

# LEGISLATIVE UPDATE

Issue 6, February 10, 2011

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Welcome to the sixth issue of the 2011 Legislative Update with the 96<sup>th</sup> General Assembly. 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. Appropriation bill links will have a purple hyperlink.
- 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.

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

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
- Other
- Appropriations

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

**ASSISTIVE TECHNOLOGY****HB 203 - Hoskins** Issue 3

Includes professional therapy dogs in the definition of service dogs for purposes of certain crimes relating to such animals

**Status:**

1/20/11 Referred Crime Prevention and Public Safety committee (H) Chair: Schad, Vice Chair: Marshall

1/18/11 Second Time Read (H)

1/13/2011 Introduced and First Time Read (H)

**CRIME****SB 54 - Cunningham** Issue 1

Creates the Amy Hestir Student Protection Act

**Status:**

1/20/11 Second time Read and Referred to Education committee (S) Chair: Pearce, Vice Chair: Nieves

1/5/11 First time Read (S)

**HB 374 - Barnes** Issue 5

Establishes the False Claims Act for the prosecuting of MO HealthNet fraud

Any person who commits any of the following acts shall be liable to the state for three times the amount of damages which the state sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the state for the costs of a civil action brought to recover any of those penalties or damages, and shall be liable to the state for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each violation:

(1) Knowingly presents or causes to be presented to any employee, officer, or agent of the state, or to any contractor, grantee, or other recipient of state funds, a false or fraudulent claim for payment or approval; (2) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false or fraudulent claim paid or approved; (3) Conspires to defraud the state by getting a false claim allowed or paid, or conspires to defraud the state by knowingly making, using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an

obligation to pay or transmit money or property to the state; (4) Has possession, custody, or control of public property or money used or to be used by the state and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt; (5) Is authorized to make or deliver a document certifying receipt of property used or to be used by the state and knowingly makes or delivers a receipt that falsely represents the property used or to be used; (6) Knowingly buys or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property; (7) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state; (8) Is a beneficiary of an inadvertent submission of a false claim to any employee, officer, or agent of the state, or to any contractor, grantee, or other recipient of state funds, subsequently discovers the falsity of the claim and fails to disclose the false claim to the state within a reasonable time after discovery of the false claim.

**Status:**

2/1/11 Second time Read (H)

1/31/11 Introduced and First time Read (H)

**HB 273 - Allen**

Defines "cyberbullying" as it relates to the antibullying policy that school districts must adopt and establishes specific requirements for each school district in implementing the policy

This bill specifies that "cyberbullying" as it relates to the antibullying policy that school districts are required to adopt is the transmission of a communication including, but not limited to a message, text, sound, or image by means of an electronic device including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. Each district's policy must require, at a minimum, a statement that prohibits bullying, a procedure for reporting bullying and investigating the reported incidents, a description of the ways a school will respond to confirmed incidents, a prohibition on reprisals, a statement of how the policy will be publicized, and a process for discussing the policy with those affected. The policy must be

conspicuously posted throughout the school, and the district must annually provide information and any appropriate training to school staff. The district must implement these programs in a way that does not stigmatize the victim and must make resources or referrals available to victims of bullying. Violence prevention and character development education programs may be implemented. The bullying policy must be reviewed annually for compliance with state and federal law.

**Status:**

**1/27/11 Referred Elementary and Secondary Education** (H) Chair: Dieckhaus, Vice Chair: Cookson  
 1/24/11 Second time Read (H)  
 1/20/11 Introduced and First time Read (H)

**EDUCATION**

**HB 40 - Lampe** **Issue 1**  
 Changes the laws regarding the identification, assessment, and education of children with autism spectrum disorder assessment, and education of children with autism spectrum disorder.

