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4/30/09 *

AGC OF MISSOURI
LIST OF KEY BILLS TRACKED
1st Regular Session
95th General Assembly, 2009

IMPACT ON TRANSPORTATION

- + HB 4 Icet (R/Wildwood) Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation.
- Status:** 4-27-09 H House appointed conference committee reps Icet, Stream, Sater, Kelly, Curls
- + HB 5 Icet (R/Wildwood) Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety.
- Status:** 4-27-09 H House appointed conference committee reps Icet, Stream, Sater, Kelly, Curls
- + HB 8 Icet (R/Wildwood) Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety.
- Status:** 4-27-09 H House appointed conference committee reps Icet, Stream, Sater, Kelly, Curls
- + HB 14 Icet (R/Wildwood) Appropriates money for supplemental purposes for several departments and offices of state government, for the purchase of equipment, payment of claims for refunds, for persons, firms and corporations.
- Appropriates federal stimulus funds for FY 2009 under the American Recovery and Reinvestment Act of 2009 from the Federal Stimulus Fund created by **SB 313 (Nodler, R/Joplin)** to the State Road Fund.
- Status:** 4-7-09 G Signed by the Governor

* Bills filed through April 1, 2009. (No more bills may be filed, except by unanimous consent.)
Status as of 4/28/09.

+ New information added since Report dated 3/23/09.

+HB 20 Icet, (R/Wildwood) Appropriates money for supplemental purposes.

Appropriates federal stimulus funds for FY 2010 to various state agencies including:

- Missouri Department of Transportation
 - From “Federal Budget Stabilization Fund” (Non-highway funding).
 - \$20 million for operation of St. Louis Metro.
- Department of Economic Development
 - From “Missouri Jobs for the Future Fund”.
 - \$100 million for investment in new company locations or existing company expansions.

+ HCS/HB 20

Status: 4-20-09 H Referred to House Rules

+HB 21 Icet (RWildwood) Appropriates money for supplemental purposes for MoDOT and other departments.

Appropriates federal stimulus funds for FY 2010 to various state agencies including:

- Missouri Department of Transportation
 - (1) From Federal Stimulus Fund to State Road Fund
 - \$695,884,200 E
 - (2) From Federal Stimulus Fund to Multimodal Federal Fund for port infrastructure investment.
 - \$4,950,000 E
 - (3) From Federal Stimulus Fund to Multimodal Federal Fund for public transportation or intercity bus service.
 - \$22,768,109 E
 - (4) From Federal Stimulus Fund to Multimodal Federal Fund and/or State Road Fund for highway, bridge, port, transit and rail projects.
 - \$34,500,000 E
 - (5) From Federal Stimulus Fund to Multimodal Federal Fund for high-speed and intercity rail projects.
 - \$11,000,000 E
 - (6) From Federal Stimulus Fund to Multimodal Federal Fund for airport improvement projects.
 - \$33,000,000 E

The “E” following specific dollar amounts indicates the appropriation is an “Estimate”, allowing the agency to spend more than that amount if funds are available.

The bill also includes appropriations to the following state agencies from the Federal Budget Stabilization Fund and/or the Federal Stimulus Fund:

- Department of Elementary and Secondary Education
- Office of Administration
- Department of Agriculture
- Department of Natural Resources
 - Including for drinking water, water pollution and air pollution project purposes.
- Department of Conservation
- Department of Economic Development
- Department of Labor and Industrial Relations
- Department of Public Safety

- Department of Health and Senior Services
- Department of Social Services
 - Including funds for the “Temporary Assistance for Needy Families” (TANF) program.

Status: 4-28-09 H Set on the House Calendar

+HB 22 Icet (R/Wildwood) Appropriates money for capital improvement projects, for grants, refunds and distributions, planning, expenses, and to transfer money among certain funds.

HB 22 is the alternative appropriation of Budget Stabilization Funds from the American Recovery and Reinvestment Act of 2009 (ARRA) arising from the revolt of a minority of House Republicans against the spending plan crafted by the House Budget Committee. It replaces appropriations proposed in HB 18, HB 19 and HB 20.

HB 22 appropriates \$900.8 million for FY 2010 and \$664.5 million for FY 2011 to various purposes including:

- \$500 million for FY 2010 and \$500 million for FY 2011 appropriated to General Revenue to underwrite a half percent income tax reduction for two years.
- \$107.8 million over two years for a Facilities Maintenance Reserve Fund.
- Capital improvements at the following types of facilities:
 - University of Missouri facilities;
 - Vocational technical schools;
 - State mental health facilities;
 - Various departments of state government;
 - New state office building at old Missouri State Penitentiary site in Jefferson City (\$110 million);
 - Improvements at various state veterans homes and cemeteries;
 - Improvements at National Guard facilities;
 - Improvements at Missouri Vocational Rehab facilities;
 - Payment of state incentives to ethanol producers (\$35 million);
 - Improvements at various State Parks facilities;
 - DNR hazardous waste clean-up (\$18.5 million);
 - Department of Conservation stream and lake access (\$46 million);
 - “Radio interoperability” for law enforcement (\$111.7 million)
 - Pediatric nursing services and in-home health services;
 - Funding for state Public Defender System.

HB 22 makes the following appropriations from the State Highway and Transportation Fund:

- Improvements at Bellefontaine Habilitation Center (\$500,000);
- Pave lot for Troop A (Pettis County), Commercial Drivers License Testing Facility (\$300,000);
- Purchase of two existing Highway Patrol radio towers for Troop C (St. Louis) (\$931,086).

+ HCS/HB 22: The two-year \$500 million annual backfilling of a .5% tax reduction was removed in the HCS. See HCS/SB 71.)

Status: 4-28-09 H Set on the House Calendar

- HB 87 Wallace (R/Thornfield) Exempts motor fuel used to operate school buses transporting students for educational purposes from the motor fuel tax.
- School bus is defined to include motor vehicles “either publicly or privately owned, used to transport students to and from school . . .” (302.010 RSMo). Buses operated by contractors to school district or operated by a school district would be covered. Department of Revenue is to promulgate rules on the exemption.
- Status:** 2-18-09 H Voted do pass as substitute from House Tax Reform
- HB 93 Thomson, Mike (R/Maryville) Exempts tractors from certain width, height, and length regulations when the tractors are participating in tractor parades for fund-raising activities.
- Potential for assignment to Transportation Committees.
- + SCS/HCS/HBs 93 & 216
- Status:** 4-21-09 H Set on the House Calendar
House Bills with Senate Amendments
- HB 112 Munzlinger (R/Williamstown) Exempts motor fuel used to operate school buses transporting students for educational purposes from the motor fuel tax.
- See HB 87.
- Status:** 2-18-09 H Voted do pass as substitute from House Tax Reform
- HB 228 Parson (R/Bolivar) Changes the laws regarding petition circulators.
- Places the following restrictions on circulation of initiative petitions:
- Circulator must be a United States citizen and Missouri resident.
 - Circulator cannot have been convicted of “forgery” in any state.
 - No petition circulator may be paid on a “per signature” basis or circulate more than one petition simultaneously.
 - Current law requires petition circulator to be registered with Secretary of State by day petitions are submitted. Bill would require registration before collection of signatures.
 - Circulator must submit proof of Missouri residency with registration to Secretary of State.
 - Affidavit of circulator upon registration must state that circulator has not been convicted of forgery, will not be paid by the signature and will not circulate more than one petition simultaneously.
 - Signatures gathered where circulator was paid by the signature shall not be counted.
 - Receiving payment by signature is a Class A misdemeanor and signing a name to a petition other than his or her own is a Class One election offense (115.631)

RSMo). Any person signing their name to a petition more than once is guilty of a Class A misdemeanor.

