendment guarantees a citizen’s right to pray and worship in all private and public areas including schools as long as the activities are voluntary and subject to the same rules and regulations that apply to all other types of speech. A citizen’s right to choose any religion or no religion at all is reaffirmed by prohibiting the state or any of its political subdivisions from establishing an official state religion and from coercing any person to participate in any prayer or other religious activity.

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

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

The provisions of the resolution cannot be construed to expand the rights of prisoners in state or local custody beyond those guaranteed by federal law.

**SCS/SB 54 – Protecting children from sexual offenders**  
(See Criminal Law)

**CCS SCS SB 81 – Education** Changes the laws regarding the nonresident entertainer and professional athletic team member income tax, fine arts education, and school funding.

**TAX EXEMPT EDUCATION PRESENTATIONS** The nonresident entertainer and professional athletic team member income tax will not apply to any person making a presentation at a seminar, conference, school, convention, or other similar program format that is designed to provide professional or technical education.

**FINE ARTS EDUCATION** Beginning in Fiscal Year 2013, the Office of Quality Schools within the Department of Elementary and Secondary Education may ensure that each regional professional development center provide professional development educational assistance for fine arts for school districts; assistance may include working with districts in staff development and curriculum issues related to fine arts education and integration; collaborating with regional office of professional development personnel and other regional personnel and coordinating services available from other entities involved in fine arts education and integration.

**SCHOOL FUNDING** Makes changes in provisions relating to when a school district may transfer unrestricted funds from its capital projects fund to its incidental fund. Any funds originating from a general obligation bond must be considered restricted funds and cannot be transferred to the school's incidental fund.

A provision regarding an increase in state funding if summer school attendance decreases by 25% as compared to the daily attendance at summer school in the 2005-2006 school year is repealed.

The bill contains an emergency clause for the provisions regarding school funding. (Signed 6/10/11)

**HCS SCS SB 163 – Higher education governing boards**  
Currently, the Coordinating Board for Higher Education, the University of Missouri Board of Curators, and the Missouri State University Board of Governors have nine voting members, with no more than one person appointed from the same Congressional district. This bill requires at least one voting member, but no more than two, to be appointed from each Congressional district. A member who is in office on the effective date of the bill may complete his or her term. (Vetoed 7/7/11)

**CCS#2 HCS SB 250 – Sexual offenders** (See Criminal Law)

**ELDER LAW**

**SS#2 SCS HCS HB 111 – Judicial procedures** (See Judicial Administration)

**HB 499 – Driver's license competency assessment** (See Motor Vehicle Law)

**HCS SCS SB 213 – Incapacitated persons and the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act** (See Probate & Trust Law)

**HCS SCS SB 57 – Public administrators** (See Probate & Trust Law)

**CCS HCS SB 59 – Judicial procedures** (See Probate & Trust Law)

**ENVIRONMENTAL & ENERGY LAW**

**SS#2 SCS HCS HB 89 – Natural resources** Changes numerous laws relating to natural resources. Includes provisions relating to:

**STATE GOVERNMENT TRANSPARENCY** (Section 37.970, RSMo) Specifies that it must be the policy of each department of the state to carry out its duties with full transparency to the public and any data collected must be available to the public in a timely fashion with reports and other information being easily accessible to the public. Each department must broadly interpret any request for information under the Open Meetings and Records Law, and must respond accordingly regardless of the format in which the request is made. Any failure to release information will be considered a policy violation and constitute a breach of the public’s trust.

**ESTABLISHES A COUNTY DRINKING WATER SUPPLY LAKE AUTHORITY IN SULLIVAN COUNTY** (Sections 67.4500 -67.4520)

**REAL-TIME BACTERIAL WATER QUALITY TESTING** (Section 192.1250) The Department of Health and Senior Services must examine the feasibility of implementing a real-time water quality testing system
for measuring the bacterial water quality at state-owned public beaches and must issue a report of its findings to the General Assembly by December 31, 2011.

PUBLIC WATER SUPPLY DISTRICTS BOARD OF DIRECTORS (Section 247.060) Includes various provisions relating to compensation of Board members.

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

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

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

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

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

STATE PARKS EARNINGS FUND (Section 253.090)

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

PRIVATE LANDOWNER PROTECTION ACT (Section 442.014) The Private Landowner Protection Act is established which allows for the creation and enforcement of conservation easements designed to protect the environment or preserve certain historical, architectural, archaeological, or cultural aspects of real property. An easement may be created, conveyed, recorded, assigned, released, modified, terminated, or otherwise altered or affected in the same manner as other easements; and a court may modify or terminate an easement based on the principles of law and equity.

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

MINING PERMITS (Sections 444.771 and 444.773)
The Department of Natural Resources and the Land Reclamation Commission in the department are prohibited from issuing a surface mining or a water or air quality permit to any person whose mine plan boundary is within 1,000 feet of any property where an accredited school has been located for at least five years prior to the permit application. This provision does not apply to a request for an expansion to an existing mine or to any underground mining operation.

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

CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PROJECTS (Section 620.2300) An owner of a park consisting of at least 50 contiguous acres in which the property is subject to remediation under a clean-up program supervised by the Department of Natural Resources or the United States Environmental Protection Agency may seek to establish a cleanfields renewable energy demonstration project by submitting an application to the Department of Economic Development for certification of the project.

ADMINISTRATIVE HEARING COMMISSION (Section 621.250) Specifies that the party must be aggrieved or adversely affected by the finding, order, decision, or assessment in order to file an appeal of a finding, order, decision or assessment by a state regulatory environmental commission with the Administrative Hearing Commission.

Currently, the commission has discretion on whether or not to hold a hearing on an appeal request. The bill requires the commission to hold a hearing and make a recommended decision within 60 days of the date of the request or make a recommended decision within the 60-day period based on the stipulation of the parties, consent order, or agreed settlement or by the disposition in the nature of default judgment, judgment on the pleadings, or summary determination. The commission must issue its final decision on an appeal of a decision by the Director of the Department of Natural Resources within 90 days of the date the notice of appeal is filed. Prohibits a cause of action or appeal arising out of a finding, order, decision, or assessment of a state regulatory environmental commission from accruing in any court unless the party has already filed a notice of appeal with the Administrative Hearing Commission and received a final decision from the environmental commission in accordance with these provisions.
ENVIRONMENTAL PERMITS (Section 640.018) In any case in which the Department of Natural Resources has not issued a permit or made a permit decision by the expiration of a statutorily required time frame, the permit must be issued as of the first day following the expiration if all the necessary information has been submitted for the application and the department has had the information for the duration of the required time frame.

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

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

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

NOTIFICATION OF PUBLIC HEALTH RISKS (Section 640.128) The Department of Natural Resources must immediately notify the local public health authority and the Department of Health and Senior Services if it receives water quality test results voluntarily conducted and submitted by a permitted entity that indicate a potential risk to public health.

ASBESTOS AND AIR QUALITY (Sections 643.020 - 643.250) (1) Authorizes the commission or its authorized representative to enter upon any public or private property having material information relevant to an air contaminant source;

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

(3) Removes the exemption from certain state asbestos requirements for asbestos certification and registration, including the $250 exemption application fee, for certain persons who are subject to EPA and OSHA asbestos regulations;

(4) Reduces from at least 20 working days to at least 10 working days the period of time that a person must submit an application to the department in advance of an asbestos abatement or demolition project. Contents of the application are specified; and

(5) Requires the analysis of asbestos air samples to be conducted according to EPA or OSHA standards. Currently, the analysis must be conducted according to OSHA standards.

JUDICIAL REVIEW (Sections 643.130 and 644.071) Any action seeking judicial review of a final decision made by the Air Conservation Commission, the Clean Water Commission, or the Director of the Department of Natural Resources must be filed in a court of appeals instead of a circuit court.

Also includes provisions relating to:

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

CLEAN WATER COMMISSION PERMITS AND APPEALS (Section 644.051)

AFFORDABILITY DETERMINATIONS (Section 644.145) The Department of Natural Resources must make a determination regarding the affordability to communities and their residents of permit requirements and other department decisions related to combined or separate sanitary sewer systems or publicly owned treatment works.

PRIVATE SEPTIC SYSTEMS (Sections 701.033 and 701.058) The Department of Health and Senior Services is authorized to provide technical assistance, guidance and oversight to a local authority that administers and enforces individual on-site sewage disposal system standards.

The provisions of the bill contain a nonseverability clause.

The bill contains an emergency clause for provisions regarding state department transparency, county drinking water supply lake authority, real-time bacterial water quality testing, State Parks Earnings Fund, mining permits, cleanfields renewable energy demonstration projects, environmental permits, notification of public health risks, consolidation of state services, judicial review, clean water notice requirements and fees, Clean Water Commission permits and appeals, affordability
determinations on sanitary sewer systems, private septic systems, and the Missouri Energy Task Force. (Signed 7/11/11)

HCS HB 250 – Water well regulations. Specifies that any water system that exclusively serves a charitable or benevolent organization will be exempt from all rules relating to well construction except those applying to a multifamily well unless the well or pump installation for the well is determined to present a threat to groundwater or public health. Certain exemptions apply.

No facility can be required to replace, change, upgrade, or alter an existing well constructed prior to August 28, 2011, unless the well is determined to be a threat to groundwater or public health or contains certain contaminant levels. (Signed 6/22/11)

CCS SS SCS HCS HB 430 – Transporation (See Transportation Law)

SCS HCS HB 578 – Disposal of used tires. Allows the state or any political subdivision or agency of the state to transfer possession and ownership of used tires, scrap tires, or tire shred to any in-state private entity to be lawfully disposed of or recycled if the tires or shred are not burned as fuel, except in a permitted facility, or disposed of in a landfill. (Signed 6/8/11)

CCS HCS SS SB 135 – Environmental protections

Changes the laws regarding environmental protections.

Includes provisions relating to State Parks Earnings Fund (Section 253.090, RSMo); Battery and hazardous waste fees (Sections 260.262, 260.380, and 260.475); Disposal of used tires (Section 260.269); Dry-cleaning facilities (Section 260.965); Coolers on rivers and waterways (Section 306.109); An underground petroleum storage tank operator training program (Section 319.130); Motor fuel tax (Section 319.132); Motor fuel measuring devices (Section 414.072 and Section 1); Water well regulations (section 640.116); and Environmental permits (Section 640.905)

The bill contains an emergency clause for the provisions regarding the State Parks Earnings Fund, and the battery and hazardous waste fees. (Signed 6/22/11)
tax refund amount to the newly created Foster Care and Adoptive Parents Recruitment and Retention Fund. The fund is to be administered by the newly established Foster Care and Adoptive Parents Recruitment and Retention Fund Board. Upon appropriation, moneys in the fund must be distributed by the Department of Social Services and used to grant awards to licensed community-based foster care and adoption recruitment programs.

**TASK FORCE ON FOSTER CARE RECRUITMENT, LICENSING, AND RETENTION** The Children’s Division within the Department of Social Services must convene a task force to review the recruitment, licensing, and retention of foster and adoptive parents statewide. The task force must study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide and must report its findings with recommendations by December 1, 2011, to the General Assembly and the Governor.

**PARENTAL RIGHTS OF INDIVIDUALS WITH DISABILITIES** Specifies that the disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; to remove a child from a parent’s custody or that a child is in need of care; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and harm to the child.

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

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

**MISSOURI STATE FOSTER CARE AND ADOPTION BOARD** The Missouri State Foster Care and Adoption Board is established to provide consultation and assistance to the Department of Social Services. The board must draft and provide an independent review of the policies and procedures of the Children’s Division related to the provision of foster care and adoption in Missouri. The board must also determine the nature and content of in-service training which must be provided to foster and adoptive parents in order to improve these services to children statewide. Additional duties of the Children’s Division of the board are specified.

The provisions regarding the Foster Care and Adoptive Parents Recruitment and Retention Fund will expire six years from the effective date. In scope, support concept of non-discrimination based on disability, share comment. (Signed 7/12/11)

**SS #2 HB 648 – Individuals with disabilities** (See Health & Hospital Law)

**SB 237 – Guardian ad litem standards** (See Judicial Administration)

**SS#2 SCS SB 320 – Domestic violence** (See Criminal Law)

**HCS SS SCS SB 351 – Adoption records** Changes the laws regarding adoption records. In its main provisions, the bill:

1. Allows non-identifying biological parent or sibling information regarding an adoptee to be furnished by the child-placing agency or the juvenile court upon written request to the adopted adult’s lineal descendants if the adopted adult is deceased;

2. Revises the provisions regarding an adopted adult obtaining identifying information of his or her undisclosed biological parents by making a request to the circuit court having original jurisdiction by allowing the identifying information to also be disclosed to the adopted adult’s lineal descendants if the adopted adult is deceased;

3. Requires the court to disclose the identifying information as to a biological parent to the adopted adult or the adopted adult’s lineal descendants if the adopted adult is deceased or under certain specified conditions if the biological parent is found to be deceased;

4. Requires only the biological parents to be notified about a request for identifying information. Currently, the adopted adult must make a request and follow a specified procedure for obtaining consent from both the adoptive and biological parents if prior consent has not been given through the child-placing agency or juvenile court personnel; and
(5) Allows an adopted adult to obtain identifying information on adult siblings with the sibling’s consent without the court having to find that the information is necessary for health-related purposes. Not in scope. (Signed 7/5/11)

**Health & Hospital Law**

SS#2 SCS HCS HB 111 – Judicial procedures (See Judicial Administration)

HB 151 – Designation of tax refunds to the organ donor program fund (See Taxation Law)

HB 182 – Colon cancer awareness day Designates the first Friday in March of each year as “Dress in Blue for Colon Cancer Awareness Day” to increase awareness of colon cancer. (Signed 5/5/11)

HCS HB 197 – Cord blood banking Requires the Director of the Department of Health and Senior Services to post on its website certain resources relating to umbilical cord blood organization which includes an explanation of the potential value and uses of umbilical cord blood. Beginning October 1, 2011, a licensed obstetrician or gynecologist can make available to the patient prior to the beginning of her third trimester or, if later, at her first visit the information posted on the department’s website regarding umbilical cord blood banking. (Signed 7/8/11)

SS HCS HB 213 – Late-term abortions This bill revises the definition of “abortion” to mean the act of using or prescribing an instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in his or her mother’s womb or the intentional termination of the pregnancy of a mother by using or prescribing any instrument, device, medicine, drug, or other means or substance with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child. No abortion of a viable, unborn child can be performed or induced, except in the case of a medical emergency, where the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, illness, or injury or when the continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Except in the case of a medical emergency, a physician must, prior to performing or inducing an abortion, determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards.