**Status:**

**1/6/11 Second Time Read** (H)  
 1/5/11 First time Read (H)

**Issue 1**

**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.

**Status:**

**1/12/11 Read Second time and Referred to General Laws committee** (S) Chair: Cunningham, Vice Chair: Nieves  
 1/5/11 First time Read (S)

**HB 455 - Hodges**

Requires every public school district to screen its students for Sensory Processing Disorder before the end of first grade and again before the end of third grade

This act amends Section A. Chapter 167, RSMo and adds section 167.740. Beginning in the 2012-2013 school year, all public school districts shall conduct a screening for Sensory Processing Disorder (SPD) for each student once before the completion of first

grade and again before the completion of third grade. The screening method utilized shall be one approved by the children's commission on sensory processing disorder and shall be performed by an appropriately trained school nurse or other trained and qualified employee of the school district. The act stipulates how the results of the screening will be recorded and the procedure to be followed if a student fails the screening. The act also establishes the "Children's Commission on Sensory Processing Disorder."

**Status:**

**2/10/11 Second time Read** (H)  
 2/9/11 Introduced and First time Read (H)

**HB 476 - Funderburk**

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

**Status:**

**2/10/11 Introduced and First time Read** (H)

**EMPLOYMENT****HB 56 - Brown** **Issue 1**

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

**Status:**

**1/20/11 Referred to Economic Development committee** (H) Chair: Zerr, Vice Chair: Jones  
 1/6/11 Second time Read (H)  
 1/5/11 First time Read (H)

**HB 205 - Elmer** **Issue 4**

Changes the laws regarding unlawful discriminatory practices in employment as they relate to the Missouri Human Rights Law.

**Status:**

**1/31/11 Public Hearing Completed**  
 1/20/11 Referred to Workforce Development and Workplace Safety committee (H) Chair: Fisher, Vice Chair: Brown  
 1/18/11 Second time Read (H)  
 1/13/11 Introduced and First time Read (H)

**SB 188 - Lager**

Issue 4

Modifies the law relating to the Missouri Human Rights Act and employment discrimination

**Status:**

1/27/11 Second time Read and Referred to Commerce, Consumer Protection, Energy, and the Environment committee (S) Chair: Lager, Vice Chair: Lamping  
1/26/11 Introduced and First time Read (S)

**FUNDING/TAX RELIEF****HB 55 - Sater**

Issue 1

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.

**Status:**

2/10/11 Public Hearing Completed (H)  
2/10/11 Hearing Scheduled (H)  
1/27/11 Public Hearing Completed  
1/20/11 Referred to Ways and Means committee (H) Chair: Koenig, Vice Chair: Higdon  
1/6/11 Second time Read (H)  
1/5/11 First time Read (H)

**HB 60 - Nolte**

Issue 1

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.

**Status:**

2/9/11 Public Hearing Completed (H)  
1/20/11 Referred to Local Government committee (H) Chair: Gatschenberger, Vice Chair: Schneider  
1/6/11 Second time Read (H)  
1/5/11 First time Read (H)

**HB 106 - Sater**

Issue 2

Establishes limitations on the amount of money that may be held in reserve by sheltered workshop boards.

**Status:**

1/6/11 Second time Read  
1/5/11 Introduced and First time Read (H)

**SB 100 - Stouffer**

Creates a tax credit for contributions to developmental disability care providers and modifies provisions of the residential treatment agency tax credit program

Issue 2

**Status:**

1/20/11 Second time Read and Referred to Ways and Means and Fiscal Oversight committee (S)  
Chair: Purgason, Vice Chair: Kraus  
1/12/11 First time Read (S)

**HEALTH CARE/PERSONAL ASSISTANCE****HB 55 - Sater**

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

**SB 42 - Chappelle-Nadal**

Issue 1

Increases resource limits for medical eligibility.

**Status:**

1/12/11 Second time Read and Referred to Health, Mental Health, Seniors, and Families committee (S)  
Chair: Ridgeway, Vice Chair: Schaaf  
1/5/11 First time Read (S)

**SB 43 - Chappelle-Nadal**

Issue 2

Requires long-term care facilities to be encouraged to institute policies encouraging familial involvement in the well-being and support of its residents.