- + HCS/HB 228: Changes from the originally filed bill include:
 - Removes the prohibition of payment of petition circulators by signature.
 - Removes the prohibition of circulating more than one petition.

Only provisions retained from original bill are:

- Circulators must be US and Missouri citizens.
- Must register with Secretary of State prior to circulation of petitions.
- Prohibits persons convicted of forgery from circulating petitions.
- Increased penalties for forgery.

- + HCS/HB 228 (Perfected): The following changes in the bill were made by floor amendment:
 - HA 1 (Sutherland): Provides a process for an initiative to be placed on the ballot to lower the tax rate of political subdivisions. Requires signatures from 33% of registered voters to require an election. Requires a 66% majority to decrease the tax rate.
 - HA 2 (Storch): Restores the prohibition of payment of petition circulators by signature. It also adds a provision favored by the Secretary of State to require a \$500 deposit for each petition submitted. Deposit is refunded upon certification for the ballot.

Status: 4-27-09 S Referred to Senate General Laws

HB 354 (Schlottach) (R/Owensville) Expands the “Missouri Public-Private Partnerships Transportation Act” and exempts revenues received under the act from certain taxes.

Public private partnerships” are limited to non-highway infrastructure. Same as HCS/HB 1974 (2008).

+ HB 354 (Perfected)

- + SCS/HB 354: Expands use of “3P” by defining eligible projects to include “any bridge.” Removes reference to the “traveling public” in relation to use for ports, pipelines, etc. Adds a land conveyance in Cole County.

Status: 4-29-09 S Meeting set, Senate Transportation

HB 359 Denison (R/Springfield) Modifies current design-build highway project contract process to allow the state highways and transportation commission to enter into more design-build highway project contracts.

See SCS/SB 128.

HCS/HB 359 (Perfected): Provisions include:

- 2% of projects in STIP for state fiscal year may be completed by “design/build.”
- MoDOT’s authority to enter into “design/build” contracts “sunsets” July 1, 2022.
- Includes specific “design/build” authority not subject to above limitations for:

- Highway 364 (Page Avenue Extension) in St. Charles County.
- State Highway 169 and 96th Street in Kansas City area.
- “Bid, payment and performance bond” provisions are unchanged from original MoDOT proposal.
- “Railroad language” regarding existing agreements with MoDOT and clearance requirements applying to “design/build” contracts.

The bill includes an “emergency clause.”

+

SCS/HCS/HB 359 with Senate Amendments: The final provisions of the bill are:

- 2% of the projects in the STIP annually may be “design/build” (about ten projects per year).
- MoDOT “design/build” authority sunsets July 1, 2012 (current law).
- Performance and payment bond provisions incorporate all of AGC’s language:
 - Surety must be authorized to do business in Missouri and financial institutions must be federally insured.
 - Performance bond must be equal to total cost of construction. If the project is estimated to exceed \$250 million and the Commission determines in writing that a bond in that amount is impractical a lesser bond at the largest amount reasonably available may be set, except the bond cannot be less than \$250 million. Additional security in the form of letters of credit may be required by the Commission.
 - Payment bonds required by the commission cannot be less than the performance bond, including any required additional security.
 - The sum of bonds required must be stated upon contract award.
- Requirement that the Commission must reach agreements with affected railroads for “design/build” projects.

The only other provisions designate three specific highways which may be built by “design/build” outside of the 2% of STIP project limitation and beyond this July 1, 2012 sunset:

- Missouri Route 364 (Page Avenue Extension, St. Charles County) (Senator Rupp)
- State Highway 169 and 96th Street Intersection (Kansas City Area) (Rep. Skaggs)
- State Highway 92 from Highway 169 to Highway E (Clay County) (Senator Ridgeway)

These provisions have no force or effect. The legislation does not require the projects to be funded, nor does it require the projects to be constructed by “design/build.” They could be built “design/build.” Only the Page Avenue Extension is currently in the STIP. MoDOT also indicates only Page Avenue is a potential candidate for “design/build.”

Status: 4-21-09 H Set on the House Calendar

HB 642

Sutherland (R/Warrenton)

Requires the department of transportation to provide full consideration for bicyclists, pedestrians, disabled persons, and transit users in its plans, programs, and projects.

Also provides MoDOT “may” spend state road funds to provide “appropriate accommodations” for “bicyclists, pedestrians, disabled persons, transit users, and other users of public roadways, in addition to operators of motor vehicles.”

Status: 3-24-09 H Voted do pass from House Transportation

HB 665 Deeken (R/Jefferson City) Requires all drivers and passengers in cars or trucks to wear a seat belt, with certain exceptions.

Primary enforcement of seat belt law.

+ HCS/HB 665: Makes changes in seat belt law including repeal of prohibition of stopping motorists for failure to wear seat belts and requires all passengers in a truck to wear belts (previously only persons under 18 years of age). However, HB 665 has been turned into an "Omnibus Bill", including controversial subjects such as replacing annual license tabs with front window stickers, removal of abandoned vehicles (12 hours), and "Missouri Universal Red Light Enforcement Act."

Status: 4-21-09 H Meeting set, House Rules

HB 752 Schieffer (D/Troy) Amends laws relating to transportation appointees.

Repeals MoDOT "inspector general" statute. Provides that if a member of the Highway Commission declines to serve as Chair or Vice Chair the next most senior member from the same political party shall serve.

+ HCS/HB 752 (Perfect): Commission Chair and Vice Chair may opt not to change positions annually. HCS also repeals the annual "state of transportation" address.

+ SCS/HCS/HB 752

Status: 4-20-09 S Third Read and Passed

HB 837 Storch (D/St. Louis) Changes the laws regarding initiative and referendum petitions.

Provisions include prohibition of payment for signature.

Status: 4-28-09 H Meeting set, House SC on General Laws

HB 1017 Smith (R/Weldon Springs) Provides that citations shall not be given for offenses occurring in construction zones or work zones when no highway workers are present in the zone.

Bill will not advance on its own, but is included in several "Omnibus Transportation Bills."