If a physician determines that the gestational age of the unborn child is 20 weeks or more, he or she must, prior to performing or inducing an abortion, determine if the unborn child is viable.

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

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

Before a physician may perform or induce an abortion on a woman carrying an unborn child that has been determined to be viable, he or she must comply with procedures specified in the act.

Any person who knowingly performs or induces an abortion of an unborn child in violation of these provisions will be guilty of a class C felony and subject to imprisonment for not less than one year and a fine of between $10,000 and $50,000. Any physician licensed in this state who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of these provisions can have his or her license suspended or revoked by the State Board of Registration for the Healing Arts. Any licensed hospital or ambulatory surgical center that knowingly allows an abortion to be performed or induced in violation of these provisions can be subject to the suspension or revocation of its license. (July 14, 2011 - Allowed to go into effect pursuant to Article 3, Section 31 of the Missouri Constitution)

HCS HB 223 & 231 – Higher education financial assistance programs (See Education & School Law)

SCS HB 270 – State employees’ health insurance benefits (See Labor & Employment Law)


Every school district must annually distribute a concussion and brain injury information sheet to each youth athlete in the district’s athletic program which must be signed by the athlete’s parent or guardian and submitted to the school district prior to the youth athlete participating in any practice or competition.
A youth athlete suspected of sustaining a concussion or brain injury must be removed from competition at that time and for at least 24 hours. He or she must not return to competition until being evaluated by a licensed health care provider trained in the evaluation and management of concussions under the guidelines developed by the department and receiving a written clearance from the provider to return to competition. (Signed 7/13/11)

SCS HB 388 – Patient information requirements regarding breast implantations Removes the current requirement that an attending physician provide a standardized written summary prepared by the Department of Health and Senior Services, regarding the risks and benefits of breast implantation to a patient undergoing breast implantation surgery and instead requires the attending physician to advise the patient of the advantages, disadvantages, and risks prior to an operation. (Signed 6/30/11)

SCS HCS HB 412 – Pharmacies Changes the laws regarding pharmacies.

CHANGES PROVISIONS RELATING TO THE MISSOURI RX PLAN (Section 208.798, RSMo) AND VETERINARY LEGEND DRUGS (Sections 338.010, 338.140, 338.150, 338.220, and 338.240)

BOARD OF PHARMACY (Section 338.055) The Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration is authorized to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any office owner, manager, or controlling shareholder of the applicant has committed an act which would be grounds for discipline.

WHOLESALE DRUG DISTRIBUTORS (Section 338.330) Defines “legend drug” as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act; is required under federal law to be labeled in certain ways; or is required by law or regulation to be dispensed by prescription only or that is restricted to use by practitioners only. Any investigational new drug or a drug product being used for conducting a clinical trial or investigation under specified situations is exempt from this provision.

Contains an emergency clause for the provisions regarding wholesale drug distributors. (Signed 6/10/11)

HB 423 – Health care compact. Authorizes Missouri to adopt the provisions of the Health Care Compact to improve health care policy within the states by securing consent from the United States Congress to return the authority to regulate health care to the states that have adopted the compact by specifying that the state legislatures have the primary responsibility to regulate health care in their respective states. Missouri and other states that join the compact may suspend federal laws, rules, regulations, and orders regarding health care that are inconsistent with the laws and regulations adopted by the member state pursuant to the compact. The compact will become effective upon adoption by at least two member states and the consent of Congress unless Congress, in consenting to the compact, alters its fundamental purposes. The compact can be amended by the unanimous agreement of the member states; and any amendment will be effective unless, within one year of its adoption, Congress disapproves the amendment. Any member state may withdraw from the compact by adopting a law to that effect but no withdrawal can take effect until six months after the governor of the withdrawing member state gives notice of the withdrawal to the other member states. The compact must be dissolved upon the withdrawal of all but one of the member states. (July 14, 2011 - Allowed to go into effect pursuant to Article 3, Section 31 of the Missouri Constitution)

SCS HCS HB 552 – Bleeding disorder therapies Requires the State Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to establish rules governing the standard of care for pharmacies dispensing blood clotting therapies. The rules must include specified safeguards.

Blood clotting product-related services including home delivery of products, equipment, and supplies; medically necessary ancillary infusion equipment and supplies; and assessments that are deemed necessary by the treating physician which are conducted in the participant’s home are added to the list of services which are to be paid under MO HealthNet benefits. (Signed 7/7/11)

SS SCS HCS HB 555 – Health care Changes the laws regarding health care.

DISABILITY HISTORY AND AWARENESS MONTH Designates October of each year as “Disability History and Awareness Month” and allows a school board to require schools within the district to provide instruction on the topic during the month that expands students’ knowledge, understanding, and awareness of individuals
with disabilities, the history of disability, and the disability rights movement.

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

**MO HEALTHNET OVERSIGHT COMMITTEE** Changes the composition of the membership of the MO HealthNet Oversight Committee.

**PARENTAL RIGHTS OF INDIVIDUALS WITH DISABILITIES** The disability or disease of an individual cannot be the basis for a determination to refuse to issue, suspend, or revoke a foster care license; to remove a child from a parent’s custody or that a child is in need of care; to terminate parental rights; or to rule that an individual is unfit or not suitable to be an adoptive parent or a foster parent without a specific showing that there is a causal relationship between the disability or disease and harm to the child.

Also includes provisions relating to the mental health earnings fund; Department of Mental Health investigation reports; membership of the Missouri Children’s Services Commission and duties; and creation of a Missouri Task Force on Prematurity and Infant Mortality; makes changes in provisions relating to appointments to the Missouri Dental Board and the State Board of Registration for the Healing Arts.

**ACCESSIBLE PARKING AND PARKING LOTS** Requires any political subdivision or the owner of a private parking lot, when restriping an existing lot or constructing a new parking lot, to designate one in every four spaces as accessible, with at least one having an access aisle which is a minimum of 96 inches wide and designated “lift van accessible only” with signs that comply with the federal Americans with Disabilities Act and any rules or regulations established pursuant to the act.

All new signs erected on or after August 28, 2011, relating to disabled parking must contain the words “Accessible Parking” and must not contain “Handicap Parking” or “Handicapped Parking.” (Signed 7/12/11)

**HCS HB 557 – Mental health earnings fund** (See State Government)

**SCS HB 591 – Limited dental teaching licenses** (See Licensing Law)

**SS#2 HB 648 – Individuals with disabilities** (See SS SCS HCS HB 555)

**HB 667 – Prostate cancer pilot programs** (See also SB 38) Subject to securing a cooperative agreement with a non-profit entity for funding, this bill establishes two prostate cancer pilot programs within the Department of Health and Senior Services to fund prostate cancer screening and treatment services and to provide education to men residing in the state. One program must be located in St. Louis City and one in Pemiscot, New Madrid, or Dunklin County. The department can contract with the Missouri Foundation for Health to implement the pilot programs. The provisions of the bill will expire six years from the effective date. (Signed 6/17/11)

**HB 675 – County coroner training** Requires every elected or appointed county coroner, deputy coroner, and assistant to the coroner to complete the annually required educational training within six months of his or her election or appointment. (Signed 7/5/11)

**SB 38 – Prostate cancer pilot program** (See HB 667)

**HCS SS#2 SCS SB 62 – Health care providers** Changes the laws regarding health care providers. Includes provisions relating to:

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

**MEDICAL RECORDS FEES** (Section 191.227) Currently, a health care provider can charge a patient a fee of not more than $17.05 for copying his or her medical records plus 40 cents per page for supplies and labor. The bill increases the fee to $21.36 plus 50 cents per page for supplies and labor adjusted annually for inflation. A health care provider will also be allowed to include in that fee a retrieval or handling fee, not to exceed $20, charged by an outsourced records storage service with which the provider has contracted for off-site records storage and management. If a health care provider stores records in an electronic or digital format and provides records and affidavits, if requested, in an electronic or digital format,
the maximum copying amount cannot exceed $5 plus 50 cents per page or $25 total, whichever is less.

HEALTH CARE TRANSPARENCY AND PROPOSED MANDATES (Section 376.1190) Beginning January 1, 2014, health insurance carriers must allow a policyholder, upon request, to obtain specific cost-sharing information for a health service or item within the policyholder’s health benefit plan including the deductible, copayment, and co-insurance. Certain supplemental insurance policies are exempt from this provision.

Beginning August 28, 2011, any health care benefit mandate proposed by the General Assembly after August 28, 2011, will be subject to an actuarial review to determine the cost impact on private and public payers. These provisions will become effective January 1, 2014. This bill contains a nonseverability clause.

(Signed 6/10/11)

SS SCS SB 65 – Late-term abortions (See HB 213)

HCS SS SB 118 – Sprinkler system requirements for long-term care facilities Currently, certain long-term care facilities are required to install and maintain an approved sprinkler system by December 31, 2012. This bill extends the required implementation date to December 31, 2014. (Vetoed 7/6/11)

COCSS HCS SS SB 226 – Emergency services (See Taxation Law)

SS SB 238 – Benefits for a firefighter incurring an infectious disease in the line of duty (See Labor & Employment Law)

COCSS HCS SS SB 284 – Pharmacies Changes the laws regarding pharmacies.

Authorizes a sales tax exemption for certain drugs and medical equipment (Section 144.030, RSMo).

BOARD OF PHARMACY (Section 338.055) Allows The Board of Pharmacy within the Department of Insurance, Financial Institutions and Professional Registration to refuse to issue a certificate of registration, permit, or license to an applicant for a pharmacy or drug distributor license if the designated pharmacist-in-charge, manager-in-charge, or any office owner, manager, or controlling shareholder of the applicant has committed an act which would be grounds for discipline.

WHOLESALE DRUG DISTRIBUTORS (Sections 338.330) The bill defines “legend drug” as it relates to regulating wholesale drug distributors as any drug or biological product that is subject to certain federal laws and required to be labeled in certain ways, dispensed by prescription only or used or dispensed by practitioners only excluding any drug being used for conducting a clinical trial or investigation under specified situations.

The bill contains an emergency clause for the provisions regarding wholesale drug distributors. (Signed 7/11/11)

INSURANCE LAW

HCS HB 407 – Certificate of insurance for property and casualty insurance coverage Prohibits a person from preparing, issuing, or requesting the issuance of a certificate of insurance form regarding property and casualty insurance unless it has been filed with the Director of the Department of Insurance, Financial Institutions and Professional Registration and from altering or modifying a filed certificate of insurance form. A certificate of insurance is not a policy of insurance and cannot confer to a holder new or additional policy rights beyond what the referenced insurance policy expressly provides and cannot contain references or opinions on the effect of any other contract. Only a certificate holder has the legal right to notification of the cancellation, non-renewal, or change of policy of insurance with proper notice. A certificate of insurance cannot create or alter the terms and conditions of the notice, including the required timing of the notice.

An insurance producer can charge a reasonable fee for issuing a certificate of insurance to a policyholder or certificate holder. Any person violating these provisions will be subject to an administrative order and the imposition of any authorized penalty or remedy from the department director. No person, wherever located, can demand or request the issuance of or knowingly prepare or issue a certificate of insurance that contains any false or misleading information; and no person can prepare, issue, or request an opinion letter or other document that is inconsistent with these provisions, but an insurer or insurance producer may prepare or issue an addendum to a certificate of insurance that lists the forms and endorsements by an insurance policy.

These provisions apply to all certificate holders, policyholders, insurers, insurance producers, and certificate of insurance forms issued as a statement of coverage on property operations or risks located in this state regardless of where the holder or producer is located.