**Status:**

1/12/11 Second time Read and Referred to Health, Mental Health, Seniors, and Families committee (S) Chair: Ridgeway, Vice Chair: Schaaf  
1/5/11 First time Read (S)

**SB 44 - Wright-Jones**

Issue 2

Requires health carriers to devote a certain percentage of health insurance premiums to be used for the payment of health care services

**Status:**

1/12/11 Second time Read and Referred to Small Business, Insurance, Industry committee (S) Chair: Rupp, Vice Chair: Parson  
1/5/11 First time Read (S)

**HB 201- Sater**

Issue 4

Authorizes the MO HealthNet Division to implement a statewide dental delivery system for the provision of services under the MO HealthNet program

**Status:**

**2/16/11 Public Hearing Scheduled (H)**  
 1/27/11 Referred to Health Care Policy committee  
 (H) Chair: Sater, Vice Chair: Frederick  
 1/18/11 Second time Read (H)  
 1/13/11 Introduced and First time Read (H)

**HB 391 Holsman Issue 5**  
 Adds home nursing visits and follow-up care as  
 needed for certain at-risk newborns to the list of  
 covered services under the MO HealthNet Program

This act provides for home nursing services for at-  
 risk infants provided by registered nurses. Infants  
 considered to be at-risk include those who are  
 medically fragile, those born to mentally and  
 physically challenged mothers, those born to  
 chemically dependent mothers, and those born into  
 a family with a history of premature births.

**Status:**

**2/2/11 Second time Read (H)**  
 2/1/11 Introduced and First time Read (H)

**LEGAL RIGHTS/RESPONSIBILITIES**

**SB 3 -Stouffer Issue 1**  
 Establishes photo identification requirements for  
 voting.

**Status:**

**2/10/11 Reported from committee to the Floor (S)**  
 1/31/11 Voted Do Pass by committee  
 1/24/11 Hearing Conducted (S)  
 1/24/11 Hearing Scheduled (S)  
 1/12/11 Second time Read and Referred to  
 Financial and Governmental Organizations and  
 Elections committee (S) Chair: Engler, Vice Chair:  
 Wasson  
 1/5/11 First time Read (S)

**HB 130 - Barnes Issue 2**  
 Enacts the Uniform Adult Guardianship and  
 Protective Proceedings Jurisdiction Act

**Status:**

**2/9/11 Public Hearing Completed (H)**  
 2/9/11 Public Hearing Scheduled (H)  
 1/27/11 Referred to Judiciary committee (H) Chair:  
 Cox, Vice Chair: Elmer  
 1/11/11 Second time Read  
 1/10/11 Introduced and First time Read (H)

**SB 134 - Rupp Issue 3**  
 Outlines the parental rights of individuals with  
 disabilities in termination of parental rights cases  
**Status:**  
**1/27/11 Second time Read and Referred to**  
**Judiciary and Civil and Criminal Jurisprudence**  
**committee (S)** Chair: Goodman, Vice Chair: Schmitt  
 1/18/11 Introduced and First time Read (S)

**SB 70 - Schaefer Issue 5**  
 Modifies provisions relating to the Missouri Family  
 Trust  
**Status:**  
**2/14/11 Hearing Scheduled (S)**  
 1/31/11 Hearing Scheduled but Not Heard  
 1/20/11 Second time Read and Referred Judiciary  
 and Civil and Criminal Jurisprudence committee  
 Chair: Goodman, Vice Chair: Schmitt  
 1/5/11 First time Read  
 1/4/11 Pre-filed (S)

**SB 213 - Schaefer**  
 Modifies what information is required in a petition  
 for guardianship for a minor or an incapacitated  
 person and adopts the Uniform Adult Guardianship  
 and Protective Proceedings Jurisdiction Act

This act adds additional information (addresses  
 where the incapacitated person lived for the last  
 three years, the value and location of any real  
 property outside of Missouri that the incapacitated  
 person owns, names and addresses of close  
 relatives, and others including the agent or trustee  
 of the person).The act includes provisions  
 regarding communication between courts in  
 different states, requests for assistance from a  
 court to a court of another state, and taking  
 testimony in other states. The act establishes  
 procedures for determining which state has  
 jurisdiction over guardianship and conservator  
 proceedings for an incapacitated adult and specifies  
 a procedure for transferring a guardianship or  
 conservatorship from one state to another state.  
 The act also creates a procedure for registering  
 orders in Missouri from other states that appointed  
 a guardian or a conservator to manage an  
 incapacitated adult's property.

