

MO SHRM
END of the session Report
May 19, 2009

END OF THE SESSION REPORT: The General Assembly concluded the First Regular Session of the 95th General Assembly at 6:00 p.m. on Friday, May 15th. Legislation which was truly agreed to and finally passed will be sent to the Governor for his consideration. Key dates to remember are July 14th, the Governor's deadline for signing a bill and August 28th, the effective date for bills that do not contain an emergency clause or have a future effective date. Veto session will convene on September 16th.

Truly Agreed to and Finally Passed Bills of Interest

ECONOMIC DEVELOPMENT: SS#2 SCS HCS HB 191 - The bill changes numerous provisions of law regarding economic development and tax credits. In part the bill: establishes the Big Government Get Off My Back Act which limits increases in user fees for small business for four years and prevents agency rule making with adverse impacts to small business (fewer than 25 employees) with exceptions; provides that as of January 1, 2010, the outstanding shares and surplus threshold amount used to calculate a corporation's annual franchise tax will increase from \$1 million to \$10 million; contains provisions regarding the Missouri Development Finance Board tax credits, the Business Use Incentives for Large Scale Development, the Qualified Equity Investment, Historic Preservation tax credits, Neighborhood Assistance Act; Transportation Development Districts, Build America and Recovery Zone Bonds and the Quality Jobs Act; contains pre-employment training provisions for the Department of Economic Development; and provides tax credits for new or expanding business headquarters.

CRIME BILL: CCS SS SCS HCS HB 62 - This bill in part: provides for a class C misdemeanor offense for a person who knowingly uses a false college degree in conjunction with activities regarding business or employment; and creates consumer notification requirements for businesses for data security breaches of personal information.

COBRA: HCS HB 231 and CCS HCS SB 464 - These bills require group health insurance policies issued to employers not covered by the federal COBRA law to provide

terminated employees continuation coverage rights in the same manner as provided by the federal COBRA law.

UNEMPLOYMENT BENEFITS: CCS SCS HCS HB 1075 - This bill in part: removes the \$450 million cap on the total amount of obligations the Board of Unemployment Fund Financing may incur when providing funds for unemployment benefits; and extends and increases certain unemployment benefits using federal stimulus funds.

PUBLIC SAFETY: SS#2 SCS HB 103 - This bill in part establishes the Public Access to Automated External Defibrillator Act which provides for immunity from civil damages under certain conditions for use of the automated external defibrillator.

MISSOURI HEALTH INSURANCE POOL: HB 218 - Retains the criteria for a person who has health insurance coverage through an insurer and whose premiums have increased to 150% to 200% of rates established by the board as applicable for individual standard risks to be eligible to obtain coverage through the Missouri Health Insurance Pool. The proposed increase to 300% of rates is deleted.

UNAUTHORIZED ALIENS: CCS SS SCS HCS HB 390 - This bill changes several provisions of law regarding unauthorized aliens including in part: receipt of educational grants and scholarships; OSHA training requirements for on-site contractor employees for public work projects; and state participation requirements regarding the federal work authorization program.

LINE OF DUTY COMPENSATION ACT: SCS HCS HB 580 - This bill creates the Line of Duty Compensation Act which allows certain public safety workers including air ambulance pilot and professional nurses and emergency medical technicians killed in the line of duty to have a worker's compensation claim filed on their behalf with certain exceptions.

ASSOCIATION POLICIES: HB 919 - This bill allows associations to provide group health insurance policies to sole-proprietorships and self-employed individuals.

HEALTHY WORKPLACE RECOGNITION PROGRAM: HCS SB 147 - This bill establishes the Missouri Healthy Workplace Recognition Program to recognize employers with 50 or more employees for efforts to improve the health of employees by promoting health, wellness and prevention programs.

PUBLIC EMPLOYEES EDUCATION REQUIREMENTS: SB 232 - This bill prohibits certain public entities from discriminating in employment and hiring practices based on an individual's completion of any state approved elementary or secondary educational program.

SUPPLEMENTAL APPROPRIATIONS: HB 15 - This bill contains \$30.9 million of federal stimulus funds for the purpose of receiving and expending grants for adult, youth

and dislocated workers employment and training activities, including administrative costs.

JOINT COMMITTEE ON RECOVERY ACCOUNTABILITY AND

TRANSPARENCY: SCS HB 544 - This bill in part creates the Joint Committee on Recovery Accountability and Transparency to provide oversight of federal stimulus funds to help prevent fraud and abuse.

FEDERAL ECONOMIC STIMULUS FUNDS: HCS SCS SB 313 - This bill establishes two separate funds for receiving the federal budget stabilization and federal stimulus dollars.

OVERSIGHT OF FEDERAL STIMULUS FUNDS: SCR 27 - This concurrent resolution creates the Joint Interim Committee on Oversight of Federal Stimulus and Stabilization Funds to ensure that the funds are properly spent.

MISSOURI SENATE HEALTHY MISSOURIANS 2020 COMMITTEE: SR 303 - This resolution establishes a committee that will be responsible for developing a long-term strategy and plan to provide health insurance coverage for citizens of this state that do not currently have access, or cannot afford such coverage. The Committee shall study the development of a rational health care system in our state that engages employers, hospitals, physicians, insurance companies, and the federal government to find ways to blend funding streams and create market incentives for participation in the system.