Any lender requesting use of an evidence of commercial property insurance exempted under the provisions of the bill which has not been approved for use by the
insurer issuing the insurance policy and the insurance producer has advised the lender in writing that the insurance provider has not been authorized to use the requested evidence of commercial insurance will have no cause of action against an insurance producer arising from the use of the form except for acts of intentional misrepresentation or fraud. (Signed 6/30/11)

SB 101 – Residential contractors (See Commercial Law)

HCS SS SCS SB 132 – Certain specialty lines insurance contracts Changes the laws regarding specialty lines insurance contracts. Includes provisions relating to insurance claims handling operations; Insurance coverage for portable electronic devices; Insurance company retaliatory taxes and regulation of surplus lines insurance.

**MOTOR VEHICLE EXTENDED SERVICE CONTRACTS**

(1) Specifies that it is unlawful for a motor vehicle extended service contract provider to fail to deliver a fully executed contract to the consumer within a commercially feasible time period, but no more than 45 days, from the date the consumer’s initial payment is processed. It will also be unlawful for any provider, administrator, producer, or any other person selling a contract to fail to deliver, upon request, an unsigned copy of the contract to the consumer prior to the time the consumer’s initial payment is processed. A seller may comply with this provision by directing the consumer to a website containing an unsigned copy of the contract. Anyone who violates these provisions will be guilty of a level two violation under provisions regarding insurance regulation;

(2) Revises the provisions regarding who can sell motor vehicle extended service contracts;

(3) Specifies that it is unlawful for a provider, administrator, motor vehicle extended service contract producer, or any other motor vehicle extended service contract seller or solicitor to use “warranty” in its materials and to represent in any manner a false, deceptive, or misleading statement with respect to:

   (a) An affiliation with a motor vehicle manufacturer or dealer;

   (b) Possession of information regarding a motor vehicle owner’s current motor vehicle manufacturer’s original equipment warranty;

   (c) The expiration date of a motor vehicle owner’s current motor vehicle manufacturer’s original equipment warranty;

   (d) A requirement that a motor vehicle owner register for a new contract with the provider in order to maintain coverage under the current contract or the manufacturer’s original equipment warranty; or

   (e) Any term or provision of a contract;

(4) Specifies that it is unlawful for any person, in connection with the offer, sale, solicitation, or negotiation of a motor vehicle extended service contract to:

   (a) Employ any deception, device, scheme, or artifice to defraud;

   (b) Make or use any misrepresentation, concealment, or suppression of any material fact;

   (c) Engage in any pattern or practice of making any false statement of material fact; or

   (d) Engage in any act, practice, or course of business which operates as a fraud or deceit upon any person;

(5) Allows the department director to suspend, revoke, or refuse to issue or renew a registration or license to sell motor vehicle extended service contracts for specified causes. If a license is not renewed or is denied, an appeals process to the Administrative Hearing Commission is specified. The license of an extended service contract producer may be suspended, revoked, or not renewed or an application can be refused if the department director finds a specified violation;

(6) Requires a licensed contract producer to notify the department director within 30 days of any address change, any license revocation or civil action taken against the producer in another jurisdiction or by another state governmental agency. A producer must report to the department director any felony proceeding initiated by any state or federal government for an law violation within 30 days of the initial pretrial hearing date or arraignment; and

(7) Requires a provider to maintain a registry of business entity motor vehicle extended service contract producers who are authorized to sell, offer, negotiate, or solicit the sale of these contracts in this state and to make the list available for inspection upon the request of the department director. If a producer’s appointment is terminated, the provider must update the registry with the effective termination date within 30 days. A provider must notify the department director in writing if he or she has possession of information relating to any cause for discipline.

The provisions of the bill regarding motor vehicle extended service contracts become effective January 1, 2012.

The bill contains an emergency clause for the provisions regarding the regulation of surplus lines insurance. (Signed 7/7/11)
SS#2 SCS HCS HB 111 – Judicial procedures Changes numerous laws regarding judicial procedures.

**TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT** (Sections 34.376, 34.378, and 34.380, RSMo). Establishes the Transparency in Private Attorney Contracts Act. The bill:

1. Prohibits the state and any of its agents from contracting with a private attorney for a contingency fee unless the Attorney General makes a written determination prior to the contract that the contingency fee representation is both cost effective and in the public interest;
2. Requires the Attorney General if the determination to contract with a private attorney is made to request written proposals from private attorneys to represent the state unless the Attorney General determines and puts in writing that requesting proposals is not feasible under the circumstances;
3. Requires the Attorney General to select the lowest and best bid or to request the Office of Administration to establish an independent panel to evaluate the proposals and choose the lowest and best bid;
4. Requires the government attorney to retain complete control over the course and conduct of the case and the contracted attorney in any contingency fee contract and requires the Attorney General to include provisions in the contract detailing the expectations of both the contracted attorney and the state;
5. Requires a copy of any contingency fee contract, the Attorney General’s written determination, and payments of contingency fees to be posted on the Attorney General’s website;
6. Requires a private attorney under contract with the state on a contingency fee basis to maintain detailed records of his or her services, expenses, and fees, including time records in increments of no greater than 1/10 of an hour for at least four years after the expiration or termination of the contract. Any request under the Open Meetings and Records Law, commonly known as the Sunshine Law for inspection and copying of records must be served upon and responded to by the Attorney General’s office; and
7. Requires the Attorney General to annually submit a report by February 1 to the President Pro Tem of the Senate and the Speaker of the House of Representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year and specifies the information which must be included in the report.

**HOSPITAL DISTRICT SALES TAX IN IRON COUNTY** (Sections 144.032 and 205.205)

**ELECTRONIC MONITORING** (Sections 221.025, 544.455, 544.470, and 557.011) Allows a judge to release a person before trial on electronic monitoring or to order a person to serve part or all of a sentence of confinement on electronic monitoring. All costs associated with electronic monitoring will be charged to the person on house arrest.

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

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

**CERTAIN MISDEMEANOR VIOLATIONS** (Sections 302.020, 302.321, 303.025, and 311.325) Changes the specified class of certain misdemeanor violations to only be a misdemeanor violation and establishes fines and penalties for a violation of the provisions regarding:

1. Driver’s licenses;
2. Motorcycle licenses;
3. Driving while revoked;
4. Motor vehicle financial responsibility; and
5. Purchase, possession, or consumption of alcohol by a minor.

A prior plea of guilty and a prior finding of guilt must be pled and proven in the same manner as a person is found to be a prior offender, persistent offender, dangerous offender, persistent sexual offender, or predatory sexual offender. *(This section originally drafted by The Missouri Bar’s Criminal Law Council).*

**CORPORATE COMMITTEE MEETINGS** (Section 351.340) Allows actions required to be taken at corporate committee meetings to be taken without a meeting if all of the board or committee members consent by electronic transmission. The transmissions must be filed with the meeting minutes.

**CHILD SUPPORT AWARDS** (Section 452.340) The Missouri Supreme Court is required to amend the child support guidelines to address instances where there is
an award of equal or substantially equal joint physical custody.

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

**FULL ORDERS OF PROTECTION** (Section 455.007) The bill specifies that, notwithstanding any other provision of law to the contrary, the public interest exception to the mootness doctrine will apply to an appeal of a full order of protection which has expired and which subjects the person against whom the order is issued to significant collateral consequences by the mere existence of the order after its expiration.

**GUARDIANSHIP OF AN INCAPACITATED PERSON** (Sections 475.060 and 475.061) Changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

**TRANSFER REQUESTS OF COURT CASES BY PUBLIC ADMINISTRATORS** (Section 475.115) Allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator’s conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval.

**UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT** (Sections 475.501 - 475.555) Authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

1. Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;
2. Allows a court to request an out-of-state court to:
   a. Hold an evidentiary hearing;
   b. Order an individual to produce evidence or give testimony;
   c. Order that an evaluation or assessment be made of a respondent;
   d. Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;
   e. Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding any evidence otherwise produced and any evaluation or assessment prepared in compliance with a court order;
   f. Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and
   g. Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including specified protected health information;
3. Allows testimony taken in another state from a witness who is located in another state to be offered by deposition or other means allowable;
4. Permits a court to allow a witness located in another state to be deposed or to testify by telephone, audiovisual, or other electronic means;
5. Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;
6. Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;
7. Specifies that a court which has appointed a guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;
8. Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;
9. Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;
10. Specifies that if a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian may register, after giving notice to the appointing court of an intent to register, the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office;
11. Specifies that if a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator may register, after giving notice to the appointing court of intent to register, the protective order in this state by filing as a
foreign judgment in a court, in any appropriate county of this state, a certified copy of the order and letter of office and of any bond; and

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

*BASIC CIVIL LEGAL SERVICES FUND (Section 477.650) Extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012 to December 31, 2018. (This provision drafted by The Missouri Bar’s Delivery of Legal Services Committee).

STANDARDS FOR REPRESENTATION OF CHILDREN BY GUARDIANS AD LITEM (Section 484.350) The bill requires the Missouri Supreme Court standards from September 17, 1996, regarding representation of children by guardians’ ad litem to be updated.

CONDEMNATION PROCEEDINGS (Section 523.040) Requires that in St. Louis City and the counties of St. Louis and Jackson at least one of the three commissioners appointed by the court in condemnation proceedings must be a licensed real estate broker or a licensed or certified real estate appraiser.

SEXUAL CONTACT WITH A STUDENT (Section 566.086) Currently, a person who works for or volunteers at a school commits the crime of sexual contact with a student while on public school property, a class D felony, if he or she has sexual contact with a student while on any public school property. The bill removes the requirement that the crime be committed while on public school property and adds an elected or appointed official of the school district to the list of individuals to whom the provision applies.

SEXUAL OFFENDERS (Sections 566.147 and 589.040) Currently, any person who, since July 1, 1979, has pled guilty or nolo contendere to, been convicted of, or been found guilty of certain specified sexual offenses is prohibited from residing within 1,000 feet of certain public schools, private schools, or child care facilities. The bill specifies that a child care facility includes any licensed child care facility or any facility which is exempt from licensure but subject to state fire, safety, health, and sanitation inspections and holds itself out to be a child care facility.

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

CRIMINAL NONSUPPORT (Section 568.040) A person commits the crime of nonsupport if he or she knowingly fails to provide adequate support for his or her spouse or child as he or she is legally obligated. Currently, a person commits this crime if he or she did so without good cause.

RECEIVING STOLEN PROPERTY (Section 570.080) Revises the punishment for the crime of receiving stolen property, a class A misdemeanor. If the value of the property or services stolen is $500 but less than $25,000 or a person physically takes the property from the victim or the property consists of certain specified items, the person will be guilty of a class C felony. The receipt of any item of property or services that exceed $500 may be considered a separate felony and may be charged in separate counts. Any person with a prior conviction for receiving stolen livestock or captive wildlife who violates those same provisions a subsequent time when the value of the animal stolen exceeds $3,000 will be guilty of a class B felony and will be required to serve at least 80% of any sentence imposed before he or she is eligible for probation, parole, conditional release, or other early release by the Department of Corrections. Anyone committing an offense in which the value of the property or services is an element will be guilty of a class B felony if the value equals or exceeds $25,000.

STEALING LEASED OR RENTED PROPERTY OFFENSES (Section 578.150) Changes the crime of failing to return leased or rented property and changes the name of the crime to stealing leased or rented property.

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

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

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

STATE REIMBURSEMENT FOR SHERIFFS (Section 632.312) A sheriff is allowed to receive reimbursement from the state, subject to appropriations, for the actual costs of transporting a person to and from a mental health facility from a public or private hospital, a nonprofit charitable organization, the state, or a political subdivision.

Contains an emergency clause for the provisions regarding the hospital district sales tax. In scope, support concept of the underlying bill, which included only § 455.007 relating to orders of protection. (Signed 7/8/11)

HB 199 – COMMUNITY SERVICE FOR INTOXICATION-RELATED TRAFFIC OFFENSES (See Criminal Law)

HB 340 – COUNTY FACILITIES Allows a county of any classification to erect and maintain a jail or holding cell facility at a site other than the county seat. Currently, only fourth classification and certain third classification counties are allowed this option.

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

Contains an emergency clause for the provisions regarding counties erecting and maintaining a jail or holding cell facility at a site other than the county seat. (Signed 7/1/11)

CCS HCS SB 59 – Judicial procedures (See Probate & Trust Law)

SB 165 – Basic Civil Legal Services Fund (See Poverty Law)

SB 237 – Guardian ad litem standards Requires the Missouri Supreme Court standards from September 17, 1996, regarding representation of children by guardians ad litem to be updated. (Signed 7/8/11)

LABOR & EMPLOYMENT LAW

SCS HCS HB 38 – Work-off rate for certain county criminal defendants and notification of jail escapes (See Local Government)

HCS HB 136 – Unemployment benefits and courtesy professional licenses for certain military spouses (See Military & Veterans Law)

SS SCS HCS HB 163 – Unemployment compensation Specifies that a claimant will be ineligible for waiting week credit or benefits for any week that he or she has an outstanding penalty which was assessed based upon an overpayment of benefits and reduces the maximum total amount of benefits payable to any insured worker during any benefit year from the lesser of 26 times his or her weekly benefit amount or 33 1/3% of his or her wage credits to the lesser of 20 times his or her weekly benefit amount or 33 1/3% of his or her wage credits.