Status: 4-7-09 H Public hearing completed

+HB 1049 Dixon (R/Springfield) Amends laws relating to transportation issues.

Original bill includes:

- Repeal of transportation inspector general.
- Repeal of Joint Committee on Transportation Oversight authority for approval of specialty license plates, due to adverse Missouri Supreme Court decision.
- Other specialty license plate provisions. Changes statutory provision that at end of term Highways and Transportation Commission Chair and Vice Chair switch positions. The bill allows the option of switching, but would allow Chair to continue in position for more than one year.
- Repeals “State of Transportation” address to General Assembly by MoDOT Director, which has already sunset.

HB 1049 will become an “Omnibus Transportation Bill.”

+ HCS/HB 1049 “Omnibus Transportation Bill.” See SB 58.

Status: 4-15-09 H Referred to House Rules

+HB 1068 Hobbs (R/Mexico) Requires all diesel fuel sold at retail in Missouri after a certain date to be a biodiesel-blended fuel.

See SB 29.

Status: 3-25-09 H Read second time

HJR 36 Emery (R/Lamar) Proposes a constitutional amendment replacing individual and corporate income tax, sales and use tax, and estate tax with a sales tax on retail sales of new tangible property and taxable services.

+ HCS/HB 36 (Perfect): Proposes a Constitutional amendment, which if approved by voters, would become effective January 1, 2012.

Repeals the following taxes:

- All employer withholding taxes and individual and corporate income taxes.
- Corporate franchise taxes.
- All existing state sales and use taxes.

Imposes a 5.11% sales tax on purchases of all new tangible property and “taxable services.” Exceptions from the new sales tax are provided for:

- Property sold to the federal government.
- Property purchased for a “component part of new tangible personal property.”
- Property sold for “a business purpose in a home or business” including “to produce, provide, render, or sell personal property.”
- Property purchased for an “investment purpose.”

Department of Revenue is to provide an annual sales tax rebate to registered families based on income.

Apparent impacts on transportation funding and contractors are:

- Political Subdivision and MoDOT “exemption certificate” provision would be repealed. However, possibly all construction materials are exempt as “component parts” or “property used in a trade or business.”

- Since the tax applies only to “new” property there would be no motor vehicle sales tax or used vehicles.

Status: 4-29-09 S Meeting set, Senate Ways and Means

SB 29 Stouffer (R/Napton) Requires all diesel fuel sold at retail in Missouri after a certain date to be biodiesel-blended fuel.

Applies to “all diesel fuel sold or offered for sale in Missouri at retail . . .” SB 29 also amends the ethanol mandate effective January 1, 2008 by providing that if a distributor can make ethanol blended gasoline by blending fuel ethanol and unblended gasoline at a lower price than conventional gasoline, then the exception allowing sale of conventional gasoline does not apply due to the price of ethanol being higher than conventional gasoline at the terminal.

Department of Agriculture is to develop “standards for cold temperature operability properties” of bio-diesel. The bio-diesel mandate would also apply to diesel fuel purchased for off-road use. Certain uses, including fuel used by “railroad on track equipment” is exempt.

Requirement for mandatory sale of bio-diesel is effective within ninety days of Missouri Department of Agriculture finding that average price of biodiesel is no greater than traditional diesel, but no earlier than May 1, 2011. Institute affiliated with the University of Missouri School of Agriculture is to provide assistance in the determination.

Requires an annual report from the University on the impact of ethanol and bio-diesel on the price of fuel and food.

Similar to SB 759 (2008).

Status: 2-19-09 S Set on the Senate Calendar

SB 57 Stouffer (R/Napton) Imposes various billboard standards to billboards adjacent to Interstate 70 and Interstate 44 during periods of interstate construction.

Similar to SCS/SB 809 (2008).

Status: 4-7-09 S Set on the Senate Calendar

SB 58 Stouffer (R/Napton) Modifies several provisions of law relating to the regulation of motor vehicles.

Various subjects including hazardous materials endorsements. Potential to become an omnibus bill.

SS/SB 58 (Perfected): Provisions include:

- Repeal of transportation inspector general.
- Allows Chair and Vice-Chair of Highways and Transportation Commission to choose not to rotate positions upon expiration of one year term.

- Only requires safety inspections for vehicles ten years old or older.
- CDL provisions:
 - No expungement for alcohol related offenses.
 - Redefines hazardous materials. (See SB522)
 - Authorizes revocation of hazardous materials endorsement upon notice of Transportation Security Administration.
 - Provides for suspension or disqualification for driving while out of service as provided by federal regulation.
 - Certain exemptions for farm and agricultural drivers.
- Allows removal of abandoned vehicles from state highway within 24 hours, rather than 48 hours as under current law.
- Automated photo red light provisions.
- “Dead red” provisions for motorcycles.
- Prohibits text messaging while driving.
- Emissions inspection provisions.

+

HCS/SS/SB 58: Provisions of the HCS include:

- Repeal of MoDOT Inspector General.
- Revises process for Joint Committee on Legislation Oversight to approve specialty license plates to conform with Missouri Supreme Court decisions.
- Defines “diesel fuel” not to include biodiesel “B 100.”
- Changes succession of Chair and Vice Chair of Highway Commission, so officers are not required to switch positions at end of one-year term.
- Repeals annual “State of Transportation” address by MoDOT Director.
- Requires MoDOT to give “full consideration for the safety and contiguous routes for bicyclists, pedestrians, disabled persons and transit users . . .”
- “No funds appropriated to or received by the Missouri Department of Transportation shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.”
- Drunk driving memorial sign program.
- Numerous highway and bridge naming provisions.
- Provisions relating to “all terrain” vehicles.
- Establishes license plate “emblems” for various sponsoring organizations.
- Changes penalties for various motor vehicle registration and licensing violations.
- Provisions relating to towing and storage of abandoned vehicles.
- Provisions relating to Commercial Drivers Licenses including:
 - Defining “conviction” to include failure to appear or pay.
 - Changes regarding “hazardous materials endorsements” including revocation upon order of Transportation Security Administrator.
 - Prohibits expungement of alcohol related violations.
- Exempts certain farm utility vehicles from licensing.
- Penalty for producing and selling fraudulent insurance identification cards.
- Changes period for removal of abandoned vehicles from state highways from forty-eight to twelve hours.
- Exempts “tractor parades” from oversized limits.
- Motorcycle “dead red” provisions regarding crossing an intersection.
- “Missouri Universal Red Light Enforcement Act.”
- Add the following language to the penalty provisions of “Work Zone Safety” statute (304.582 RSMo):
 - “Notwithstanding any provision of this section to the contrary, no person shall be cited for a violation of this section when no highway workers are located or working within the construction zone or work zone at the time the alleged violation occurred.”