**Status:**



2/10/11 **Second time Read and Referred to Judiciary and Civil and Criminal Jurisprudence committee** (S) Chair: Goodman, Vice Chair: Schmitt  
2/7/11 Introduced and First time Read (S)

**HB 469 - Franz**

Modifies provisions relating to the Missouri Family Trust

[Hyperlink to Bill Text](#)

**Status:**

2/10/11 **Introduced and First time Read** (H)

**MENTAL HEALTH**

**HB 302 - Black**

**Issue 4**

Authorizes the director of the department of corrections to establish a mental health assessment pilot program

**Status:**

2/10/11 **Public Hearing Completed** (H)

2/9/11 Hearing Scheduled (H)

2/2/11 Referred to Corrections committee (H)

Chair: Black, Vice Chair: Fitzwater

1/26/11 Second time Read (H)

1/25/11 Introduced and First time Read (H)

**OLMSTEAD**

**SB 56 - Rupp**

**Issue 1**

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

**Status:**

1/20/11 **Second time Read and Referred to Heath, Mental Health, Seniors, and Families committee** (S)

Chair: Ridgeway, Vice Chair: Schaaf

1/5/11 First time Read (S)

**HB 411- Wyatt**

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 amends Section A. Chapter 633, RSMo and adds section 633.325. On or before December 31,

2012, the department of mental health shall 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. 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. 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 established under section 633.020.

**Status:**

2/8/11 **Second time Read** (H)

2/7/11 Introduced and First time Read (H)

**HB 421 - Stream**

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 amends Section A. Chapter 633, RSMo by adding section 633.325. On or before December 31, 2012, the department of mental health shall 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. 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. 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 established under section 633.020.

**Status:**

2/9/11 **Second time Read** (H)

2/8/11 Introduced and First time Read (H)

**SAFETY/PREVENTION****SB 28 - Brown****Issue 2**

Exempts motorcyclists age 21 and older from wearing a helmet when operating a motorcycle or motortricycle

**Status:**

1/26/11 Voted Do Pass by Transportation committee

1/19/11 Hearing Conducted (S)

1/19/11 Hearing Scheduled (S)

1/12/11 Second time Read and Referred to Transportation committee (S) Chair: Stouffer, Vice Chair: Kehoe

1/5/11 First time Read (S)

**HB 114 – Day****Issue 2**

Requires only persons younger than 21 years of age to wear protective headgear when operating or riding as a passenger on any motorcycle or motortricycle

**Status:**

1/20/11 Referred to Transportation committee (H)

Chair: Denison, Vice Chair: Faith

1/10/2011 Second time Read (H)

1/6/2011 Introduced and First time Read (H)

**HB 300 - Gatschenberger**

Establishes the High School Sports Brain Injury Prevention Act which requires school boards to work with the Missouri State High School Activities Association to develop guidelines regarding head injuries

1/26/11 Second time Read (H)

1/25/11 Introduced and First time Read (H)

**HB 334 - Barnes****Issue 4**

Enacts provisions relating to the prevention and treatment of sports-related concussions and other head injuries among student athletes

**Status:**

1/27/11 Second time Read (H)

1/26/11 Introduced and First time Read (H)

**HB 387 - Wyatt****Issue 5**

Establishes the "Youth Athlete Brain Injury Prevention Act"

This act establishes the "Youth Athlete Brain Injury Prevention Act." It states the state board of education and the school board of each school district shall work in concert with the Missouri State High School Activities Association to develop guidelines and other pertinent information and forms to inform and educate coaches, trainers, instructors, health care volunteers, youth athletes, and the parents or guardians of youth athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury.