In order for Missouri to receive recently approved additional extended federal unemployment benefit funds until August 28, 2013, the bill changes certain laws regarding unemployment compensation. The bill contains an emergency clause. (Signed 4/13/11)

HB 183 – Kansas City police and civilian employees’ retirement systems Changes the laws regarding the Police Retirement System of Kansas City and the Civilian Employees’ Retirement System of the Police Department of Kansas City. (Signed 7/8/11)

HB 229 – Public school retirement system of Kansas City Changes the laws regarding the Public School Retirement System of Kansas City. (Signed 6/16/11)

SCS HB 270 – State employees’ health insurance benefits Requires the Missouri Consolidated Health Care Plan to offer a qualified high-deductible health plan.

Currently, the state employees’ health insurance ben-
efit plan must provide full health benefit plan coverage to participants who are also eligible for and covered by Medicare. The bill requires the state employees’ health insurance benefit plan to provide a health plan that offers substantially similar benefits to Medicare as well as to participants who are eligible for but not covered by Medicare. (Signed 7/7/11)

SS SCS HB 282 – Public employee retirement Changes the laws regarding public employee retirement.

Includes provisions affecting the Missouri Local Government Employees’ Retirement System (Sections 70.710 - 70.730, RSMo); Police Retirement System of Kansas City and the Civilian Employees’ Retirement System of the Police Department of Kansas City (Chapter 86); Firemen’s Retirement System of St. Louis (Sections 87.127, 87.205, and 87.207); Missouri Development Finance Board Employees’ Retirement (Section 100.273); Transfer of service between the Missouri Department of Transportation and Highway Patrol Employees’ Retirement System and The Missouri State Employees’ Retirement System (Section 104.603); and quarterly reporting of public defined benefit retirement plans (Section 105.661); and The State of Missouri Deferred Compensation Plan (Sections 105.915 and 105.927).

Currently, the state must credit an amount up to $75 per month, as determined by appropriation, to each qualified participant’s deferred compensation account if the participant is making continuous deferrals of at least $25 per month, the participant has been employed by the state for at least 12 consecutive months, and the state contribution does not exceed the amount that the participant contributes. The bill removes these contribution conditions and allows the funds to be credited to each participant directly by a state agency if that agency’s payroll is not issued through the State Treasurer. (Signed 7/8/11)

HB 358 – Police retirement system of St. Louis Changes the laws regarding the Police Retirement System of St. Louis by applying federal tax law requirements to the provisions related to annuity distributions, rollovers to individual retirement accounts, rollovers from other retirement plans and accounts, and the annual amount allowed to be distributed to a member.

Also specifies that if a member of the retirement system dies on or after January 1, 2007, while performing qualified military service, the member’s surviving spouse and other dependents will be entitled to the benefits that would have been provided if the member had returned to active service as a police officer and died while in active service. (Signed 5/2/11)

HCS HB 465 – Credit unions (See Commercial Law)

SS SCS HCS HB 664 – Firefighter benefits Changes the laws regarding benefits for a fire fighter incurring an infectious disease in the line of duty and the Firemen’s Retirement System of St. Louis.

Any infectious disease, as defined in the bill, which causes a condition of impaired health that results in a disability or death of a fire fighter who has at least five years of service, will be presumed to have been incurred by the fire fighter in the line of duty in certain circumstances, unless the contrary is shown by competent evidence, as it relates to a claim for disability or death or for retirement benefits. The fire fighter must submit to an annual physical examination which includes a blood test. (Signed 7/7/11)

SB 36 – Leave of absence for certain civil air patrol members Requires any employee of employers with 50 or more workers who is or may become a member of the civil air patrol and has met certain qualifications or certification to be granted a leave of absence to perform civil air patrol emergency service duty or count narcotics missions. Certain limitations apply.

This act has an emergency clause. (Signed 7/1/11)

SCS/SB 54 – Protecting children from sexual offenders (See Criminal Law)

SCS SB 188 – Unlawful discriminatory employment practices Changes the laws regarding unlawful discriminatory employment practices under the Missouri Human Rights Law and establishes the Whistleblower’s Protection Act. (Vetoed 4/29/11)

UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICES UNDER THE MISSOURI HUMAN RIGHTS LAW

(1) Adds the term “because” or “because of” as it relates to a decision or action to be the protected criterion was a motivating factor;

(2) Revises the term “employer” by specifying that it is a person engaged in an industry affecting commerce who has six or more employees for each working day in each of 20 or more weeks in the current or preceding year and does not include the federal government; an individual employed by an employer; an Indian tribe; certain departments or agencies of the District of Columbia; certain private membership clubs, excluding labor organizations; and corporations and associations owned and operated by religious or sectarian groups;
(3) Specifies that in an employment action alleging an unlawful employment practice under Section 213.055, RSMo, or an unlawful employment practice under Section 213.070 will only apply when an employer commits the specified acts in these provisions and cannot provide a basis for any individual liability;

(4) Requires a court as it relates to the presentation of evidence to a jury to rely heavily upon judicial interpretations of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans With Disabilities Act in interpreting and applying the provisions of Chapter 213 in an employment case;

(5) Specifies that the legislature intends expressly to abrogate McBryde v. Ritenour School District, 207 S.W.3d 162 (Mo. App. E.D. 2006) as it relates to the necessity and appropriateness of the issuance of a business judgment instruction;

(6) Recommends that certain specified frameworks for the analysis of an employment discrimination case should be considered highly persuasive if an employer in a Chapter 213 case files a Rule 74.04 of the Missouri Rules of Civil Procedure motion as a tool in removing factually insubstantial cases from crowded dockets;

(7) Allows any party in an unlawful discriminatory employment practice action to demand a trial by jury. If the trial occurs in the circuit courts of the State of Missouri, the Missouri common law regarding the presentation of evidence to a jury must apply at trial whether before a judge or jury;

(8) Specifies that the amount of all damages awarded cannot exceed the amount of the actual back pay, interest on back pay, other equitable relief, and other damages of up to $50,000 in the case of an employer with six to 99 employees in each of 20 or more weeks in the current or preceding calendar year; up to $100,000 for an employer with 101 to 200 employees; up to $200,000 for an employer with 201 to 500 employees; up to $300,000 for an employer with more than 500 employees. The maximum award amounts do not apply to unlawful discrimination actions regarding housing, commercial real estate loans, and selling or renting by real estate agencies. The limits will increase or decrease in the same amounts as any corresponding limits are increased or decreased in Section 42 U.S.C. 1981 a(b)(3);

(9) Requires the plaintiff to prove that the protected criterion was a motivating factor in the alleged unlawful decision or action in any employment-related civil action; and

(10) Prohibits punitive damages from being awarded against the state or any of its political subdivisions.

WHISTLEBLOWER’S PROTECTION ACT

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

(1) Adds the term “because” or “because of” as it relates to a decision or action to be the protected criterion was a motivating factor;

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

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

(4) Specifies that the provisions of the act will provide the exclusive remedy for any and all unlawful employment practices and voids any common law causes of action to the contrary;

(5) Requires a protected person aggrieved by a violation to have a private right of action for damages. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order and may award to the plaintiff actual and punitive damages;

(6) Grants any party to an action the right to demand a trial by jury; and

(7) Specifies that the amount of all damages awarded cannot exceed the amount of the actual back pay, interest on back pay, other equitable relief, and other damages of up to $50,000 in the case of an employer with six to 100 employees in each of 20 or more weeks in the current or preceding calendar year; up to $100,000 for an employer with 101 to 200 employees; up to $200,000 for an employer with 201 to 500 employees; and up to $300,000 for an employer with more than 500 employees. The limits will increase or decrease in the same amounts as any corresponding limits are increased or decreased in Section 42 U.S.C. 1981 a(b)(3). In scope, oppose § 213.101.2.4.6. (Vetoed 4/29/11)
SS SB 238 – Benefits for a firefighter incurring an infectious disease in the line of duty Specifies that any infectious disease, as defined in the bill, which causes a condition of impaired health that results in a disability or the death of a fire fighter who has at least five years of service will be presumed to have been incurred by the fire fighter in the line of duty in certain circumstances, unless the contrary is shown by competent evidence, as it relates to a claim for disability or death or for retirement benefits. The fire fighter must submit to an annual physical examination which includes a blood test. (Signed 7/7/11)

(4) Removes a requirement that some specified uses of a firearm will not be a crime when the use was reasonably associated with or necessary to the fulfillment of a person’s official duties and exempts from the crime of unlawful use of weapons federal probation or flight deck officers, whether they are on duty or whether they are within their agency’s jurisdiction, and any member of a fire department who is employed on a full-time basis as a fire investigator, when the uses are reasonably associated with or are necessary to the fulfillment of his or her official duties, and who has a valid concealed carry endorsement. No person who pleads guilty to or is found guilty of a felony violation of the unlawful use of weapons can receive a suspended imposition of sentence if the person has previously received a suspended imposition of sentence for any other firearms or weapons related felony offense. The bill allows an adult to possess a firearm on school property for the purpose of facilitation of a school-sanctioned club event and specifies that it is not unlawful for a student to participate in a club-sponsored event under specified conditions (Section 571.030);

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

(6) Repeals provisions in Sections 407.500 and 407.505 which restrict the sale of rifles and shotguns by requiring purchasers or sellers to live in Missouri or a contiguous state and to conform to federal and state gun regulations and instead allows a Missouri resident or the resident of any state to purchase any firearm if he or she conforms to federal laws, the laws of the state in which he or she resides, and the laws of this state (Sections 571.085 and 571.087);

(7) Lowers the age at which a person can obtain a concealed carry endorsement from 23 to 21 years of age (Sections 571.101.2 and 571.117);

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

HCS HB 136 – Unemployment benefits and courtesy professional licenses for certain military spouses (See Military & Veterans Law)

SS SCS HCS HB 265 – Professional registration (See Administrative Law)

SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 – Firearms Changes the laws regarding firearms, ammunition, and concealed carry endorsements. In its main provisions, the bill:

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

(2) Specifies that a non-driver’s license containing a concealed carry endorsement will expire three years from the date the certificate of qualification was issued. (Sections 302.181 and 571.101.7);

(3) Allows a person to possess, manufacture, transport, repair, or sell a machine gun, short barreled rifle or shotgun, or firearm silencer if he or she conforms with federal law. A person will not commit a crime if he or she possesses, manufactures, transports, repairs, or sells an explosive weapon; an explosive, incendiary, or poisonous substance or material; a gas gun; a switchblade knife; certain explosive bullets; or knuckles if the item was possessed in conformity with federal law and during possession his or her conduct was incident to certain specified actions. A person who possesses, manufactures, transports, repairs, or sells an explosive weapon; an explosive, incendiary, or poisonous substance or material; a gas gun; or a machine gun, short barreled rifle or shotgun, or a firearm silencer in violation of federal law will be guilty of a class C felony. A person who possesses, manufactures, transports, repairs, or sells a switchblade knife, certain explosive bullets, or knuckles will be guilty of a class A misdemeanor (Section 571.020);

(4) Removes a requirement that some specified uses of a firearm will not be a crime when the use was reasonably associated with or necessary to the fulfillment of a person’s official duties and exempts from the crime of unlawful use of weapons federal probation or flight deck officers, whether they are on duty or whether they are within their agency’s jurisdiction, and any member of a fire department who is employed on a full-time basis as a fire investigator, when the uses are reasonably associated with or are necessary to the fulfillment of his or her official duties, and who has a valid concealed carry endorsement. No person who pleads guilty to or is found guilty of a felony violation of the unlawful use of weapons can receive a suspended imposition of sentence if the person has previously received a suspended imposition of sentence for any other firearms or weapons related felony offense. The bill allows an adult to possess a firearm on school property for the purpose of facilitation of a school-sanctioned club event and specifies that it is not unlawful for a student to participate in a club-sponsored event under specified conditions (Section 571.030);

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

(6) Repeals provisions in Sections 407.500 and 407.505 which restrict the sale of rifles and shotguns by requiring purchasers or sellers to live in Missouri or a contiguous state and to conform to federal and state gun regulations and instead allows a Missouri resident or the resident of any state to purchase any firearm if he or she conforms to federal laws, the laws of the state in which he or she resides, and the laws of this state (Sections 571.085 and 571.087);

(7) Lowers the age at which a person can obtain a concealed carry endorsement from 23 to 21 years of age (Sections 571.101.2 and 571.117);

(8) Specifies that current provisions do not preclude a member of the General Assembly, a full-time or legislative employee of the General Assembly, or a statewide elected official and his or her employees who hold a valid concealed carry endorsement from carrying a concealed firearm in the State Capitol Building (Section 571.107);
(9) Specifies that a certificate of firearms safety training course completion may be issued to any applicant for a concealed carry endorsement by any qualified firearms safety instructor if the applicant completes at least eight hours of specified instruction and specifies that any firearms safety instructor who knowingly provides any sheriff with any false information concerning an applicant’s performance on any portion of the required training and qualification will be guilty of a class C misdemeanor (Section 571.111); and

(10) Specifies that a municipality may regulate, by order or ordinance, the shooting of pneumatic guns within its boundaries when, in the opinion of the governing body, it is so heavily populated that the conduct is dangerous to its inhabitants. No ordinance can prohibit the use of pneumatic guns at facilities approved for shooting ranges (Section 1).

