
Unfunded Federal Mandate Annual Report

Prepared by the Oversight Division

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January, 1997

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COMMITTEE ON LEGISLATIVE RESEARCH

OVERSIGHT SUBCOMMITTEE

THE COMMITTEE ON LEGISLATIVE RESEARCH, Oversight Division, is the audit agency of the Missouri General Assembly as established in Chapter 23 of the Revised Statutes of Missouri. The programs and activities of the State of Missouri cost approximately \$13 billion annually. Each year the General Assembly enacts laws which add to, delete or change these programs. To meet the demands for more responsive and cost effective state government, legislators need to receive information regarding the status of the programs which they have created and the expenditure of funds which they have authorized. The audit work of the Oversight Division provides the General Assembly with a means to evaluate state agencies and state programs.

THE OVERSIGHT DIVISION conducts its audits in accordance with government auditing standards set forth by the U.S. General Accounting Office. These standards pertain to auditors' professional qualifications, the quality of audit effort and the characteristics of professional and useful audit reports.

THE COMMITTEE ON LEGISLATIVE RESEARCH is a permanent joint committee of the Missouri General Assembly comprised of the chairman of the Senate Appropriations Committee and nine other members of the Senate and the chairman of the House Budget Committee and nine other members of the House of Representatives. The Senate members are appointed by the President Pro Tem of the Senate and the House members are appointed by the Speaker of the House of Representatives. No more than six members from the House and six members from the Senate may be of the same political party.

AUDITS ARE ASSIGNED to the Oversight Division pursuant to a duly adopted concurrent resolution of the General Assembly or pursuant to a resolution adopted by the Committee on Legislative Research. Legislators or committees may make their requests for program or management audits through the Chairman of the Committee on Legislative Research or any other member of the Committee.

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COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

January, 1997

The Oversight Division is pleased to present the third annual report on unfunded federal mandates as required by 33.831, RSMo. This report is a compilation of information regarding the estimated cost to state and local governments of implementing federal laws or regulations in the absence of federal funding during state fiscal year 1996. The information has not been audited by us, and accordingly we do not express an opinion on it.

The report contains a listing of federal mandates with brief descriptions, cost estimates by mandate and by state agency or local government entity and a trend analysis. Total state costs reported for fiscal year 1996 were \$279,565,916. It should be noted that not all local governments contacted responded and therefore Oversight has not made any projections regarding total cost to local governments. A section describing the Legislature's actions in response to federal mandates during 1996 is included for informational purposes.

We hope this report will be helpful to Missouri's members of Congress, the members of the General Assembly, the state's elected officials and local elected officials. We encourage you to contact our office if you have any questions regarding its content.

A handwritten signature in black ink, appearing to read "Jeanne Jarrett".

Jeanne Jarrett, CPA, CGFM
Director

EXECUTIVE SUMMARY

The Director of the Oversight Division of the Committee on Legislative Research was designated the Federal Mandate Auditor in legislation passed during the 87th General Assembly Second Regular Session. This legislation requires the Federal Mandate Auditor to prepare an annual report of the costs of unfunded federal mandates in the State of Missouri at both the state and local levels.

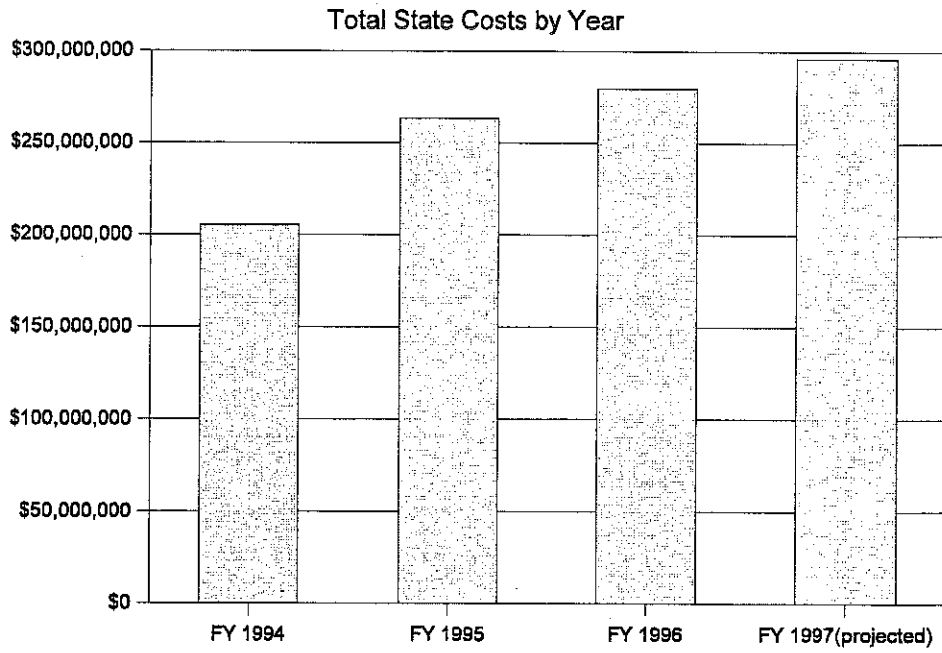
Oversight Division staff surveyed all state departments as well as all counties and select cities in the state. Surveys requested historical and projected cost estimates for a four-year period in order that a trend analysis could be presented as required by the legislation. Responses were received from all state departments, but a considerable number of local governments did not respond. The local cost figures included in the report are based only on the responses received, as the Division determined that any type of statewide projection of the responding local governments would not be practical due to the varying responses received relating to the same mandates. Consequently, it should be emphasized that the cost figures are considered to be estimates based on the best information available at the present time.

