

HCS#2 SB 976 -- JUDICIAL PERSONNEL AND PROCEDURES

SPONSOR: Ridgeway (Stevenson)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 7 to 5.

This substitute changes the laws regarding corporations, judicial personnel and procedures, uniform child custody jurisdiction, trademark registration, and family support. In its main provisions, the substitute:

- (1) Prohibits any United States resident from being denied access to any public land owned, managed, or funded by the State of Missouri for the purpose of riding horses or mules (Section 8.890, RSMo);
- (2) Allows a corporation to change the month of its corporate registration report, authorizes the Secretary of State to receive filings via electronic format, and revises certain filing requirements for corporate registration reports (Sections 28.160, 347.179, 351.592 - 355.071, 355.176, 355.688, and 355.796 - 356.211);
- (3) Creates the Deputy Sheriff Salary Supplementation Fund and authorizes sheriffs to receive an additional \$10 for the service of any civil summons, writ, subpoena, or other court order (Sections 57.278, 57.280, 488.435, and 650.350);
- (4) Changes the laws regarding coroner or medical examiner procedures for death investigations (Sections 58.451 and 58.720);
- (5) Authorizes municipalities to annex certain contiguous parcels of land located in an unincorporated area of the county (Section 71.1000);
- (6) Expands the jurisdiction of juvenile courts to include individuals who are 17 years of age for the sole purpose of status offenses (Sections 167.031, 211.021 - 211.091, and Section 4);
- (7) Changes the period of time for which a criminal background check and fingerprint collection of a teacher is valid and transferrable between school districts (Section 168.133);
- (8) Changes the laws regarding forensic examinations of sexual offense victims (Sections 191.225, 595.045, and 595.107);
- (9) Revises the definition of "next of kin" to include an attorney designated in a durable power of attorney where the

deceased specifically granted the right of sepulcher over his or her body to the attorney-in fact (Section 194.119);

(10) Creates a rebuttable presumption that the person whose name appears in any transaction log required to be kept regarding the dispensation of controlled substances is the person whose transactions are recorded in the log (Section 195.017);

(11) Authorizes law enforcement agencies that maintain closed records of children to communicate information contained in those records to other law enforcement agencies as long as the information shared complies with federal rules (Section 211.321);

(12) Requires delivery by a law enforcement agency, prosecuting attorney's office, or circuit attorney's office of a certified copy of a warrant and a request for a detainer to the facility where an offender is confined before any prisoner can request a final disposition of any untried indictment or complaint (Section 217.450);

(13) Prohibits the Department of Agriculture from participating in any animal identification program required under the National Animal Identification System administered by the United States Department of Agriculture (Section 267.165);

(14) Adds police officers as defined under Chapter 590 to the Workers' Compensation occupational disease provisions regarding diseases of the lungs or respiratory tract (Section 287.067);

(15) Changes the laws regarding the minimum wage rate for emergency workers (Section 290.505);

(16) Authorizes the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration to establish and publish rules regarding certain mixed martial arts contests (Sections 317.006 - 317.015);

(17) Allows Missouri corporations to convert to an other entity by adoption of a resolution by its board of directors approving conversion and by approval of all shareholders supporting the adoption of the resolution (Section 351.408);

(18) Allows any other entity to convert to a corporation by approval of the conversion in accordance with its internal procedure and policy and by filing with the Secretary of State articles of incorporation and a certificate of conversion (Section 351.409);

(19) Restricts the holding period for corporate name

reservations to 180 days (Section 355.151);

(20) Changes the law regarding the Uniform Partnership Law (Section 359.681);

(21) Prohibits insurers from assigning fault to a party based solely on the fact that the person was operating a motorcycle in an otherwise legal manner (Section 379.130);

(22) Changes the laws regarding the registration of a trademark (Sections 417.011 - 417.049);

(23) Authorizes the Attorney General to bring an action for unlawful merchandising practices when a financial institution's name is deceptively used (Section 427.225);

(24) Exempts a tenant from liability for rent payments when his or her residence is destroyed by an act of God (Section 441.645);

(25) Authorizes a corporation or unincorporated association to be represented in court for certain actions for possession in landlord-tenant disputes (Sections 441.715, 524.045, 525.025, and 535.025);

(26) Prohibits transfer fee covenants on real estate (Section 442.558);

(27) Requires Social Security numbers to be redacted from open court records relating to child support actions, dissolution petitions, and custody orders (Sections 452.305 and 452.310);