The provisions regarding the issuance of nondriver’s licenses containing conceal carry endorsements will become effective when the Director of the Department of Revenue begins to issue nondriver’s licenses with the conceal carry endorsement that expire three years from the date the certificate of qualification was issued, or January 1, 2013, whichever occurs first. (Signed 7/8/11)

CCS SS SCS HCS HB 430 – Transportation (See Transportation Law)

SCS HCS HB 464 – State boards, commission, committees, and councils (See State Government)

HB 499 – Driver’s license competency assessment (See Motor Vehicles Law)

SCS HB 591 – Limited dental teaching licenses Authorizes the Missouri Dental Board within the Department of Insurance, Financial Institutions and Professional Registration to issue a limited teaching license to a dentist employed as an instructor in an accredited dental school located in this state. (Signed 7/8/11)

HCS SS SCS SB 132 – Certain specialty lines insurance contracts (See Insurance Law)

HCS SB 220 – Architects, professional engineers, land surveyors, landscape architects, well diggers Changes the laws regarding architects, professional engineers, land surveyors, landscape architects, well diggers, and any person involved in the demolition or razing of a structure. In its main provisions, the bill:

(1) Increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, landscape architect; a corporation registered to practice these activities; a well digger; or a person demolishing or razing a structure (Section 429.015, RSMo);

(2) Increases the statute of limitations for an action to recover damages because of an error or omission in a land survey from five years after the error or omission is discovered to 10 years from the completion of the survey (Section 516.098); and

(3) Establishes a peer review process through which design professionals evaluate, maintain, or monitor the quality and utilization of services performed by a licensed architect, landscape architect, professional land surveyor, or professional engineer. The bill specifies how a peer review process may be performed and the participants of a peer review process; authorizes immunity from civil liability for any participant of the process; and specifies the information or materials of the peer review process that are privileged and not subject to discovery, subpoena, or other legal compulsion. These provisions cannot limit the authority of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects within the Department of Insurance, Financial Institutions and Professional Registration to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of confidential information developed outside the peer review process which relate to matters and investigations within the jurisdiction of the licensing board (Section 537.033). (Vetoed 7/8/11)

HCS SB 325 – Professional registration Changes the laws regarding professional registration.

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

Includes provisions relating to:

Limited Dental Teaching Licenses,
Licensure of Funeral Directors and Embalmers, and
Licensed Practical Nurses
NURSING EDUCATION INCENTIVE PROGRAM The Nursing Education Incentive Program is established within the State Department of Higher Education to address nursing shortages. The State Board of Nursing within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration is authorized to provide funding for the program; and subject to appropriation, the Department of Higher Education will award grants to eligible higher education institutions accredited by the Higher Learning Commission of the North Central Association based on criteria to be determined by the board and the Department of Higher Education.

VETERINARY LEGEND DRUGS A licensed veterinarian is allowed to administer or prescribe only for use in animals certain medicine, drugs, or pharmaceutical products including legend drugs.

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

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

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

REAL ESTATE LICENSEE LIABILITY Currently, a real estate licensee is immune from liability for statements made by certain expert professionals unless the expert was selected and engaged by the licensee, the statement was made by a person employed by the licensee or broker, or the licensee knew that the statement was false or acted in reckless disregard as to whether the statement was true or false. The bill specifies that the ordering of a report or an inspection alone will not constitute selecting or engaging a person.

ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, LANDSCAPE ARCHITECTS, WELL DIGGERS Increases, from one to three acres, the extent of acreage authorized for a lien on property to secure payment for work performed by an architect, engineer, land surveyor, landscape architect; a corporation registered to practice these activities; or a well driller.

The statute of limitations for an error or omission in a land survey is increased from five years after the error or omission is discovered to 10 years for the completion of the survey.

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

The bill contains an emergency clause for the provisions regarding wholesale drug distributors. (Signed 7/7/11)

LOCAL GOVERNMENT

SCS HCS HB 38 – Work-off rate for certain county criminal defendants and notification of jail escapes Increases the work-off rate for county criminal defendants who fail to pay a fine assessed against them from $10 per day to a portion of the judgment that is equal to the greater of the actual daily incarceration cost or the amount that the municipality is reimbursed by the state for the incarceration.

The chief law enforcement official responsible for a municipal detention facility or a county or regional jail or the chief administrator of a private jail must make notification to the Missouri Uniform Law Enforcement System (MULES) as soon as reasonably possible, but no later than five hours, after an escape of a prisoner who has been convicted of murder in the first degree or a dangerous felony or who is being held on suspicion of having committed murder in the first degree or a dangerous felony. Information to be included in the notice is specified. (Signed 6/17/11)
HB 68 – Misuse of emergency telephone service Prohibits a political subdivision from imposing a fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for a call made to an emergency telephone service from the pay telephone. (Signed 7/1/11)

HCS HB 70 – County highway commissions Changes the compensation and mileage allowance for members of a county highway commission who are not also members of the county’s governing body. A member of the commission who is also a member of the county’s governing body will not receive any compensation or mileage allowance for his or her service to the commission. (Signed 6/30/11)

SS#2 SCS HCS HB 89 – Natural resources (See Environmental & Energy Law)

SS#2 SCS HCS HB 111 – Judicial procedures (See Judicial Administration)

CCS SCS HB 142 – Political subdivisions Changes the laws regarding political subdivisions. In its main provisions, the bill:

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

(2) Authorizes any city, town, village, sewer district, or water supply district to impose, upon voter approval, a fee of up to $1 per month or $12 annually for each line providing water service to certain residential property. (Section 67.319);

(3) Authorizes any city in which voters have approved fees to recover costs associated with the enforcement of certain housing, property maintenance, or nuisance ordinances to issue a special tax bill against the property to recover the costs, which is to be collected in the same manner as the collection of real estate taxes (Section 67.451);

(4) Authorizes a community improvement district special assessment to be added to and collected with the annual real estate tax bill for the property (Section 67.1521);

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

(6) Allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator’s conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval (Section 475.115); and

(7) Adds the City of St. Joseph to the list of cities authorized to establish an administrative adjudication system for certain municipal code violations. (Signed 7/8/11)

SS SCS HCS HB 161 – Certain taxes imposed by political subdivisions Changes the laws regarding certain taxes imposed by political subdivisions. Among its provisions:

- Adds the construction and operation of job training and educational facilities to the list of allowed projects that can be funded with the revenue generated by a local retail sales tax for economic development purposes under Section 67.1303 (Section 67.1303);
- Authorizes certain public library districts to impose, upon voter approval, a retail sales tax of up to one-half of one cent for the operation and maintenance of public libraries within the district. State appropriations to public library districts will not be affected by a voluntary reduction in property tax levies resulting from the enactment of a library district sales tax if the sales tax revenue equals or exceeds the reduction in property tax revenue (Sections 181.060 and 182.802). (Signed 7/7/11)

HB 183 – Kansas City police and civilian employees’ retirement systems Changes the laws regarding the Police Retirement System of Kansas City and the Civilian Employees’ Retirement System of the Police Department of Kansas City. (Signed 7/8/11)

SS SCS HB 184 – Political subdivisions Authorizes commissioners of road districts organized under Sections 233.170 - 233.315, RSMo, upon majority vote, to provide compensation for their services of up to $100 per month plus all expenses incurred in transacting business of the district including reasonable attorney fees. Currently, only the payment of expenses is authorized.

Also specifies that risk coverages procured by an association formed by three or more political subdivisions to provide liability and other insurance will not be deemed to constitute a contract, purchase, or expenditure of public funds and does not require the solicitation of competitive bids. The association is authorized to close meetings, records, and votes under the Open Meetings and Records Law, to the extent that the meetings, re-
cords, and votes pertain to actuarial analysis, loss history, claims, data, reports, and similar information relating to the determination of member rates and contributions. (Vetoed 7/8/11)

SCS HB 186 – County officers Changes the laws regarding county officers. In its main provisions, the bill:

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

Requires a candidate for county recorder where the offices of the court clerk and recorder of deeds are separate, except in the City of St. Louis or a charter county, to be at least 21 years of age, a registered voter, and a resident of the state and county in which he or she is a candidate for at least one year prior to the general election. If elected, the recorder must continue to be a resident of the county during his or her term of office. In the event of a vacancy in the office due to a resignation or death, the county commission must appoint a deputy recorder or a qualified person to serve as an interim recorder of deeds until the Governor appoints someone to fill the vacancy. (Signed 7/7/11)

HB 217 – Electronic voter identification verification systems Allows an election authority to use an electronic voter identification system or electronic signature pad to verify a voter’s address, registration status, and signature information at any polling place. The system or pad must be able to read identifying information from an individual’s driver’s or nondriver’s license and must allow the election authority to manually enter information into the system from a valid form of personal identification containing the voter’s signature. (Signed 7/8/11)

HB 229 – Public school retirement system of Kansas City Changes the laws regarding the Public School Retirement System of Kansas City. (Signed 6/16/11)

SS SCS HB 282 – Public employee retirement (See Labor & Employment Law)

SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 – Firearms (See Licensing Law)

HB 340 – County facilities (See Judicial Administration)

HB 358 – Police retirement system of St. Louis (See Labor & Employment Law)

CCS SS SCS HCS HB 430 – Transportation (See Transportation Law)

SCS HCS HB 506 – Property tax levies (See Property Law)

HB 675 – County coroner training Requires every elected or appointed county coroner, deputy coroner, and assistant to the coroner to complete the annually required educational training within six months of his or her election or appointment. (Signed 7/5/11)

SCS HB 737 – Assessment of levy of property taxes (See Taxation Law)

HCS#2/SB 3 – Elections Changes the laws regarding elections. In its main provisions, the bill:

(1) Requires each local election authority to establish one advance voting center in each county in the state or at least one center for every 100,000 persons. Any registered voter may vote by advance ballot in person at any election for a federal or statewide office. All current procedures for casting or counting absentee ballots and the appointment of election judges and polling places will apply to advance voting. All costs associated with advance voting centers must be reimbursed by the state. If there is no appropriation and distribution of funds, an election authority must not conduct advance voting;

(2) Specifies that a person seeking to vote in a public election must establish his or her qualifications as a United States citizen lawfully residing in this state by presenting one of the specified forms of personal identification which contains his or her photograph to election officials;

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

(4) Allows an individual to vote using a provisional ballot if he or she lacks photographic identification and then return to the election authority within three days with a valid form of identification so that the provisional ballot may be counted;

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

(6) Removes the provision requiring a disable or elderly person to be able to obtain a nondriver’s license photo identification through a mobile processing system operated by the Department of Revenue.
The provisions of the bill are nonseverable; and if any provision is found to be invalid for any reason, the remaining provisions will be invalid. The bill will become effective only upon voter approval of the constitutional amendment that authorizes the General Assembly to enact laws requiring the photo identification and advance voting requirements for elections. (Vetoed 6/17/11)

CCS/HCS SB 48 – Utilities (See Utilities Law)

SCS/SB 54 – Protecting children from sexual offenders
(See Criminal Law)

HCS SCS SB 57 – Public administrators (See Probate & Trust Law)

CCS HCS#2 SCS SB 117 – Taxes imposed by political subdivisions (See Taxation Law)

CCS HCS SB 173 – Transportation and infrastructure
(See Transportation Law)

CCS HCS SS SB 226 – Emergency services (See Taxation Law)

CCS HCS SB 282 – Elections Changes the laws regarding elections. Among its main provisions, the bill:

Specifies that the county clerk or the officer designated as the director of elections in any charter county without a board of election commissions will be the election authority with the powers and duties subject to the limitations established in the county’s charter. Currently, the county clerk or the board of election commissioners is the election authority (Section 115.015);

Changes the allowable dates for holding a public election by removing the first Tuesday after the first Monday in June as a possible election date (Section 115.123);

Specifies that in a nonpartisan election in certain political subdivision or special districts, the election authority must publish a notice containing the names of the candidates who will assume the responsibilities of the office. The notice must be published by April 1 of each year in at least one newspaper of general circulation in the political subdivision or district. Currently, in a nonpartisan election in any political subdivision or special district with the exception of municipal elections, candidates are allowed to take office without an election if the number of candidates is equal to the number of positions to be filled and proper notice has been published in at least one newspaper of general circulation in the district;

Specifies that the opening filing date for any office filled by an election held on the general municipal election day except in a political subdivision or special district in a noncharter county will be the first Tuesday in December of the year prior to the election and the closing date will be the first Tuesday after the first Monday in January of the year in which the election is held. However, the change in filing dates will also apply to Jefferson County which is a charter county;

Repeals the provisions which require an absentee ballot to be rejected if sufficient evidence is shown to the election authority that the absentee voter has died prior to the opening of the polls on election day;

Requires certain candidates for public office to declare that he or she is not aware of any information that would prohibit them from fulfilling any bonding requirements of the office. The candidate must file with the Department of Revenue and include a copy with the declaration of candidacy a signed affidavit from a surety company authorized to do business in Missouri that the candidate meets the required bond requirements;

Changes when a candidate has the right to a recount of the votes from a standard requiring the candidates defeat by less than 1% of the votes cast to a candidate’s defeat by less than one-half of 1% of the votes cast;

 Specifies that any person who discourages, hampers, pressures, or attempts to prevent another person from filing for office for the purpose of eliminating the requirement to hold a special election because the number of candidates filing is the same as the number of positions to be filled will be guilty of a class four election offense;

Increases the filing fee for a presidential candidate from $1,000 to $5,000 for an election held on or before December 1, 2012, and to $10,000 for any election held thereafter;

Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member’s election district.