The provision is aimed at work zones within municipalities under municipal ordinances which are being used as “speed traps” with fines of up to \$250, even when no workers are present. The provision would have no force or effect on such practices. However, it would prohibit the Highway Patrol from writing a ticket for a moving violation with a \$35 additional penalty (\$75 or second offense) on state highways when workers are not in the work zone. The \$250 additional penalty for speeding or passing already requires workers to be present and warning signs to be posted for the penalty to be assessed. The language also prohibits being “cited for a violation” under the section. No “violations” are established in the section, only penalties.

- Prohibits any person from climbing on, standing or working atop any “tanker trailer” which is stopped along any state highway without a “safety tie off” or “supporting structure.” Fine of \$50 to \$100.
- Regulates contract carriers of railroad workers.
- Adds “highway workers” in a work zone to provisions of 565.081 - .083 RSMo regarding law enforcement officers assessing penalties for assault:
 - First degree (attempts to kill or knowingly cause serious injury) - Class A Felony.
 - Second degree (criminal negligence; “recklessly”) – Class B or C Felony.
 - Third degree (“recklessly”) – Class A Misdemeanor.
- Transfers state property in City of St. Louis for new Mississippi Rover Bridge.

Status: 4-22-09 H Referred to House Rules

+SB 71 Stouffer (R/Napton) Creates a tax credit for contributions to developmental disability care providers.

Enacts the statutory change needed to reduce the state income tax rate by .5% for FY 2010 and FY 2011. See HB 22.

Status: 4-28-09 H Set on the House Calendar

SB 84 Purgason (R/Caulfield) Designates a bridge in Laclede County as the “Specialist James M. Finley Memorial Bridge”

+ HCS/SB 84: This is another “Omnibus Bill” from the House Transportation Committee having some of the same and some differing provisions from HCS/SS/SB 58.

Some differences from the House version of SB 58 are:

- Includes “Heroes Way Interstate Interchange Designation Program.”
- Eliminates front license plates effective January 1, 2011 and replaces with a front window sticker.
- Eliminates term “Handicap Parking”.
- Includes Brain Tumor Awareness Organization emblem.
- Includes provisions relating to salvage vehicles.
- Includes provisions relating to “mobility motor vehicles” (disabled persons).
- Includes authorization of additional specialty plates.
- Includes authorization for modulating motorcycle head lamps.
- Changes penalties for various motor vehicle violations.
- Includes provisions to allow non-authorized dealers and repair facilities to perform warranty work.

- Provisions regarding “driver improvement programs.”

Status: 4-15-09 H Meeting set, House Transportation

SB 88 Stouffer (R/Napton) Removes urbanized and non-urbanized highway location distinctions so that property left unattended for 10 hours on the state highway system right-of-way is deemed abandoned and subject to tow.

+ HCS/SCS/SB 88: This is a third “Omnibus Transportation Bill” created by the House Transportation Committee.

Differences in comparison to HCS/SB 58 are:

- Includes requirements for employees of Legislative Oversight Division to sign a one-time confidentiality agreement for purposes of accessing department records. (Relates to a requirement by MoDOT for an affidavit with each inquiry.)
- Includes elimination of front license plates and “window sticker” provisions
- Does not include prohibition of MoDOT employees taking positions on legislation.
- Includes provisions relating to historic vehicles and emissions testing.
- Prohibits use of term “Handicap Parking.”
- Includes “Brain Tumor Awareness” emblem provisions.
- Provisions relating to certificates of ownership for vehicles and trailers.
- Provisions relating to salvage vehicles.
- Provisions relating to “mobility motor vehicles.”
- Authorization of numerous additional specialty license plates.
- Authorizes motorcycle learners permit.
- Provisions relating to “driver improvement programs.”
- Provisions relating to farm vehicles.
- Authorizes immediate removal of unattended vehicles from state highways by MoDOT or law enforcement.
- Limits storage charges for towed vehicles to \$25 per day.
- Provisions relating to performance of warranty work by non-authorized dealers and repair shops.

Status: 4-23-09 H Referred to House Rules

SB 93 Green (D/St. Louis) Establishes the Drunk Driving Risk Reduction Awareness Program.

Memorial sign program.

+ HCS/SCS/SB 93: In addition to original provisions for a memorial sign program, the following provisions have been added:

- “Continuous alcohol monitoring” device required as a condition of probation for an alcohol related driving offense.
- Does not allow motorist to refuse a blood test.
- Prohibits “alcohol beverage vaporizers.”

Status: 4-23-09 H Referred to House Rules

SB 115 Bray (D/St. Louis) Modifies requirements pertaining to petition circulators.

Makes the following provisions regarding petition circulators:

- Must be a resident of Missouri and not pled guilty to forgery.
- Prohibits payment based on the number of signatures collected.
- Circulators affidavit must affirm compliance with the prohibitions above.
- Any person who knowingly signs a false name to a petition is guilty of a Class One election offense.

Status: 3-23-09 S Hearing conducted

SB 128 Rupp (R/St. Charles) Authorizes the Highways and Transportation Commission to enter into a design-build contract for the improvement of Missouri Route 364.

Addition of Route 364 is the only change in the MoDOT “design/build” statute. Bill may have been a placeholder for broader MoDOT proposal.

SCS/SB 128: Incorporates the provisions of SB 178. The original bill authorizing one additional “design/build” project for Highway 364 (Page Avenue Extension) is removed in the SCS.

Provisions include:

- “Three pilot project” language of 2002 legislation is repealed.
- Sunset on MoDOT authority for “design/build” of July 1, 2012 is repealed.
- MoDOT “design/build” projects do not have to meet same “bid bond” (107.170 RSMo) or “performance” and “payment” bond (227.100 RSMo) requirements as other MoDOT projects.

“Bid”, “performance” and “payment” bonds are set by the Commission for each project.

Cash or a certified or cashier’s check is allowed for “bid bonds”.

“Performance bonds” are to be “equal to a reasonable estimate of the total cost of construction work” (excluding design and/or financing). However, the Commission may determine in writing that a performance bond in that amount is “impractical.” “Payment bond” is also to be equal to the cost of construction but may be lowered by the Commission if found to be “impractical.” The payment bond cannot be less than the performance bond.

- The legislation has an “emergency clause” (effective upon passage and the Governor’s signature) for the stated reason of the federal economic stimulus legislation.

SS/SCS/SB 128 (Perfected)

Provisions include:

- 3% of projects in STIP for state fiscal year may be completed by “design/build.”
- MoDOT’s authority to enter into “design/build” contracts “sunsets” on July 1, 2012 as under current law.

- Includes revised bid, payment and performance bond language proposed by AGC.
 - For projects exceeding \$250 million upon a finding by Commission that a payment bond in full amount of construction is impractical, a bond must be provided in largest amount reasonably possibly, but not less than \$250 million.

Bond Language does not include two provisions required by AGC:

- If alternative security above the amount of the performance bond is required, the payment bond should also reflect the additional security.
- Upon award of contract the sum of bonds should be publicly stated.