(28) Authorizes a court to issue an order of temporary custody, visitation, or support prompted solely by a motion for modification (Section 452.380);

(29) Establishes the Uniform Premarital Agreement Act (Sections 452.615 - 452.670);

(30) Establishes the Uniform Child Custody Jurisdiction and Enforcement Act (Sections 452.700 - 452.930);

(31) Changes the laws regarding the Interstate Family Support Act (Sections 454.850 - 454.991);

(32) Changes the laws regarding the Uniform Trust Act (Sections 456.4-418, 456.6-505, 456.8-802, and 456.8-816);

(33) Authorizes the appointment of an extra circuit court marshal for certain circuit courts (Section 476.083);

(34) Reduces the number of circuit judges in the 22nd and 43rd judicial circuits and adds associate circuit judges in the 16th, 21st, 31st, 39th, and 40th judicial circuits based on the Missouri Judicial Weighted Workload Study conducted by the National Center for State Courts (Sections 478.387, 478.437, 478.463, 478.513, 478.750, 478.755, and 478.760);

(35) Increases the compensation for Jackson County drug court commissioners (Section 478.466);

(36) Authorizes municipal courts to assess court costs if a case is dismissed prior to a guilty plea and when the defendant consents (Section 479.260);

(37) Authorizes a circuit court fee of \$4 for the circuit clerk's record preservation fund (Sections 488.012 and 488.033);

(38) Authorizes a surcharge in civil cases for courthouse security purposes (Section 488.429);

(39) Changes the laws regarding the health care provider exemption for jury service (Section 494.430);

(40) Authorizes all costs and expenses related to the prosecution of a suit to be waived without motion when a party is represented by a legal aid clinic or an affiliated nonprofit legal assistance program (Section 514.040);

(41) Extends the time period for the service of a summons by the circuit court (Section 517.041);

(42) Repeals the review exemption on rules established by the Labor and Industrial Relations Commission by the Joint Committee on Administrative Rules (Sections 536.024 and 536.037);

(43) Changes the laws regarding protection against civil liability in baseless civil lawsuits regarding slander or libel (Section 537.528);

(44) Eliminates the Legal Services for Low-Income People Fund and transfers all moneys from the fund to the Basic Civil Legal Services Fund (Section 537.675);

(45) Expands the crime of tampering with a judicial officer to include juvenile and deputy juvenile officers (Section 565.084);

(46) Adds any violation of Chapters 566 or 568 to the list of offenses for which redaction of any identifying information of victims from court records is required (Section 566.226);

(47) Creates the crime of obstruction of justice in certain situations (Section 575.065);

(48) Requires any lease, sublease, rental agreement, or similar instrument entered into by a public governmental body to be open to the public (Section 610.010);

(49) Authorizes the Administrative Hearing Commission to recommend decisions based on comments from the parties, consent order, agreed settlement or by disposition of default judgment, judgment on the pleadings, or summary judgment (Sections 621.250 and 640.013);

(50) Changes the laws regarding enforcement of court-ordered child support (Sections 1, 2, and 3);

(51) Authorizes the Governor to convey state property in Jasper County (Section 5); and

(52) Requires a disclosure communication to be provided to patients and plan sponsors whenever a patient's medication is recommended to be switched to a medication other than that originally prescribed by a health care professional (Sections 6, 7, and 8).

The provisions regarding the circuit clerk's record preservation fund will expire six years from the effective date.

The substitute contains an emergency clause for the provisions regarding certain mixed martial arts contests.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of Unknown over \$940,982 to a cost of Unknown over \$2,949,139 in FY 2009, an income of Unknown over \$999,642 to a cost of Unknown over \$3,478,563 in FY 2010, and an income of Unknown over \$1,271,167 to a cost of Unknown over \$3,523,743 in FY 2011. Estimated Effect on Other State Funds of an income of \$193,174 to a cost of Unknown in FY 2009, an income of \$32,201 to a cost of Unknown in FY 2010, and a cost of Unknown in FY 2011.

PROPOSERS: Supporters say that the bill increases the efficiency of the Administrative Hearing Commission in handling cases and allows for an easier disposition of cases when there is no issue of fact. Currently, the commission cannot rule by a summary judgment in these cases and must proceed with a hearing which wastes the commission's resources and time.

Testifying for the bill were Representative Stevenson for Senator Ridgeway; and Robert Brundage.

OPPONENTS: There was no opposition voiced to the committee.