Repeals the provision that requires a political party’s emblem to be printed on an election ballot above the party caption; and

Repeals a provision requiring a statewide presidential primary to be held on the first Tuesday after the first Monday in February any year in which a presidential election is held and requires the presidential primary to be held on the first Tuesday after the first Monday in March of each presidential election year. (Vetoed 7/8/11)

HCS#2 SJR 2 – Elections Upon voter approval, this proposed constitutional amendment authorizes the General Assembly to enact provisions which:

(1) Allow a qualified individual to vote in person in advance of election day at all elections. Advance voting may be permitted from the third Saturday before the
election until the first Tuesday before the election excluding Sundays. The voting may be conducted at locations as necessary or desirable to balance reasonable access to advance voting; accountability, integrity, and security of the election; efficiency in the administration of the election; and appropriate and responsible uses of public funds and other resources. Certain restrictions on the release of voter identification information until after the regular election are specified. Advance voting cannot take place for any election held on or before January 1, 2014, in order to allow election authorities sufficient time to prepare. These provisions will not apply to absentee voting laws, and any law that conflicts with these provisions will not be valid or enforceable;

(2) Allow a person seeking to vote in person in a public election to be required to identify himself or herself and verify his or her qualifications as a citizen of the United States and a resident of Missouri by providing election officials with a form of identification which may include requiring a valid government-issued photo identification with certain exceptions; and

(3) Allow different requirements for absentee voting when the voter does not appear before the election authority.

If for any reason a portion, clause, or phrase of the resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, the entire resolution will be invalid and of no further force or effect.

**MEDIA LAW**

**SS#2 SCS HCS HB 89 – Natural resources** (See Environmental & Energy Law)

**MILITARY & VETERANS LAW**

**HCS HB 136 – Unemployment benefits and courtesy professional licenses for certain military spouses** Changes the laws regarding unemployment benefits for military spouses and courtesy professional licenses for nonresident military spouses.

**UNEMPLOYMENT BENEFITS FOR MILITARY SPOUSES** Specifies that a claimant seeking unemployment compensation is not disqualified for waiting week credit or benefits, if the claimant quit work in order to relocate with his or her spouse who is on active duty in the United States Armed Forces, the National Guard, or other reserve. If a claimant is not disqualified as a result of this provision, no benefits based on wages paid for work prior to the quitting date can be chargeable to the claimant’s former employer.

**COURTESY PROFESSIONAL LICENSES FOR NON-RESIDENT MILITARY SPOUSES** Any state agency or board that regulates an occupation or profession must establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military who has been transferred to Missouri allowing the spouse to lawfully practice his or her occupation or profession in this state.

These provisions will not apply to the practice of law or the regulation of attorneys. (Signed 7/14/11)

**SCS HB 149 – Missouri military family relief fund** Currently, the provisions that allow an individual or corporation to designate part of a tax refund to the Missouri Military Family Relief Fund expire August 28, 2011, and terminate December 31, 2012. This bill removes the expiration and termination dates of those provisions.

**HB 204 – Driver’s license renewal for military personnel**

Provides that, a resident who is a member of the National Guard or the armed forces of the United States or any of its reserves who is serving on active duty and fails to renew his or her driver’s license is not required to take a complete examination if he or she renews within 90 days after completing the military service.

Any person discharged from the armed forces of the United States will have six months from the date of discharge or within 90 days after re-establishment of residence within the state, whichever is sooner, to renew an expired driver’s license without examination. A Missouri resident on active military duty or any dependent, 21 years of age or older, residing outside Missouri or the United States may renew his or her driver’s license by mail. (Signed 6/16/11)

**HB 358 – Police retirement system of St. Louis** (See Labor & Employment Law)

**MOTOR VEHICLE LAW**

**SCS HB 307 & HB 812 – Special license plates** Allows the Department of Revenue to issue the following special license plates

(1) A “COMBAT ACTION” plate with an image of the combat action badge to any person who has been awarded the combat action badge;

(2) A “CASS COUNTY – THE BURNT DISTRICT” plate;

(3) A “NIXA EDUCATION FOUNDATION” plate; and

(4) A “DON’T TREAD ON ME” plate to any person who applies. (Signed 7/8/11)
HCS HB 354 – Emissions inspection of electric drive vehicles Exempts a qualified plug-in electric drive vehicle from the state’s motor vehicle emissions inspection program. (Signed 5/5/11)

HB 499 – Driver’s license competency assessment Adds a professional counselor licensed pursuant to Chapter 337, RSMo, to the list of individuals who can report to the Department of Revenue any person diagnosed or assessed as having a disorder or condition that may prevent him or her from safely operating a motor vehicle in order to provide the department director with good cause to believe that the operator is incompetent or unqualified to retain his or her driver’s license allowing the department director to require the person to submit to an examination in order to retain his or her license. (Signed 6/17/11)

HB 550 – Liens and encumbrances on motor vehicles, trailers, watercraft, and manufactured homes Changes the laws regarding liens and encumbrances on motor vehicles, trailers, watercraft, and manufactured homes. (Signed 7/1/11)

HCS SS SCS SB 132 – Certain specialty lines insurance contracts (See Insurance Law)

SS SCS HCS HB 73 & 47 – Temporary Assistance Benefits for Needy Families Program Requires the Department of Social Services to develop a program to screen applicants or for recipients of Temporary Assistance for Needy Families (TANF) Program benefits and test each person whom the department has reasonable cause to believe engages in the illegal use of a controlled substance.

An applicant or recipient who test positive for the illegal use of a controlled substance which has not been prescribed by a licensed health care provider or who refuses to submit to a test must, after an administrative hearing by the department, be declared ineligible for TANF benefits for three years from the date of the administrative hearing decision and must be referred to an appropriate substance abuse treatment program approved by the Division of Alcohol and Drug Abuse within the Department of Mental Health. An applicant or recipient who enters and successfully completes a substance abuse treatment program and does not test positive for the illegal use of a controlled substance for six months from the date of entry into the program, will continue to receive benefits while participating in the program.

Case workers of applicants or recipients are required to report or cause a report to be made to the Children’s Division within the department of any suspected child abuse as a result of drug abuse when an applicant or recipient has tested positive for the illegal use of a controlled substance or has refused to be tested. Any member of a household, which includes a person who has been declared ineligible for TANF benefits, if otherwise eligible, will continue to receive benefits as protective or vendor payments to a third–party payee. (Signed 7/12/11)

SS#2 SCS HCS HB 111 – Judicial procedures (See Judicial Administration)

*SCS HB 256 – Basic civil legal services fund Extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018. Drafted by The Missouri Bar’s Delivery of Legal Services Committee (Vetoed 7/8/11, on the basis that this bill was duplicative of S.B. 165, which was signed on 7/8/11)

CCS/HCS/SB 48 – Utilities (See Utilities Law)

SCS HB 661 – Debt adjusters (See Commercial Law)

*SB 165 – Basic civil legal services fund Extends the expiration date of the provisions regarding the Basic Civil Legal Services Fund from December 31, 2012, to December 31, 2018. Drafted by The Missouri Bar’s Delivery of Legal Services Committee (Signed 7/8/11)

SS#2 SCS HCS HB 111 – Judicial procedures (See Judicial Administration)

HCS SCS SB 57 – Public administrators Allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator’s conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval.

The bill also specifies that risk coverages procured by an association formed by three or more political subdivisions to provide liability and other insurance will not be deemed to constitute a contract, purchase, or expenditure.
of public funds and does not require the solicitation of competitive bids. In scope. Support concept, notice to ward should be added. (Signed 7/8/11)

CCS HCS SB 59 – Judicial Procedures Changes the laws regarding judicial procedures.

TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS ACT (Sections 34.376, 34.378, and 34.380, RSMo) The bill establishes the Transparency in Private Attorney Contracts Act. The bill:

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

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

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

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

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

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

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

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

(1) Allows an individual authorized to act as a power of attorney to make or prohibit an anatomical gift of all or part of the principal’s body under the Revised Uniform Anatomical Gift Act or to exercise the right to bury the principal’s body;

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

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

(b) The conservator, conservator ad litem, or guardian and the person represented is a minor or unborn child of the parent;

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

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

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

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

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

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

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

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

(g) Requiring the trustee of the first trust to notify
the permissible distributees or the qualified beneficiaries of the second trust at least 60 days prior to making a discretionary distribution;

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

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

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

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

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

GUARDIANSHIP OF AN INCAPACITATED PERSON (Sections 475.060 and 475.061). The bill changes the specified information that must be stated in a petition for a person to appoint himself or herself or another qualified person as the guardian of an incapacitated person.

TRANSFER REQUESTS OF COURT CASES BY PUBLIC ADMINISTRATORS (Section 475.115). The bill allows a public administrator to request the transfer of any case to the jurisdiction of another county by filing a petition for transfer and requires the court to transfer the case if the requirements for venue are met and the administrator of the receiving county consents to the transfer. The receiving county court must appoint, without the necessity of a hearing, its public administrator as successor guardian and/or successor conservator and issue the appropriate letters. In the case of a conservatorship, the final settlement of the public administrator’s conservatorship must be filed in the original county within 30 days of the transfer and forwarded to the receiving county upon audit and approval.

UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (Sections 475.501 - 475.555). The bill authorizes Missouri to enter into the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act which:

(1) Allows a court to treat a foreign country as if it were a state for the purpose of the act;

(2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;

(3) Allows a court to request an out-of-state court to:
   (a) Hold an evidentiary hearing;
   (b) Order an individual to produce evidence or give testimony;
   (c) Order that an evaluation or assessment be made of a respondent;
   (d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;

(4) Allows testimony taken in another state from a witness who is located in another state to be deposed or to testify by telephone, deposition or other means allowable;

(5) Permits a court to request an out-of-state court concerning a guardianship or protective proceeding;

(6) Specifies when a court of this state has jurisdiction to appoint a guardian or to issue a protective order for a respondent;

(7) Specifies that when a court of this state is otherwise lacking jurisdiction it has special jurisdiction for specified guardianship actions;

(8) Specifies that a court which has appointed a
guardian or issued a protective order has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own term;

(9) Allows a court to decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum;

(10) Allows a guardian or conservator to petition the court to transfer the guardianship or conservatorship to another state;

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

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

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

SMALL CLAIMS COURT ACTIONS (Sections 482.305 and 482.315)
The bill increases the amount in controversy from less than $3,000 to less than $5,000 for a case where the judge of a small claims court will have original jurisdiction.

QUALIFIED SPOUSAL TRUSTS (Section 1)
The bill establishes provisions regarding a qualified spousal trust by:

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

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

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

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

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

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

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

(6) Specifying that these provisions will apply to all trusts that fulfill the requirements of these provisions regardless of whether the trust was created before or after August 28, 2011. Provisions of this bill relating to fiduciaries were drafted by The Missouri Bar’s Probate & Trust Law Committee. Remaining provisions were not bar drafted. (Signed 7/8/11)

CCS SS SCS SB 70 – Missouri Family Trust. Changes the laws regarding the Missouri Family Trust. In its main provision, the bill:

(1) Revises the provisions regarding the purpose and function of the trust;

(2) Separates the various types of accounts under the trust into trust accounts, restricted trust accounts, and the charitable trust to be maintained in trust as separate accounts. The accounts can be pooled for investment and management purposes;

(3) Requires the board of trustees of the Missouri Family Trust to act as the trustee of the trust;

(4) Allows a beneficiary with disabilities; his or her parent, grandparent, or legal guardian; or a court as settlor to contribute assets of the beneficiary in trust to the board as trustee for the benefit of the beneficiary as part of a pooled trust. The account must be referred to as a “first-party trust account” and held and administered in trust
for the benefit of the beneficiary. Upon the death of the beneficiary, the board must notify each state of which the board has knowledge that has provided federal Medicaid services to the individual that the trust has terminated.

The bill specifies the procedure for the distribution of the assets, including to any state with a claim;

(5) Allows any person as settlor, except a beneficiary or a beneficiary's spouse, to contribute assets, not including assets of the beneficiary or the beneficiary's spouse, in trust to the board as trustee for the benefit of the beneficiary. A trust account to which assets are contributed that does not include assets of a beneficiary or the beneficiary's spouse must be referred to as a "third-party trust account" and held and administered in trust for the benefit of the beneficiary. Upon the death of the beneficiary, the board must promptly determine the principal balance of the account and, after paying any expenses of the beneficiary and the authorized fees and expenses of the board, distribute it to the persons, entities, or organizations designated by the settlor as remainder beneficiaries;

(6) Allows the settlor or co-trustee of a revocable third-party trust account, if authorized by the settlor in the trust documents and upon written notice to the board and with the board's consent, to withdraw from time to time part of the trust account if the amount when aggregated with all withdrawals within the preceding 12 months does not reduce the remaining balance of the account below certain specified levels;

(7) Allows the settlor or co-trustee of a revocable third-party trust account, if authorized by the settlor in the trust documents and upon written notice to the board and with the board's consent, to revoke and terminate the trust account;

(8) Specifies certain guidelines by which a first-party trust account and third-party trust account must be held and administered;

(9) Requires the board to establish a charitable trust for the benefit of individuals with disabilities;

(10) Allows the board to establish and collect fees for administering trust accounts;

(11) Requires the board to establish policies and procedures for providing periodic reports to the co-trustees of each trust account;

(12) Allows a distribution to be made to the trustees of a trust account if a court finds that the distributee qualifies as a life beneficiary and it would be in the best interest of the distributee; and

(13) Repeals the provisions establishing the Missouri Family Trust Board of Trustees and re-enacts revised provisions specifying that it is to be incorporated as a Missouri general not-for-profit corporation, authorizes the board to apply and qualify for a federal 501(c)(3) exemption organization, and changes the membership of the board. In scope, support. (Signed 7/5/11)


INCAPACITATED PERSONS (Sections 194,115, 475.060, and 475.061, RSMo) Any child, parent, or sibling of a deceased person may petition a court to order an autopsy or postmortem examination be performed if the deceased person was incapable of giving consent prior to his or her death due to injury, illness, or mental capacity.