Legislation of Interest that Failed to Pass

SB 3 - Scott - Modifies the law regarding duties of business owners or operators to guard against criminal acts

SB 50 - Bray - Requires equal pay for the same work regardless of gender and establishes a commission to study wage disparities

SB 103 - Green - Creates an income tax deduction for small businesses and farmers that provide health insurance coverage for employees

SB 108 - Justus - Expresses the General Assembly's recognition that equality of rights under the law shall not be denied or abridged on account of the sex of any person

SB 109 - Justus - Prohibits discrimination based upon a person's sexual orientation

SB 120 - Bray - Allows small employers to obtain medical coverage through the Missouri Consolidated Health Care Plan

SB 306 - Dempsey - Establishes the Show-Me Health Coverage plan to provide health care coverage through the private insurance market to low-income working individuals

SB 309 - Bray - Enacts a state-wide smoking ban

SB 323 - Ridgeway - Restricts certain workers' compensation benefits to instances when an employee's disfigurement is a hindrance to employment

SB 341 - Bray - Requires racial and gender equity in the membership of boards, commissions, committees, and councils

SB 374 - Mayer - Codifies the employment-at-will doctrine

SB 415 - Dempsey - Modifies several provisions of laws relating to health insurance

SCR 24 - Lager - Urges Congress to oppose the Employee Free Choice Act

SJR 12 - Scott - Proposes a constitutional amendment reaffirming a citizen's right to free expression of religion

HB 55 - Wildberger - Specifies that it will be an unlawful employment practice to subject an employee to an abusive work environment or to retaliate against an employee who opposes that type of environment

HB 123 - Komo - Allows certain small employers to obtain medical coverage through the Missouri Consolidated Health Care Plan

HB 126 - Sater - Requires all employers in the state who provide paid or unpaid leave to employees for the birth of a child to provide the same leave for the adoption of a child

HB 136 - Hughes - Establishes the Minority Business Enterprise and Women's Business Enterprise Oversight Review Committee to assist these business enterprises in bidding on state contracts

HB 144 - Hughes - Makes it an improper employment practice for an employer to refuse to hire or to discharge, reduce compensation, or modify any condition of a person's employment based on his or her credit score or history

HB 170 - Cox - Establishes the Business Premises Safety Act

HB 258 - Jones - Allows the Department of Labor and Industrial Relations to establish rules to implement the federal minimum wage provisions and adds provisions regarding employees who receive tips

HB 316 - Jones - Changes the laws regarding the Open Meetings and Records Law, commonly known as the Sunshine Law

HB 405 - Low - Requires equal pay for the same work regardless of gender and establishes a commission to study wage disparities

HB 406 - Low - Establishes the Paid Sick Days Act which requires employers to provide sick days with pay to employees

HB 407 - Low - Requires certain businesses to provide four weeks of paid family leave for its employees for the birth or adoption of a child

HB 550 - Guest - Creates a civil penalty and a cause of action for damages for coerced subcutaneous implantation of an identification device

HB 582 - Talbot - Prohibits discrimination based upon a person's sexual orientation

HB 618 - Brown - Lowers the minimum age requirement for obtaining a concealed carry endorsement from 23 years of age to 21 years of age

HB 701 - Talbot - Changes the laws regarding complaints filed with the Missouri Commission on Human Rights and prohibits discrimination based upon a person's sexual orientation

HB 782 - Frame - Establishes the Healthy Families, Healthy Communities Act which requires all employers to provide sick leave for employees

HB 907 - Fallert - Allows an employee who is injured on the job to select his or her own health care provider to cure and relieve the effects of the injury at the expense of the employer

HB 910 - Schupp - Creates the Missouri Healthy Heart Fund and assesses a surcharge on any business entity that is not smoke-free

HB 932 - Nolte - Allows additional compensation, up to 40 weeks, for an employee who is seriously and permanently disfigured near the head or neck that is a hindrance to employment

HB 940 - Flook - Establishes the Missouri False Claims Act

HB 970 - Bringer - Specifies that employers with 40 or fewer employees who are required to provide workers' compensation insurance must have their insurance rates prorated on a monthly basis based on the work performed

HB 983 - McNeil - Requires racial and gender equity in the membership of boards, commissions, committees, and councils

HB 1073 - Riddle - Lowers the minimum age requirement for obtaining a concealed carry endorsement from 23 years of age to 21 years of age

HB 1106 - Flook - Changes the employer income tax withholding percentage for two years

HB 1107 - Flook - Relating to the employer's income tax withholding percentage

HB 1154 - Kander - Establishes when the employment at-will doctrine does not apply

HB 1180 - Smith - Requires nominees to positions appointed by the governor to file a report on all campaign expenditures made in the twenty-four months before the nomination

HCR 21 - Talbot - Establishes Missouri's ratification of the Equal Rights Amendment to the United States Constitution

HCR 36 - Meadows - Supports the passage of the federal Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union

HCR 45 - Wallace - Opposes any federal infringement on citizens' right to keep and bear arms under the Second Amendment of the United States Constitution

HJR 36 - Emery - 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

HJR 37 - Cunningham - Proposes a constitutional amendment guaranteeing the right to vote by secret ballot for all public offices, initiatives and referendums, and any authorizations or designations regarding employee representation

If you would like the full text of a bill or a bill summary, they will be posted at the Missouri General Assembly website at <http://www.moga.mo.gov/> as they become available. If you have any questions or need additional information, please call me on 314-239-2777.