The bill has an emergency clause.

HCS/SS/SCS/SB 128: See SCS for HB 359 with Senate Amendments.

Status: 4-22-09 H Voted do pass as substitute from House Transportation (Bill not currently on calendar.)

SB 130 McKenna (D/Crystal City) Prohibits drivers from sending text messages or electronic messages while operating motor vehicles on highways within Missouri except under limited circumstances.

+ SCS/SB 130 (Perfected)

Status: 4-29-09 H Meeting set, House Public Safety

SB 178 Stouffer (R/Napton) Removes certain statutory restrictions on the current design-build highway project process to allow the state highways and transportation commission to enter into more design-build highway projects.

See SCS/SB 128.

Status: 1-26-09 S Referred to Senate - Transportation

SB 202 Schaefer (R/Columbia) Provides that operating a motorcycle, in and of itself, shall not be considered evidence of comparative negligence and prohibits claims adjusters from assigning fault to a party simply because the party was operating a motorcycle.

SCS/SB 202 (Perfected): Motorcycle helmet repeal for riders over twenty years of age added by amendment. (23 Aye / 6 No)

Status: 4-24-09 H Set on the House Calendar

+SB 293 Barnitz (D/Lake Spring) Exempts tractors used in tractor parades from certain width, length, height and license plate display regulations under certain circumstances.

- + HCS/SCS/SB 293: This is a fourth “Omnibus Transportation Bill” created by the House Transportation Committee. The original content of exemption from over length permits for tractor parades will pass in HB 93 (Consent).

Differing provisions in comparison to HCS/SB 58 include:

- Employees of Legislative Oversight Division confidentiality oath.
- Elimination of front license plates and authorization of window stickers.
- Provisions on historic vehicles and emissions inspections.
- Provisions relating to proof of financial responsibility.
- Prohibits “Handicap Parking” on signs (Accessible Parking).
- “Brain Tumor Awareness” emblems.
- Certificate of ownership for motor vehicles provisions.
- Salvage motor vehicles provisions.
- “Mobility motor vehicle” provisions.
- Provisions regarding specialty license plates falling below 200 issued.
- Numerous and different license plate authorizations including “Armed Forces Expeditionary Medal.”
- Motorcycle temporary learner’s permit.
- MoDOT or law enforcement authority to immediately remove vehicles.
- Storage charges for towed vehicles shall not exceed \$25 per day.
- Authorization for warranty work by non-authorized dealers.
- Provisions relating to driver improvement program.
- Does not include prohibition of MoDOT employees taking positions on legislation.

Status: 4-23-09 H Referred to House Rules

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| SB 313 | Nodler (R/Joplin) | Creates two separate funds within the state treasury to receive and retain funds provided under the American Recovery and Reinvestment Act of 2009. |
|--------|-------------------|---|

HCS/SCS/SB 313: Requires transportation portion of funds received by Missouri under the American Recovery and Reinvestment Act of 2009 to be deposited to “Federal Stimulus Fund”. Such funds may only be expended by the Highway Commission upon a “lawful appropriation” by the General Assembly.

Status: 2-11-09 S Referred to Senate Progress and Development

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|--------|------------------------|---|
| SB 355 | Dempsey (R/St. Peters) | Allows motor vehicle dealers to charge administrative fees associated with the sale or lease of a motor vehicle under certain conditions. |
|--------|------------------------|---|

- + SCS/SB 355 (Perfected)

- + SB 355 (TAFP): Motor vehicle dealer sales tax collection was not added to the bill by amendment.

Status: 4-21-09 H Truly Agreed to and Finally Passed

SB 363 Griesheimer (R/Washington) Allows Department of Revenue to appoint motor vehicle dealers to serve as agents for the purpose of collecting and remitting motor vehicle sales and use taxes.

See HB 699.

SCS/SB 363

+ SS#2/SCS/SB 363: Provisions added to the original bill include:

- Department of Revenue is required to competitively bid fee office contracts.
- Provisions relating to valuation of trade-in and exchanges for sales tax purposes.
- Requirement to use NADA "Blue Book" value if purchase price is unknown.
- Amends "Sunshine Law" to prohibit closing a meeting for purposes of awarding a fee office contract.

Status: 4-24-09 H Read second time

SB 368 Stouffer (R/Napton) Provides an affirmative defense to bicyclists and motorcyclists who run red lights under certain conditions.

"Dead red."

SB 368 (Perfected)

Status: 4-23-09 H Referred to House Rules

SB 522 Stouffer (R/Napton) Amends several provisions of law relating to the regulation of commercial drivers' licenses.

Provisions include:

- Prohibits expungement of alcohol related offenses from CDL.
- Redefines hazardous materials by citations to Code of Federal Regulations.
- Changes suspension for first offense driving while out of service from 90 days to as provided by 49 CFR, Part 383. Subsequent offense provides for disqualification as provided by 49 CFR, Part 383.
- Provides for disqualification of CDL upon conviction or failure to appear or pay.
- Exempts certain farm and agricultural vehicles.

Status: 3-4-09 S Voted do pass from Senate Transportation

SB 527 Nodler (R/Joplin) Directs federal highway funds currently credited to the State Road Fund by statute to a newly created fund known as the "Federal Highways and Bridge Fund"

Requires deposit of all future federal-aid highway funds to the new fund and makes their use by the Highway Commission for Constitutional purposes subject to appropriation by the General Assembly. Repeals provision of current statute (226.220.1(2) RSMo) that such federal funds are deposited directly to the State Road Fund. Change would be effective August 28, 2009.

Status: 4-1-09 S Set on the Senate Calendar

SB 569 Lembke (R/St. Louis) Modifies various provisions relating to the initiative and referendum process.

Relates to the form and process of submitting petitions. Does not prohibit payment by signature.

SCS/SB 569

Status: 4-27-09 S Set on the Senate Calendar

OTHER CONSTRUCTION FUNDING

HB 215 Flook (R/Liberty) Allows port authority boards to establish port improvement districts to fund projects with voter-approved sales taxes or property taxes.

Amends current statutes on ports and enacts the "Port Improvement District Act." Authorizes petitions to be submitted to the Circuit Court proposing authorized "projects." Port improvement projects, include dredging, environmental clean-up, buildings and other "public works". After certification by the Court port authority may by resolution propose a property tax in an amount approved by the Court which is subject to an election of registered voters and property owners by mail-in ballot. Port authority may also propose a district wide sales tax of up to 1% to be approved by registered voters and property owners by mail-in ballot.

Status: 2-17-09 H Voted do pass House Special Committee on Infrastructure and Transportation

+HB 661 Ruzicka (R/Mt. Vernon) Changes the laws regarding the disposal of tires.