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

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

(1) Allows a court to treat a foreign country as if it were a state for the purpose of the act;

(2) Allows a court to communicate with an out-of-state court concerning a guardianship or protective proceeding;

(3) Allows a court to request an out-of-state court to:

(a) Hold an evidentiary hearing;

(b) Order an individual to produce evidence or give testimony;

(c) Order that an evaluation or assessment be made of a respondent;

(d) Order any appropriate investigation of an individual involved in a guardianship or protective proceeding;

(e) Forward to the court of this state a certified copy of the transcript or other record of an evidentiary hearing or any other proceeding any evidence otherwise produced and any evaluation or assessment prepared in compliance with a court order;

(f) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; and

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

HCS SB 325 – Professional registration (See Licensing Law)
Also authorizes the Governor to convey numerous state properties and easements to local government entities. Also authorizes the Board of Regents of Southeast Missouri State University to convey certain university property located in the City of Cape Girardeau to the Cape Area Habitat for Humanity. (Signed 7/9/11)

**SB 101 – Residential contractors** (See Commercial Law)

**HCS SB 187 – Nuisance actions** Changes the laws regarding county nuisance abatement ordinances, junkyards, and private nuisance actions. In its main provisions, the bill:

1. Adds the counties of Andrew, Buchanan, Cass, Dade, Jasper, Livingston, and Newton to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of any lot or land in residential subdivisions or districts which may endanger public safety or which is unhealthy or unsafe and is declared to be a public nuisance;

2. Requires a county to enact a nuisance abatement ordinance relating to agricultural structures or operations including, but not limited to, the raising of livestock or row crops and that no county of the first, second, third, or fourth classification will have the power to adopt any ordinance, resolution, or regulation governing any railroad company regulated by the Federal Railroad Administration;

3. Changes the penalty for a screening violation by a junkyard located within 200 feet of a state or county road by making a first violation a class C misdemeanor and a second or subsequent violation a class A misdemeanor. In addition to the penalties, a violator must be ordered to remove the junk or build a fence to fully screen the junk from public view. These provisions will not apply to a junkyard located in any incorporated town, village, or city;

4. Specifies that the exclusive compensatory damages that may be awarded to a claimant for a private nuisance originating from property primarily used for crop or animal production purposes will be as follows:
   a. For a permanent nuisance, compensatory damages must be calculated on the reduction in the fair market value of the claimant’s property caused by the nuisance not to exceed the fair market value of the property;
   b. For a temporary nuisance, compensatory damages must be calculated on the reduction in the fair market value of the claimant’s property caused by the nuisance; and
   c. For a nuisance that has been shown by objective and documented evidence to have caused a medical condition to the claimant, compensatory damages arising

**HCS#2 SB 96 – Conveyances of state property** Authorizes the Governor to convey numerous specified state properties and easements to local government entities. This bill contains an emergency clause. (Signed 7/8/11)
from the medical condition may be awarded in addition to the aforementioned damages;

(5) Specifies that concerning a private nuisance where the alleged nuisance originates from property primarily used for crop or animal production purposes, if a claimant or his or her successor with ownership interest brings any subsequent claim against the same defendant or his or her successors for a temporary nuisance related to a similar activity or use of property and the activity or use is deemed a nuisance, the activity or use of property at issue must be considered a permanent nuisance and the claimant and his or her successors must be limited to and bound by the remedies available for a permanent nuisance;

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

(7) Specifies that for a private nuisance where the alleged nuisance originates from property primarily used for crop or animal production purposes, no person will have standing to bring an action for a private nuisance unless the person has an ownership interest in the property alleged to be affected by the nuisance;

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

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

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

(9) Requires a copy of the final judgment in any action alleging a private nuisance to be filed with the recorder of deeds in the county in which the judgment was issued. The filing will operate as notice to any purchaser of the claimant’s property that the property was related to a previous nuisance claim. (Signed 5/11/11)

HB 109 – Linked deposit program Currently, the State Treasurer cannot invest in any linked deposit, the value of which is to be lent to a recipient other than an eligible water supply system or an eligible student borrower, after December 31, 2015, or invest in any linked deposit, the value of which is to be lent to any new eligible facility borrower, after January 1, 2020. This bill repeals these provisions allowing the State Treasurer to invest in these deposits after those dates.

The bill contains an emergency clause. (Signed 6/22/11)

SS SCS HB 137 – Conveyances of state property (See Property Law)

HB 182 – Colon cancer awareness day (See Health & Hospital)

HB 190 – Cash transactions by the Department of Natural Resources Upon a request from the Director of the Department of Natural Resources, this bill authorizes the Commissioner of the Office of Administration to provide funds in an amount not to exceed $500 each to the division directors of State Parks and Geology and Land Survey or to any other division within the department to be placed in a revolving fund for the purpose of cash transactions involving the sale of items made by that division. (Signed 6/22/11)

CCS SS HCS HB 193 – Congressional districts This bill establishes eight districts for the election of representatives to the United States Congress beginning with the 113th Congress. The districts are described by census geography, voting districts, and census blocks in accordance with the 2010 census. Districts currently in statute will remain in effect for any election to fill a vacancy in the 112th Congress. (Vetoed 4/30/11, Overridden by the General Assembly 5/4/11)

SCS HB 270 – State employees’ health insurance benefits (See Labor & Employment Law)

HCS HB 315 – Multiple versions of state statutes Combines and modifies the provisions of the Revised Statutes of Missouri that have been enacted by more than one bill so that there is only one version of the statute. Some revisions may result in a clarification or change to an existing statute. (Signed 7/5/11)

SCS HCS HB 344 – Agriculture (See Agricultural & Animal Law)
HB 423 – Health Care Compact (See Health & Hospital Law)

CCS SS SCS HCS HB 430 – Transportation (See Transportation Law)

SS SCS HCS HB 431 – Foster care and adoption (See SS SCS HB 604, Family & Juvenile Law)

SCS HCS HB 464 – State boards, commission, committees, and councils Changes the laws regarding state boards, commissions, committees, and councils and articles of incorporation by business entities. Eliminates, combines, and revises certain state boards, commissions, committees, and councils.

ARTICLES OF INCORPORATION BY BUSINESS ENTITIES (Section 369.024) Specifies that upon approval of a petition of incorporation, for a savings and loan association, the Director of the Division of Finance within the Department of Insurance, Financial Institutions and Professional Registration must certify the approval in writing and deliver one copy of the articles of incorporation to the Secretary of State, along with the incorporation fee. Currently, two copies are required to be given to the Secretary of State. (Signed 7/8/11)

HCS HB 465 – Credit unions (See Commercial Law)

HB 484 – Missouri State Transit Assistant Program (See Transportation)

SCS HCS HB 552 – Bleeding disorder therapies (See Health & Hospital Law)

SS SCS HCS HB 555 – Health care (See Health & Hospital Law)

HCS HB 557 – Mental health earnings fund Allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to appropriations, the proceeds must be used to fund Mental Health First Aid USA activities. (Signed 5/5/11)

SS#2 HB 648 – Individuals with disabilities (See Health & Hospital Law)

HB 667 – Prostate cancer pilot programs (See Health & Hospital Law)

HB 749 – Child abuse prevention Designates April as “Child Abuse Prevention Month” to be observed with activities that increase awareness of the issue and the prevention methods available to reduce child abuse incidents. Also designates the “blue ribbon” as the official state symbol for child abuse prevention. (Signed 5/5/11)

HB 795 – Missouri School Read-In Day Designates the second Friday in March as “Missouri School Read-In Day.” The day is to be appropriately observed with activities that promote an increased awareness of the importance and benefits of reading and that encourage greater emphasis on reading in the school and in the home. (Signed 5/5/11)

SCS HB 798, HB 141, HB 153, HCS HB 363, HB 415 & HB 813 – Highway and bridge designations (See Property Law)

SCS HB 1008 – Highway infrastructure improvement agreements Allows the Highways and Transportation Commission within the Department of Transportation to enter into binding highway infrastructure improvement agreements to reimburse or repay any funds advanced by or for the benefit of a county, political subdivision, or private entity to expedite state road construction or improvement. An agreement may provide for the assignment of the commission’s reimbursement or repayment obligations. Provisions required to be included in such a contract are specified. (Vetoed 7/8/11)

HJR 2 – Religious freedom in public places (See Education & School Law)

SB 38 – Prostate cancer pilot program (See H.B. 667, Health & Hospital)

CCS HCS SB 59 – Judicial procedures (See Probate & Trust Law)

SCS SB 68 – Powers of the general assembly Authorizes the issuance of a subpoena for the production of records at the request of any member of the Senate or House of Representatives, the party accused, or any member of committee. Currently, these individuals can only make a request to subpoena a witness. (Signed 6/17/11)

HCS#2 SB 96 – Conveyances of state property (See Property Law)

HCS#2 SB 97 – Conveyances of state property (See Property Law)
HCS SCS SB 163 – Higher education governing boards  
(See Education/School Law)

CCS HCS SB 173 – Transportation and infrastructure  
(See Transportation Law)

SB 180 – Bicycling awareness observances  
Designates the month of October as “Walk & Bike to School Month,”  
the first Wednesday of October as “Walk & Bike to School Day,” the month of May as “Missouri Bicycle Month,” the third Friday of May as “Bike to Work Day,” and the week of Bike to Work Day as “Bike to Work Week” to promote the benefits of walking and cycling to school and to encourage users to safely share the road.  
(Signed 7/5/11)

SS SB 306 – Credit unions  
Changes the laws regarding the Division of Credit Unions within the Department of Insurance, Financial Institutions and Professional Registration.  

1. Requires the division director to be appointed by the Governor with the advice and consent of the Senate;  

2. Requires the division director and each employee, before entering upon the discharge of his or her duties, to take an oath that he or she will not reveal any facts, conditions, or affairs of any credit union that he or she may have knowledge of by virtue of his or her official position unless required to do so by law;  

3. Prohibits the division director and any division employee who participates in the examination of a credit union or who may be called upon to make an official determination, other than as a member of the Credit Union Commission, from being an officer or director of any credit union regulated by the division or from receiving any payment or gratuity from any of these credit unions, negotiating loans for others, or being indebted to any state-chartered credit union;  

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

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

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

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

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

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

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

11. Requires a credit union that is merging to mail or deliver a notice of the meeting to vote upon the merger to each member between 14 and 30 days prior to the
meeting. All members must be given the opportunity to vote on the merger or consolidation plan at the meeting or without attending the meeting by written or electronic ballot. Currently, notice must be given as provided in the credit union’s bylaws or by a letter to the shareholders. These same procedures will apply when a state-chartered credit union votes to convert to a federal credit union. (Signed 7/5/11)

**CCS#2 HCS SCS SB 356 – Agriculture** (See Agricultural Law)

**TAXATION LAW**

**SS SCS HCS HB 45 – Small business tax relief** (See Business Law)

**SS#2 SCS HCS HB 111 – Judicial procedures** (See Judicial Administration)

**CCS SCS HB 142 – Political subdivisions** (See Local Government)

**SCS HB 149 – Missouri Military Family Relief Fund** (See Military Law)

**HB 151 – Designation of tax refunds to the Organ Donor Program Fund** Beginning January 1, 2011, this bill authorizes an individual or corporation to designate at least $2 on a Missouri individual income tax return or at least $4 on a combined return of his or her tax refund amount to the Organ Donor Program Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes. The provisions of the bill will expire December 31 six years from the effective date. (Signed 7/11/11)

**SS SCS HCS HB 161 – Certain taxes imposed by political subdivisions** (See Local Government)

**SS#2 SCS HCS HB 294, 123, 125, 113, 271 & 215 – Firearms** (See Licensing)

**SS SCS HCS HB 431 – Foster care and adoption** (See Family & Juvenile Law)

**CCS SS HB 458 – Agriculture** (See Agricultural Law)

**SS SCS HCS HB 470 & 429 – Nonresident entertainer and professional athletic team member income tax** Exempts a not-for-profit entity that receives no benefit from a nonresident entertainer's appearance other than the entertainer’s performance from the withholding requirement of the nonresident entertainer and professional athletic team member income tax. (Signed 7/1/11)

