

LEGISLATIVE UPDATE

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Office of Administration

GOVERNOR'S COUNCIL ON DISABILITY

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Welcome to the first issue of the 2011 Legislative Update with the 96th General Assembly. This year the 96th General Assembly is welcoming quite a few freshman representatives and senators.

The *Legislative Update* will present a new bill by providing a summary description. When significant changes occur on the bill it will be summarized again. Any changes in bill status will be highlighted in red.

- The *Legislative Update* issue number and current bill summary will be inserted each week along with the bill number, title, sponsor, and current status (includes the committee assigned, chair and vice chair of the committee). Online copies of the legislative updates will have a red hyperlink to take you to the description of the bill and sponsors.
- The *Legislative Update* will also include an index to assist you in locating the bill's category.
- Each issue of the *Legislative Update* is available on the Governor's Council on Disability's website at <http://www.disabilityinfo.mo.gov/gcd/>
- Access to individual bill information is available on the Missouri General Assembly's website at <http://www.moga.mo.gov/>
- A glossary of terms can be found at <http://house.mo.gov/>
- Please contact our office (Laura.Mueth@oa.mo.gov) if you need a different format.
- To learn more about the legislative process consider attending the *Legislative Education Project* training by registering online.
- Governor's Council on Disability (GCD) welcomes your comments and suggestions. Your comments can be submitted online to the GCD website at <http://www.disabilityinfo.mo.gov/gcd/> or call us at (800) 877-8249.

Bills are organized in the following categories:

- Assistive Technology
- Crime
- Education
- Employment
- Funding/Tax Relief
- Health Care and Personal Assistance
- Legal Rights and Responsibilities
- Mental Health
- Olmstead
- Safety/Prevention
- Services for people with Disabilities

Note: When "incapacitated," "handicapped," appear in a bill description, it reflects the terminology of the legislation, not the Governor's Council on Disability.

Abbreviations

| | |
|-----------|---------------------------------|
| HB | House of Representatives Bill |
| HA | House Amendment |
| HS | House Substitute |
| HR | House Resolution |
| HJR | House Joint Resolution |
| HCS..... | House Committee Substitute |
| SB | Senate Bill |
| SCA..... | Senate Committee Substitute |
| SA | Senate Amendment |
| SS | Senate Substitute |
| SR | Senate Resolution |
| SJR | Senate Joint Resolution |
| CCR | Conference Committee Substitute |
| CCS..... | Conference Committee Substitute |
| BC | Budget Control Committee |

The summaries are prepared by the Research Staff of the Missouri House of Representatives and are used by permission.

ASSISTIVE TECHNOLOGY

No pending legislation

CRIME**SB 54 - Cunningham**

Creates the Amy Hestir Student Protection Act

EDUCATION**HB 40 - Lampe, Sara**

Changes the laws regarding the identification, assessment, and education of children with autism spectrum disorder assessment, and education of children with autism spectrum disorder. In its main provisions, the bill:

- (1) Requires the state to provide early intervention services to children with autism under Part C of the federal Individuals with Disabilities Education Act, commonly known as the First Steps Program (Section 160.900, RSMo);
- (2) Requires course work in teacher training programs to include recognition of the characteristics and special needs of students with disabilities or autism and students who are gifted (Section 161.099);
- (3) Adds consideration of children with autism to the duties of state and area advisory committees on special education (Section 162.690);
- (4) Extends early childhood special education services to include children up to five years of age (Sections 162.700 and 178.693);
- (5) Allows schools to contract for services for children with autism (Section 162.705);
- (6) Requires the Department of Elementary and Secondary Education to provide a comprehensive, easy-to-understand guide regarding the individualized education program process to help parents effectively participate. A notice about the availability of the guide must also be included in student handbooks and on school web sites (Section 162.943);
- (7) Requires the Missouri Advisory Council of Certification for Educators within the department to make recommendations on training and professional development regarding best practices for teachers of children with autism (Section 168.015);
- (8) Requires the department to appoint an autism ombudsman and to develop best practice guidelines for the educational assessments and interventions for

handicapped children from three through five years of age. Each regional professional development center must have an autism specialist available. Early childhood education centers will be established by the department, subject to appropriations, giving priority to regions where there are limited or nonexistent resources and a significant need. Children who are receiving early childhood services on or after August 1, 2013, will be monitored for educational outcomes until they complete third grade (Section 178.692); (9) Adds standards for the identification, assessment, and interventions for children with autism to the Parents as Teachers Program (Section 178.695); (10) Requires the General Assembly to annually appropriate funds to the newly established Missouri Special Needs Identification and Education Program to meet the needs for educating, training, and providing services for public school educators to identify, assess, and provide interventions and educate children with special needs. The bill authorizes a tax credit to a participant for unreimbursed training expenses that exceed the categorical funding. All instructional employees and parent educators for the Parents as Teachers Program must be trained on the early detection of autism by July 1, 2013. Instructional personnel for kindergarten through second grade must complete training by July 1, 2015; and instructional personnel for the remaining grades and school nurses and counselors must complete training by July 1, 2017

SB 37 - Lembke

Establishes the "Students First Interscholastic Athletics Act" to allow each student of high school age the opportunity to seek to participate in interscholastic athletics.

This act establishes the "Students First Interscholastic Athletics Act." It is the intent of the General Assembly that every student of high school age has the opportunity to participate in interscholastic athletics, including students enrolled in public school, private school, the Missouri Virtual Instruction Program, or a home school, regardless of background and education program. Any student of high school age will have the opportunity to seek to participate in interscholastic athletics through his or her school. If the school does not offer athletics, the student

may seek to participate through his or her school district of residence.