SS/HCS/HB 661: Adds provisions of SB 539 (Schaefer) changing Missouri statutes as necessary to expend and administer clean water and drinking water funds provided by the American Recovery and Reinvestment Act of 2009. Other provisions in the Senate passed bill include:

- Provisions regarding capturing landfill gas.
- Extends the public participation requirements for DNR approval of "303(d) impaired waters" list from August 28, 2009 to August 28, 2010.
- Creates Energy Futures Fund.
- Extends expiration of water permit fees from December 31, 2009 to December 31, 2010.

Status: 4-22-09 H Set on the House Calendar
(House Bills with Senate Amendments)

HJR 32 Kelly (D/Columbia) Proposes a constitutional amendment creating the Fifth State Building Bond and Interest Fund.

Authorizes issuance of bonds of up to \$700 million for "rebuilding buildings" at public institutions of higher education, including land acquisition.

+ HCS/HJR 32: Allocates at least 15% of the proceeds to public community colleges.

+ HCS/HJR 32 (Perfected)

Status: 4-29-09 S Meeting set, Senate Appropriations

SB 215 Shields (R/St. Joseph) Allows port authority boards to establish port improvement districts to fund projects with voter-approved sales taxes or property taxes.

See HB 215.

Status: 4-21-09 H Public hearing completed

SB 228 Scott (R/Lowry City) Modifies the construction-while-in-progress (CWIP) law for construction of certain new power plants and creates the Missouri Clean and Renewable Energy Construction Act.

Relates to funding of Callaway II nuclear plant. (See HB 554)

Status: 4-8-09 S Set on the Senate Calendar

SB 539 Schaefer (R/Columbia) Provides authority to the Department of Natural Resources to distribute federal economic stimulus funds and seek certain federal grants.

Includes the following provisions:

- Authorizes distribution of stimulus funds through Drinking Water Revolving Fund.
- Allows DNR to enter into cooperative agreements with political subdivisions to secure federal grants.
- Creates "Energy Futures Fund."
- Authorizes DNR to provide assistance to any eligible entity under American Recovery and Reinvestment Act of 2009.

+ SS/SCS/SB 539 (Perfected): Additional provisions added in Perfected bill include:

- Prohibits Metropolitan Sewer District from assessing stormwater management fee against properties to which it does not provide sanitary sewer services.
- Extends water permit fees in current law from an expiration of December 31, 2009 to December 31, 2010.

The bill has an emergency clause.

+ HCS/SS/SCS/SB 539: Provisions in addition to changes in state law to administer American Recovery and Reinvestment Act funds include:

- Provisions relating to sub-districts of common sewer districts.
- Prohibits Metropolitan Sewer District (St. Louis) from assessing a stormwater improvement fee against properties served by septic tanks.
- Provisions relating to soil and water districts.
- Provisions relating to use of landfill gas.
- Creates "Energy Futures Fund."
- Extends from August 28, 2009 to August 28, 2010 the public participation requirements of DNR's approval of the "303(d)" "intended use" list for waters of Missouri.

Status: 4-23-09 H Referred to House Rules

PUBLIC CONTRACTING

HB 376 Hobbs (R/Mexico) Changes provisions relating to competitive bid requirements.

Amends county purchasing statute for “supplies, materials, equipment or services” to:

- Raise the bid requirement from \$4,500 to \$6,000; and
- Changes requirement to advertise “single feasible source” contracts from \$3,000 to \$6,000.

+ SCS/HB 376: Numerous provisions have been added relative to various types of local governments.

+ SS/SCS/HB 376 with Senate Amendment: Reduces the threshold for county bidding of contracts for products:

- \$6,000 to \$5,000 for general purchases.
- \$3,500, rather than \$6,000 for single feasible source contracts.

Also includes SA 1 (Rupp) which adds requirements for Total Transportation Districts proposed by State Auditor. (See SB 45, page 30.)

Status: 4-23-09 S Not heard in Committee – Senate Gov. Accountability & Fiscal Oversight

+HB 390 Nolte (R/Gladstone) Changes the laws regarding unauthorized aliens.

+ HCS/HB 390 (Perfected): In addition to provisions relating to denial of enrollment in public universities the following changes are proposed to provisions passed in HB 1549 (2008):

- “Employer-Immigration Provisions”:
 - Amends public contractor provision (285.530.2 RSMo) to create an exemption from employers providing an affidavit of compliance as a condition of contract award “during or immediately after an emergency.” The requirement that a business entity enroll in “E-Verify” is suspended for fifteen working days. “Emergency” is defined as “natural and man-made disasters” (snow and ice storms, floods, severe weather, earthquakes, hazardous materials and nuclear accidents) and major public utility failures.
 - Specifies sections of statute which do not apply if federal government discontinues “E-Verify”. (Current law only requires General Assembly to review the statute in the event of discontinuance.)
- OSHA 10-Hour Training:
 - Provides that the requirement to receive safety training within sixty days applies to employees “who have not completed a program previously.” Requires employee to provide documentation of previous completion of the course.

Status: 4-29-09 S Hearing, Senate Education

HB 940 Flook (R/Liberty) Establishes the Missouri False Claims Act.

This is a full blown State False Claims Act covering contracts with all state agencies and political subdivisions including construction.

Status: 4-8-09 H Public hearing completed

SB 256 Schaefer (R/Columbia) Modifies provisions relating to county purchases.

See HB 376.

+

SB 256 (Perfected):

SA 1 (Green): This amendment is the "Political Subdivision Bidding Standards Act" drafted by AGC of Missouri and almost passed in 2007 as a part of Senator Greisheimer's local government bill (SB 22). However, the contracts covered by provisions has been changed from "construction" to "services." (The provision is directed toward a fire district contract for legal services in the St. Louis area.)

Status: 4-8-09 H Public hearing completed

SB 568 Rupp (R/Wentzville) Establishes the Recovery Accountability and Transparency Board and creates a state false claims act.

False Claims Act provisions apply to all public contracts. Establishes Board to review, audit and seek civil penalties regarding fraud, waste and abuse in expenditures provided by the American Recovery and Reinvestment Act of 2009.