**Status:**

2/2/11 Second time Read (H)

2/1/11 Introduced and First time Read (H)

**SB 216 - Schaaf**

Requires school boards to work with the Brain Injury Association of Missouri and Missouri State High School Activities Association to develop guidelines on youth athlete concussions and brain injuries

This act creates the "High School Sports Brain Injury Prevention Act." No later than December 31, 2011, each school board must work with the Brain Injury Association of Missouri and the Missouri State High School Activities Association to develop guidelines, information, and forms to inform and educate coaches, youth athletes and their parents or guardians about the nature and risk of concussions and brain injury. On an annual basis, an information sheet must be signed by athlete's parent or guardian, and submitted prior to the youth athlete's initiating practice or competition. Any youth athlete who is suspected of sustaining a concussion or brain injury in a practice or game must be removed from competition for at least twenty-four hours. In addition, a youth athlete cannot return to play until he or she has been evaluated by a licensed physician trained in the management of concussion, as described in the act. The youth athlete must also receive written clearance to play from that provider. A healthcare provider who is a volunteer who authorizes an athlete to return to play will not be liable for civil damages except for acts or omissions that constitute gross negligence or willful or wanton misconduct.

**Status:**

2/10/11 Second time Read and Referred to Health, Mental Health, Seniors, and Families committee (S)

Chair: Ridgeway, Vice Chair: Schaaf

2/7/11 Introduced and First time Read

**SERVICES****SB 244 - Green**

Revises provisions relating to the renamed Missouri Brain Injury Advisory Council

This act changes the name of the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council and codifies the executive order transferring the Missouri Brain Injury Advisory Council to the Department of Health and Senior Services. The act provides for the decrease of members of the council from the present twenty-five to fifteen. Meetings of the full council shall be held four times a year or at the call of the council chairperson.

This act prescribes some additional duties for the department, including promulgating rules to prescribe policies or standards which affect charging and funding of adult brain injury rehabilitation services and reasonable rules relative to the implementation of participant rights for those using rehabilitation services. The department shall also promulgate rules to create a reasonable standard means test to be applied to all programs and services funded by the department. The administration of the Brain Injury Fund is also transferred to the department. This act also provides that services provided by the department shall be directed toward preparation for education or vocational achievement, independent living, and community participation.

**Status:**

2/10/11 Second time Read and Referred to Health, Mental Health, Seniors, and Families committee (S)

Chair: Ridgeway, Vice Chair: Schaaf

2/9/11 Introduced and First time Read (S)

**OTHER**

HB 36 - Sater

Issue 2

Specifies that farm machinery and equipment as it relates to exemptions for sales tax will include certain all-terrain vehicles

**Status:**

1/27/11 Referred to Tax Reform committee (H)

Chair: Funderburk, Vice Chair: Cross

1/6/11 Second time Read (H)

1/5/11 First time Read (H)

**HB 182 - Walton Gray**

Designates the first Friday in March as "Dress in Blue for Colon Cancer Awareness Day"

This bill designates the first Friday in March of each year as "Dress in Blue for Colon Cancer Awareness Day."

**Status:**

2/8/11 Referred to Tourism and Natural Resources committee (H) Chair: Ruzicka, Vice Chair: Phillips

1/13/11 Second time Read (H)

1/12/11 Introduced and First time Read (H)

**APPROPRIATIONS**

HB 14 - Silvey

Issue 5

Appropriates money for supplemental purposes

**Status:**

2/9/11 Referred to Rules committee Pursuant to Rule 25(32)(f) (H) Chair: Diehl, Vice Chair: Funderburk

Funderburk

2/9/11 HCS Voted Do Pass (H)

2/9/11 Executive Session Completed (H)

2/9/11 Public Hearing Completed (H)

2/2/11 Referred to Budget committee (H) Chair: Silvey, Vice Chair: Stream

2/1/11 Second time Read (H)

1/31/11 Introduced and First time Read (H)