Each school that offers interscholastic athletics must identify by July 1 the athletic programs it will provide and the approximate number of athletes who may participate at any time. This act contains eligibility requirements for student athletes.

Nothing in this act may be construed as requiring a school to allow all students to participate in athletics. Schools will have discretion as to which students may participate on a team. In addition, no school may discriminate against a student seeking to participate in interscholastic athletics based on the student's choice of education program.

EMPLOYMENT

HB 56 - Brown, Michael

Authorizes a tax credit for employers who hire certain high school students for summer employment.

FUNDING/TAX RELIEF

HB 55 - Sater, David

Authorizes a state and local sales and use tax exemption for over-the-counter or nonprescription drugs which are prescribed by a practitioner and certain medical equipment, supplies, or devices.

This bill authorizes a state and local sales and use tax exemption for over-the-counter or nonprescription drugs which are prescribed by a practitioner or any medical equipment, supplies, or devices which are ordered by a physician or that are otherwise paid for by insurance, the federal Medicare Program, or the Missouri Medicaid Program.

HB 60 - Nolte, Jerry

Limits the increase in assessed valuation of residential property by the percentage of increase in the federal Social Security benefits for the elderly and disabled who own and live in their principal residence

Beginning January 1, 2012, this bill limits the increase in assessed valuation of residential property to the percentage of increase in the federal Social Security benefits in the previous year for an individual who is 65 years of age or older or who is disabled, has a federal

adjusted gross income of less than \$72,380, and owns and lives in his or her principal residence. The maximum income limit will increase by the same incremental increase in the general price level as specified in the Missouri Constitution.

The provisions of the bill will expire December 31, six years from the effective date.

HEALTH CARE & PERSONAL ASSISTANCE

HB 55 - Sater, David

Sales Tax Exemption for Certain Drugs and Medical Equipment (see Funding/Tax Relief category for bill summary)

SB 42 - Chappelle-Nadal

Increases resource limits for medical eligibility

This act increases the resource limit for medical assistance eligibility to \$2,500 for a single person and \$5,000 for a married couple. The director of the Department of Social Services must apply to the Secretary of the United States Department of Health and Human Services for an amendment to the home and community-based waiver to extend eligibility for medical assistance to individuals with an income of up to 300 percent of the federal poverty level.

LEGAL RIGHTS & RESPONSIBILITIES

SB 3 - Stouffer

Establishes photo identification requirements for voting. The act establishes identification requirements for voting. Voters shall produce a nonexpired Missouri driver's license; a nonexpired or nonexpiring Missouri nondriver's license; any identification containing a photograph issued by the Missouri National Guard, the United States armed forces, or the United States Department of Veterans Affairs; or a document issued by the United States or the state of Missouri containing the name of the voter which substantially conforms to the most recent signature in the individual's voter registration records, a photograph, and an expiration date or if expired, the expiration is after the date of the most recent general election.

Those appearing without identification who are unable to obtain one because of a physical or mental disability, an inability to pay for a document necessary to obtain the required identification, a religious belief against forms of identification or the voter was born before January 1, 1941, shall be allowed to vote a provisional ballot, provided the election authority can verify the identity of the individual by comparing the individual's signature to the signature on file with the election authority. All voters whose identity cannot be established are allowed to cast a provisional ballot which shall not be counted unless the voter returns and provides proper identification.

All costs incurred by the election authority associated with implementing the new identification requirements shall be reimbursed from the general revenue upon appropriation.

The election authority shall provide advance notice of the identification requirements to be included in the election authorities elections notices.

The state shall provide at least one form of identification required to vote at no cost to the voter.

The act requires that provisional ballots be available for all elections except for absentee voting.

This act is contingent on the passage of a constitutional amendment establishing voter photo identification for elections.

MENTAL HEALTH

No pending legislation

OLMSTEAD

SB 56 - Rupp

Requires the Department of Mental Health to develop a transition plan for services of residents of state developmental disabilities facilities to the most appropriate setting

This act requires on or before December 31, 2012, the Department of Mental Health to submit a plan for transitioning the provision of services for residents of state developmental disabilities facilities, including intermediate care facilities for the mentally retarded, to the most integrated settings appropriate to their needs. Upon completion, the plan shall be submitted to the

Governor, the Senate Appropriations Committee, the House Health, Mental Health and Social Services Appropriations Committee, the House Budget Committee and the Developmental Disabilities Advisory Council.

While developing the plan, the department shall contract with a reputable independent third party to conduct a study and develop a plan identifying mechanisms to serve persons currently living in state institutions in the community. The plan shall also make certain recommendations and identify items as outlined in this act including containing recommendations for each resident identifying:

- (1) Services in the most integrated setting appropriate for each resident in the community of his or her choice;
- (2) The cost of providing necessary services in community settings for each individual;
- (3) Barriers that prohibit the individual from being served in the community; and
- (4) A timetable for making the transition.

The plan shall include recommendations for permanent full time state employees working at such facilities and alternative uses for state-owned facility property. The plan shall also include a proposed schedule for implementation of the plan with the goal of shifting provision of services to the community for every resident by January 1, 2018.

All long term admissions to state run intermediate care facilities for the mentally retarded shall cease upon the effective date of this act. Any plans started after August 28, 2011, to build or renovate state-owned facilities shall not be implemented², entered into contract to construct, or put out for bid until the completion of the plan.

SAFETY/PREVENTION

No pending legislation

SERVICES

No pending legislation