Status: 3-26-09 S Hearing conducted

CONTRACTOR OPERATIONS

- HB 62 Lipke (R/Jackson) Changes the laws regarding crime.
- Potential for amendments of interest as “Omnibus Crime Bill.”
- HCS/HB 62
- + HA8 (Duesenberg): Adds specific penalty for “assault of highway worker” to provisions of bill. See HB 511.
- + HCS/HB 62 (Perfect): Includes provision adding “highway workers” in a work zone to current statute on “assault” of law enforcement officers.
- Status:** 4-27-09 S Voted do pass as substitute from Senate Judiciary Civil/Crim. Jus
-
- HB 245 Hodges (D/East Prairie) Allows the Land Reclamation Commission to reject applications for permits to reactivate an inactive quarry if residential homes are located near the site.
- Status:** 1-13-09 H Read second time
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- HB 246 Loehner (R/Koeltztown) Changes the laws regarding surface mining and gravel excavation.
- Amends the Land Reclamation Law to deal with non-commercial sand and gravel operations in Missouri streams. This legislation is initiated by the Farm Bureau. The “Mining v. Development” provisions of the Land Reclamation Law initiated by AGC and enacted in 2004 are opened in the legislation but not changed in the originally filed bill. However, this bill should be monitored.
- + HCS/HB 246: Changes of interest include:
- “Site” definition in current law is changed to require that the location is “separated by a natural barrier.”
 - The exceptions to prohibition of processing or crushing of material removed for purposes of excavation is changed to also allow removal of “dead trees and decaying vegetation.” (Current law already has a similar exception for three limbs and stumps.)
- + HCS/HB 246 (Perfect)
- Status:** 4-29-09 S Meeting set, Senate Agri/Food Prod/Outdoor Resurces
-
- HB 511 Dusenberg (R/Blue Springs) Adds highway workers in a construction zone or work zone to assault of a law enforcement officer, emergency personnel, or probation and parole officer in the first, second, and third degrees.
- Status:** 2-2-09 H Read second time

- HB 595 Schoeller (R/Willard) Modifies various provisions relating to real estate liens.
See SB 267.
Status: 3-10-09 H Public hearing completed
- HB 1023 Dougherty (D/Independence) Prohibits blasting, mining, or excavation within 1,320 feet of any residential zoned property with an exception.

Prohibits both surface and underground mining within specified distance.
Status: 4-1-09 H Referred to House SC on General Rules
- +HB 1078 Funderburk (R/St. Peters) Requires certain employers to submit Federal 1099 Miscellaneous Forms to the Department of Labor and Industrial Relations.

Amends “independent contractor” provisions of HB 1549 to require that federal Form 1099 be submitted by business entities to the Department of Labor and Industrial Relations as well as the Department of Revenue.
Status: 3-26-09 H Read second time
- +HB 1079 Funderburk (R/St. Peters) Requires the Department of Labor and Industrial Relations to develop a program to screen and test employees of contractors or subcontractors working on public works projects for controlled substances.

Requires the Department of Labor and Industrial Relations (DOLIR) to establish a system for DOLIR to randomly drug test employees on public works projects. The bill states “ten percent of all workers on a project [shall be] tested randomly each calendar month.” (Apparently this is every public works project in the state which would require hundreds if not thousands of DOLIR employees to administer the program.)

Upon a positive test, after an administrative hearing, the worker shall be declared ineligible to work for three years. If the employer, at the employer’s expense, chooses to refer the worker to a substance abuse treatment program, the worker may return to work prior to expiration of the extension.
Status: 3-26-09 H Read second time
- +HB 1104 Schad (R/Versailles) Modifies provisions relating to permits for surface mining.

Prohibits an applicant from amending a permit application to cover additional land. Requires a new application.

Changes notice to property owner requirements by applicant from contiguous property to “within five hundred yards.” Prohibits covering a mine at a different location under an existing permit. Requires an on-site inspection and public meeting before Commission approves a permit application.

Status: 4-1-09 H Read second time

SB 5 Griesheimer (R/Washington) Creates the Missouri County Planning Act.

+ SS#2/SCS/SB 5 (Perfected)

Status: 4-23-09 H Public hearing completed

SB 267 Mayer (R/Dexter) Modifies various provisions relating to real estate liens.

This is the American Subcontractors Association and SITE Improvement Association legislation. Three meetings of “stakeholders” in the fall of 2008 failed to produce agreement on the legislation.

Major provisions include:

- Standard “lien waiver” forms are required by statute. If waiver does not “follow substantially” the form set out in statute it is null and void. Four separate alternative forms are required:
 - 1) Conditional Waiver and Release Upon Progress Payment
 - 2) Unconditional Waiver and Release Upon Progress Payment
 - 3) Conditional Waiver and Release Upon Final Payment
 - 4) Unconditional Waiver and Release Upon Final Payment

“Conditional waivers” apply only “to the extent of the payment received” and requires before the recipient of the waiver relies upon it “such party should verify evidence of payment.” “Unconditional waivers” require notice that the claimant is waiving all rights to payment.

Waiver requirements are effective January 1, 2010.

- Increases from one to three acres the area to which engineer, architect and landscape architect liens may apply.
- Provides that “interests, costs and reasonable attorneys fees may be awarded to the claimant.

Makes the following provisions regarding attorneys fees:

- The “original contractor” is required to make no additional notices to be granted attorney’s fees.
- If the claimant is a subcontractor of any tier or a supplier no additional notice is required unless the owner of the property posts a sign at the jobsite advising subs and suppliers how to notify the owner they are working on this site. The sign is required to be posted at the main entrance to the jobsite.

On such projects where a sign is posted the sub or supplier must notify the owner of work performed or materials supplied within twenty five days of first performing work or providing materials to the jobsite.

When signs are posted the owner is also to provide the same notice to the original contractor who is required to provide it to all subcontractors, sub-sub and suppliers.

Status: 4-2-09 S Set on the Senate Calendar

SB 311 Goodman (R/Mt. Vernon) Modifies the law that limits indemnity agreements in construction work contracts.

Makes several changes in current Missouri law (434.100 RSMo) which essentially holds that a contractor or subcontractor of any tier cannot be required to indemnify an upper tiered contractor or owner for the upper tiered party's own negligence except where the lower tiered party has the opportunity to recover the cost of insuring the upper tiered party as an additional insured. SB 1077 includes the following changes:

- Prohibits clauses requiring lower tiered parties to "insure or defend" up the contracting chain. Current law only prohibits requirements to "indemnify" or "hold harmless".
- Excludes from "insurance" prohibition:
 - "Project specific insurance policies";
 - "Owners or contractors protection liability insurance";
 - "Project management protective liability insurance";
 - "Builders risk insurance".
- Expands the definition of "construction work" covered by the statute to include the following terms not specifically listed in the current law:
 - "Reconstruction, renovation";
 - "Shafts, wells, water or sewer systems, gas or other distribution systems";
 - "Appliances";
 - "Supervision, testing, operations, development."

Many of these types of "construction" are covered by current law because the statute uses the term "shall include, but not be limited to . . ."

- Provides that the Missouri statute is controlling if "a substantial portion of the construction work is to be performed in the State of Missouri . . ." Litigation or arbitration is to be conducted in Missouri.
- Would be effective August 28, 2009 if passed.

Status: 3-10-09 S Hearing conducted

+SB 513 Dempsey (R/St. Peters) Modifies the filing requirements for certain real estate broker liens.

Potential vehicle for "mechanics lien" amendment. (See SB 267, Mayer, R/Dexter).

Status: 4-28-09 H Third Read House
("Mechanics lien" amendment not offered.)