**SCS HCS HB 506 – Property tax levies** (See Property Law)

**SCS HCS HB 631 – Designation of tax refunds to certain funds** Beginning January 1, 2011, this bill authorizes an individual or corporation to designate at least $1 on a Missouri individual income tax return or at least $2 on a combined return of his or her tax refund amount to the newly created American Red Cross Trust Fund and the newly created Developmental Disabilities Waiting List Equity Trust Fund. Moneys in the Developmental Disabilities Waiting List Equity Trust Fund cannot be used to offset any general state revenues. The provisions of the bill will expire December 31 six years from the effective date. (Signed 7/12/11)

**SCS HB 737 – Assessment of levy of property taxes** Allows any political subdivision that approved a tax increase after August 27, 2008, to levy a rate to collect substantially the same amount of tax revenue as would have been collected by applying the voter-approved increased tax rate ceiling to the total assessed valuation of political subdivision on or before the election date, increased by the percentage increase in the federal Consumer Price Index. The rate, however, cannot exceed the greater of the most recent voter-approved rate or the more recent voter-approved adjusted rate. Changes the laws regarding renewable energy in enhanced enterprise zones and the taxation of hydroelectric power generating equipment. (Signed 7/7/11)

**SCS/SB 19 – Corporate franchise tax** Beginning January 1, 2012, this bill reduces over a five-year period, the annual corporate franchise tax rate form one-thirty-seventh of 1% until no tax is imposed beginning January 1, 2016. The annual tax liability of a corporation for corporate franchise tax for 2011 through 2015 is limited to the amount of the corporation's tax liability for tax year 2010. If a corporation did not have a corporate franchise tax liability in 2010 because the corporation was not doing business within the state or did not exist, the corporation's franchise tax liability for its first full taxable year of existence. (Signed 4/26/11)

**CCS/HCS/SB 48 – Utilities** (See Utilities Law)

**SS SB 55 – Tax classification of sawmills** Classifies certain sawmills or planning mills as agricultural and horticultural property instead of commercial property for property taxation purposes. (Signed 7/13/11)
CCS SCS SB 81 – Education (See Education & School Law)

CCS HCS#2 SCS SB 117 – Taxes imposed by political subdivisions Changes numerous laws regarding taxes imposed by political subdivisions.

Specifies that in all cases where lands have been or may be sold for delinquent taxes and a certificate of purchase has been or may be issued, it is the duty of the purchaser, his or her heirs or assigns, to cause all subsequent taxes to be paid on the property purchased prior to the issuance of a collector’s deed. Upon the purchaser’s forfeiture of all rights of the property acquired by the certificate of purchase issued and including the nonpayment of all subsequent years’ taxes, it is the responsibility of the collector to record the cancellation of the certificate of purchase in the office of the county recorder of deeds.

The bill contains an emergency clause regarding a hospital sales tax in Iron County. (Signed 6/9/11)

CCS HCS SB 173 – Transportation and infrastructure (See Transportation Law)

CCS HCS SS SB 226 – Emergency Services Changes the laws regarding emergency services. In its main provisions, the bill:

(1) Authorizes, beginning January 1, 2011, an individual or corporation to designate at least $2 on a Missouri individual income tax return or at least $4 on a combined return of his or her tax refund amount to the Organ Donor Program Fund. A taxpayer may also donate to the fund by sending a separate check with the payment of his or her taxes (Section 143.1016, RSMo);

(2) Authorizes any ambulance district established under Chapter 190 on or after August 28, 2011, with the exception of an ambulance district in St. Louis County, to impose, upon voter approval, a sales tax of up to 0.5% in lieu of a property tax to fund the district. A petition to establish an ambulance district must state whether it will be funded by a property or a sales tax. If the sales tax is approved, the governing body of the ambulance district must lower its tax rate by an amount equal to 50% of the amount of sales tax collected in the preceding year. The Department of Revenue will deposit the sales tax in the newly created Ambulance District Sales Tax Trust Fund less 1% of the amount collected which is to be deposited into the General Revenue Fund for the cost of collecting the sales tax (Sections 190.015, 190.035, and 190.040);

(3) Establishes a procedure by which an ambulance district board member may be recalled from office by the registered voters of the member’s election district; and

(4) Repeals a provision changing the term of office for fire protection district board members in St. Charles County from six to four years (Section 321.120).

The provisions regarding the Organ Donor Program Fund will expire December 31 six years from the effective date. (Signed 7/5/11)

CCS#2 HCS SCS SB 356 – Agriculture (See Agricultural Law)

CCS#2 HCS SCS SB 284 – Pharmacies (See Health & Hospital Law)

HCS HB 220 – Real estate licensee liability (See Property Law)

SCS/SB 54 – Protecting children from sexual offenders (See Criminal Law)

HCS SS#2 SCS SB 62 – Health care providers (See Health & Hospital Law)

CCS SS SCS HCS HB 430 – Transportation Includes numerous changes in laws regarding transportation.

JOINT COMMITTEE ON TRANSPORTATION OVER-SIGHT (Section 21.795, RSMo) CHANGES PROVISIONS RELATING TO THE COMPOSITION OF THE COMMITTEE REIMBURSEMENTS TO BI-STATE DEVELOPMENT AGENCY (Section 70.441)

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

BILLBOARDS (Sections 226.540 and 226.541)

(1) Allows local authorities to adopt regulations regarding billboard size, height, lighting, and spacing provisions that are more restrictive than state law if they allow for customary usage and comply with the intent of the provisions of Section 226.540. Local regulations cannot prohibit off-premise outdoor advertising structures on commercial or industrial property within 660 feet of federal aid primary or interstate highways;
(2) Specifies that on the date that the Highways and Transportation Commission within the Department of Transportation approves funding for any phase or portion of construction or reconstruction, the rules in effect for outdoor advertising on August 27, 1999, must be reinstated for the section of highway scheduled for construction and an immediate moratorium be imposed on the issuance of state sign permits for new sign structures;

(3) Allows an owner of an existing sign who meets all state requirements for outdoor advertising in effect on August 27, 1999, meets the requirements of the federal/state agreement, and voluntarily executes a partial waiver and reset agreement with the commission to reset the sign on the same or adjoining property as long as the owner obtains the necessary local approval;

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

(5) Allows a local zoning authority to prohibit an owner from resetting a qualifying sign that does not comply with local regulations; and

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

DESIGN-BUILD CONTRACTS FOR HIGHWAY PROJECTS (Section 227.107) The authority of the Highways and Transportation Commission within the Department of Transportation to enter into design-build projects is extended from July 1, 2012, to July 1, 2018. The commission is also authorized to enter into an additional design-build contract for the design, construction, reconstruction, or improvement of the Daniel Boone Bridge on U. S. Highway 40/61 I-64 located in the counties of St. Charles and St. Louis.

Changes provisions relating to:

RECREATIONAL OFF-HIGHWAY VEHICLES (Section 301.010) AND COMMERCIAL MOTOR VEHICLE REGISTRATIONS (Section 301.147)

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

(1) Allows a representative from the Department of Revenue to inspect the premises of a person licensed or required to be licensed to operate a salvage yard;

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

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

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

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

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

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

SPECIAL LICENSE PLATES (Sections 301.3084 and 301.4036) Authorizes special license plates for Breast Cancer Awareness; the National Wild Turkey Federation and The National Rifle Association.

ENDANGERMENT OF EMERGENCY RESPONDERS (Sections 302.302, 304.890, 304.892, and 304.894) Specifies that a person commits the crime of endangerment of an emergency responder if, while in an active emergency zone, as defined in the bill, the person:

(1) Exceeds the posted speed limit by 15 miles per hour or more;

(2) Commits a passing violation;

(3) Fails to stop for an active emergency zone flagman or emergency responder or fails to obey erected traffic control devices or personnel in the active emergency zone;

(4) Drives through or around an active emergency zone by using any lane not clearly designated for that purpose;

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

(6) Intentionally strikes, moves, or alters barrels, barriers, signs, or other devices erected to control the flow
of traffic for any reason other than to avoid an obstacle, an emergency, or to protect the health and safety of any person; or

(7) Commits certain specified traffic offenses for which points may be assessed against a person’s driver’s license.

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

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

LIMITED DRIVING PRIVILEGES (Section 302.309)

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

Changes provisions relating to:

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

MUNICIPAL STREETS (Sections 304.120 and 537.293)

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

VEHICLES HAULING LIVESTOCK OR AGRICULTURAL PRODUCTS (Section 304.180)

RELOCATION OF MANUFACTURED HOMES (Section 304.200)

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

LAND RECLAMATION (Section 444.771) The Department of Natural Resources and the Land Reclamation Commission in the department are prohibited from issuing a surface mining or a water or air quality permit to any person whose mine plan boundary is within 1,000 feet of any property where an accredited school has been located for at least five years prior to the permit application. This provision does not apply to a request for an expansion to an existing mine or to any underground mining operation.

INTOXICATION-RELATED TRAFFIC OFFENSES (Section 577.023) Currently, prior and persistent offenders are allowed to participate in and successfully complete a program established by a DWI court to other court-ordered treatment program in lieu of imprisonment or community service. In order to comply with federal law, the substitute require a prior or persistent offender to perform a specified amount of community service along with completing a DWI court-ordered or other court-ordered treatment program.

The provisions regarding motor vehicle registrations become effective date July 1, 2012; and certain provisions regarding commercial driver’s licenses become effective on the date the Director of the Department of Revenue begins accepting medical certifications or May 1, 2013, whichever occurs first. (Vetoed 7/8/11)

HB 484 – Missouri State Transit Assistant Program Establishes the Missouri State Transit Assistance Program to be administered by the Department of Transportation to provide state financial assistance to defray the operating and capital costs incurred by public mass transportation service providers. (Vetoed 7/8/11)
CCS HCS SB 173 – Transportation and infrastructure
Changes the laws regarding transportation and infrastructure. In its main provisions, the bill:

(1) Requires the Joint Committee on Missouri’s Promise to develop long-term strategies and plans for investing in and maintaining a modern infrastructure and transportation system and identifying potential sources of revenue to sustain these efforts;

(2) Establishes the Missouri State Transit Assistance Program to be administered by the Department of Transportation to provide state financial assistance to defray the operating and capital costs incurred by public mass transportation service providers;

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

(4) Designates various memorial highways;

(5) Changes the laws regarding the Missouri Transportation Development District Act;

(a) Adding a public mass transportation system to the list of eligible projects;

(b) Allow the operation of a street car or other rail-based or fixed guideway public mass transportation system to the list of eligible projects for a transportation development district located in the City of Kansas City;

(c) Specify that a district formed for a public mass transportation system project will not have to submit the proposed project to the Highways and Transportation Commission within the Department of Transportation for its prior approval; and

(d) Specifying that the sales tax imposed by a district whose project is a public mass transportation system will not be considered economic activity taxes as it relates to tax increment financing laws and the tax revenues are not subject to allocation under the tax increment financing laws;

(8) Authorizes the Metropolitan St. Louis Sewer District to enter into a design-build contract for a construction project exceeding $1 million;

(9) Extends, from December 31, 2011, to December 31, 2014, the provisions requiring the Highways and Transportation Commission to be a notification center participant regarding excavation involving underground facilities and removes the provision requiring the notification center to ask excavators, as part of the process to request the locating and marking of underground facilities, to identify whether or not the proposed excavation will be on a public right-of-way or easement dedicated to public use for vehicular traffic. (Signed 7/7/11)

Utilities Law

HB 68 – Misuse of emergency telephone service (See Local Government)

SS HCS HB 338 – Telecommunications
Specifications that a telecommunications company may, upon written notice to the Missouri Public Service Commission, elect to be exempt from certain retail rules relating to the provision of service to retail customers. Certain exemptions apply. A telecommunications company may, upon written notice to the commission, to elect to be exempt from any requirement to file or maintain with the commission any tariff or schedule of rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract for telecommunications services offered or provided to residential or business retail end user customers if it posts generally available retail prices for those available services on a publicly accessible website.

The provisions of the bill cannot affect the rights and obligations of any entity, including the commission, established pursuant to federal law; any state law, rule, regulation, or order related to wholesale rights and obligations; or any tariff or schedule that is filed with and maintained by the commission. (Signed 7/8/11)

SS HB 339 – Telecommunications
Changes the laws regarding telecommunications as they relate to the carrier of last resort obligations. (Signed 6/22/11)

CCS HCS/SB 48 – Utilities
Changes laws regarding utilities. In its main provisions, this bill:

(1) Removes the certified mail requirement for the notice regarding the nonpayment of sewer service charges;

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

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

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

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

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

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

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

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

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

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

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

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

The bill contains an emergency clause for the provisions regarding the appellate procedures for an issue initially decided by the Missouri Public Service Commission. (Signed 7/1/11)
Missouri Bar Protest and Dues Refund Procedure

Any member of The Missouri Bar who believes that a specific activity of The Missouri Bar supported by enrollment fees is outside of The Missouri Bar’s proper scope, may direct a letter to the Executive Director stating what activity is challenged.

Upon receipt of the member’s letter, the Executive Director shall calculate the portion of the member’s enrollment fee reasonably in dispute, place that amount in an interest-bearing account, advise the member of the calculated amount of his or her enrollment fee which supports the activity, and how this amount was calculated. The Executive Director shall then refer the matter to the Board of Governors or its Executive Committee for consideration.

For further information, contact Keith A. Birkes, Executive Director of The Missouri Bar, 573-635-4128.