ENVIRONMENTAL REGULATIONS

- HB 109 Bivins (R/St. Louis) Allows companies to conduct voluntary environmental audits in order to discover and correct noncompliance with environmental regulations.
- Status:** 2-17-09 H Voted do pass as substitute from House – Energy and Environ.
- +HB 647 Schaaf (R/St. Joseph) Prohibits a utility or affiliate from selling home generators for electrical production unless there are no existing hearing, ventilation, or air conditioning providers in the service area.
- HCS/HB 647: This bill is becoming an “Omnibus Environmental Bill”. Includes amendments regarding the Stormwater Revolving Fund to remove the \$20 million cap on borrowing and the limitation of grants to 50% of the project cost. Includes other environmental provisions including alternative energy and environmental audits.
- Status:** 4-20-09 H Set on the House Calendar
- HB 734 Ruzicka (R/Mt. Vernon) Extends expiration date to December 31, 2010 for water pollution control permit fees.
- + HB 734 (Perfected)
- Status:** 4-29-09 S Meeting set, Senate Agri/Food Prod/Outdoor Resources
- +HB 978 Pratt (R/Blue Springs) Creates an income tax credit for home built using green build standards.
- HCS/HB 978: This is another “Omnibus Environmental Bill”. Includes the same provision regarding the Stormwater Revolving Fund as HCS/HB 647. HCS/HB 978 also includes provisions on “green building standards” and “alternative energy.”
- + HCS/HB 978 and 1028 (Perfected)
- Status:** 4-27-09 S Referred to Senate Gov. Accountability & Fiscal Oversight
- SB 272 Lager (R/Savannah) Extends expiration date to December 31, 2010 for water pollution control permit fees.
- + SB 272 (Perfected)
- Status:** 4-14-09 H Referred to House Rules

SB 462 Crowell (R/Cape Girardeau) Modifies provisions pertaining to hazardous substance spills and emergencies.

Changes current law to make person having control over hazardous substances responsible for 25% of clean-up costs. Current law is 100%.

Status: 4-8-09 S Hearing conducted

EMPLOYMENT

HB 522 Fisher (D/Bonne Terre) Modifies laws relating to workers' compensation.

Major provisions include:

- Effective August 28, 2009 claims to the Second Injury Fund for "permanent partial disability" (PPD) are eliminated.
- Effective August 28, 2009 compromise settlements are limited to no more than \$40,000.
- Attorney General may dispute reasonableness of medical charges to the Fund.
- If a claimant does not settle for \$40,000 they become subject to independent medical examination and vocational testing.
- Attorneys fees may not exceed 15% of any settlement or award.

Status: 3-11-09 H Set on the House Calendar

HB 787 Smith (R/Salem) Removes the exemption that rules established by the Labor and Industrial Relations Commission are not subject to review and comment by the Committee on Administrative Rules.

Status: 3-11-09 H Public hearing completed

HB 916 Bivins (R/St. Louis) Specifies that a claimant for unemployment compensation will be ineligible to receive benefits or waiting week credit if he or she has an outstanding penalty assessed for a previous overpayment of benefits.

Status: 3-11-09 H Public hearing completed

HB 929 Walsh (D/St. Louis) Changes the laws regarding unemployment compensation.

Liens against property of employers failing to pay contributions, interest or penalties.

Status: 3-11-09 H Public hearing completed

+HB 1075 Fisher (R/Richards) Eliminates the four hundred fifty million dollar cap on financial agreements the Board of Unemployment Fund Financing may enter into with a lender.

+ HCS/HB 1075 (Perfected): Contains numerous other provisions in addition to repealing the \$450 million cap on bonds to repay federal borrowing, including:

- Requires businesses engaging "independent contractors" to annually file Form 1099 submitted to IRS with Department of Labor and Industrial Relations as well as Missouri Dept. of Revenue. (HB 1549/2008)
- Disqualification from benefits for outstanding penalties and employment application fraud.

- Requires electronic filing by employers with fifty or more workers.

Status: 4-27-09 S Referred to Senate Small Bus./Insurance/Industry

HJR 37 Cunningham (R/Rogersville) Proposes a constitutional amendment guaranteeing the right to vote by secret ballot for all public offices, initiative, and referenda, and any authorizations or designations regarding employees.

State “anti-card check”. Probably pre-empted by National Labor Relations Act.

Status: 4-27-09 H Perfected (Vote: Y: 83 / N: 74)

SB 495 Griesheimer (R/Washington) Modifies various provisions relating to employment security.

This bill is the original Missouri State Unemployment Council proposal. Allows a 10% biennial increase in employer’s Taxable Wage Base based on balance of State Unemployment Trust Fund compared to “Average High Cost Multiplier”. Also provides a formula for increasing employer’s contribution rate from 6% up to 7.8% based on Employer’s Experience Rating.

+ SCS/SB 495: Removes increased tax provisions of original bill. SCS removes the \$450 million cap on issuance of state bonds to repay federal borrowing.

+ SCS/SB 495 (Perfected): Only provision is to remove the \$450 million cap on bonding.

Status: 4-20-09 H Read second time

GENERAL BUSINESS

- HB 178 Stevenson (R/Webb City) Authorizes a gradual reduction in the annual corporate income tax rate
- Reduces current 6 ¼% corporate income tax by 1 ¼% each year between 2010 and 2013 with reduction of the tax to zero in 2014.
- Status:** 2-5-09 H Public hearing completed
-
- HB 191 Flook (R/Liberty) Eliminates the cap for tax credits issued under the Missouri Quality Jobs Act.
- Current maximum calendar year annual tax credit is \$60 million.
- HCS/HB 191
- Status:** 4-9-09 S Set on the Senate Calendar
-
- HB 1005 Flook (R/Liberty) Imposes a sunset on all tax credits and requires all tax credits issued to be redeemed within three years of issuance.
- Status:** 4-7-09 H Public hearing completed
-
- SB 45 Pearce (R/Warrensburg) Creates a tax credit for equity investments in technology-based early state Missouri companies and removes the annual limit on tax credit issuance for the Quality Jobs Act.
- SS#2 (Lager)/SCS/SB 45:
- SA 1 (Rupp): Adds provisions to the bill implementing recommendations of the State Auditor from an October 2008 audit of Transportation Development Districts including:
- Fine of \$500 per day for failure to submit required annual report to State Auditor.
 - Requires petition for formation of a TDD to include a detailed budget.
 - Circuit Court must order that at least one public hearing be held prior to formation of a TDD.
 - The Director of Revenue rather than the TDD collects and distributes sales tax revenue from the TDD.
- Status:** 3-30-09 S Informal Calendar S Bills for Perfection--SBs 45, 212, 136, 278, 279, 285 & 288-Pearce, with SCS, SS#2 for SCS and SA 2 (pending)
-
- SB 367 Ridgeway (R/Smithville) Phases out the corporate income tax.
- See HB 178.
- Status:** 3-4-09 S Hearing conducted

SB 392 Shields (R/St. Joseph) Phases-out the corporate income tax.

See HB 178.

Status: 3-4-09 S Hearing conducted