All known unfunded federal mandates having fiscal impact on state and local governments in Missouri are briefly described and cost estimates are provided.

The detailed cost figures included in the report reveal the following total cost estimates for the state for all unfunded federal mandates:

FY 1994	FY 1995	FY 1996	FY 1997 (projected)
\$205,412,000	\$263,369,000	\$279,565,916	\$296,075,431

UNFUNDED FEDERAL MANDATES



In response to certain federal legislation the Missouri General Assembly also enacted certain state legislation during the 88th General Assembly Second Regular Session (1996). A summary of such state legislation is provided in the annual report as well.

Introduction

During the 87th General Assembly Second Regular Session the Federal Mandate Auditor Act was passed, assigning the position of Federal Mandate Auditor to the Director of the Oversight Division of the Committee on Legislative Research. The act requires the federal mandate auditor to make an inventory of all unfunded federal mandates on the state and local governments in the state, as well as to make a calculation of the cost of such federal mandates to the various levels of government. Specifically, the act requires a summary of the cost of unfunded federal mandates to the state with detail by program and agency, a summary of the cost of unfunded federal mandates on local governments with as much detail provided as is available, and a historical analysis presenting trends in unfunded federal mandates for state and local governments.

Methodology

Subsequent to the passage of the Federal Mandate Auditor Act, the Oversight Division began the process of compiling the necessary information for preparation of the annual report. The Division surveyed all state departments, all 114 counties in Missouri, and cities with populations greater than 5,000. In requesting the required information from the various governments affected, the Division provided the governments a listing of those mandates it determined were likely to have financially affected the various levels of government. For example, the Division determined that ten different mandates were the most likely to have major effects on local governments, and requested the local governments surveyed to respond in regards to those specific mandates only. State departments were also asked to include all mandates which agency personnel identified as having financial impact on the agency. The Division obtained the federal mandates provided to the governments from the Mandate Watch List published by the National Conference of State Legislatures.

The accompanying information is based only on responses received, and includes all state departments surveyed, 37 counties and 25 cities. The Division determined that the information provided by the county and city respondents could not reasonably be projected to all counties and cities in the state, and therefore used only the actual amounts provided by the respondents to determine local government cost.

The federal mandate costs include the costs of voluntary participation in certain programs in which the federal government does not require participation. However, once the state participates, certain federal requirements must be met. Also included in this report are costs for programs in which the federal government requires participation.

Acknowledgments

The Oversight Division wishes to express its appreciation to the following state agencies, counties and cities for their time and assistance in the preparation of this report:

State agencies:

Office of Administration
Coordinating Board for Higher Education
Department of Agriculture
Department of Conservation
Department of Corrections
Department of Economic Development
Department of Elementary and Secondary Education
Department of Health
Department of Highways and Transportation
Department of Insurance
Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
Missouri Adjutant General
Missouri Consolidated Health Care Plan
Missouri Environmental Improvement and Energy Resources Authority
Missouri Ethics Commission
Missouri Local Government Employees Retirement System
Missouri Lottery Commission
Missouri Motor Vehicle Commission
Missouri State Courts Administrator
Missouri State Employees Retirement System
Missouri State Public Defender system
Missouri State Tax Commission
Missouri Veterans Commission
Secretary of State

Counties:

Audrain, Barry, Bates, Benton, Boone, Buchanan, Callaway, Carter, Chariton, Dallas, Daviess, DeKalb, Dent, Douglas, Franklin, Greene, Harrison, Howard, Knox, Linn, Livingston, Maries, McDonald, Monroe, Newton, Nodaway, Oregon, Pettis, Platte, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, Shelby, Webster

Cities:

Arnold, Black Jack, Bolivar, Bridgeton, Cape Girardeau, Chillicothe, Columbia, Dexter, Ellisville, Ferguson, Grandview, Hannibal, Independence, Kansas City, Lake St. Louis, Lee's Summit, Macon, Overland, St. Charles, St. Joseph, Sedalia, Shrewsbury, Sikeston, University City, West Plains

The Division would also like to express its gratitude to the Missouri Association of Counties and the Missouri Municipal League for their valuable assistance.

The primary source for descriptions for the federal mandates was the Mandate Catalog published by the National Conference of State Legislatures.

Description of Federal Mandates and Detailed Costs by Mandate

A. HUMAN SERVICES

Family & Medical Leave Act: This act requires employers having over 50 employees to provide up to 12 weeks of unpaid, job-protected leave per year (with health insurance) for the birth or adoption of a child or the serious illness of the employee or immediate family member.

Americans With Disabilities Act: This act specifies that no qualified individuals with disabilities may be discriminated against by a public entity (state and local governments). It sets standards for handicapped accessibility, program access, and employment of the disabled.

Omnibus Budget Reconciliation Acts (OBRA) of 1987 through 1990: These acts establish the Federal Nursing Home Reform Act which increases required nursing facility services, and increases state requirements for Medicaid coverage for eligible recipients, including reimbursements to obstetric and pediatric care providers for recipients, coverage of early

screening, diagnostic and treatment services, and expansion of coverage to specific groups of children and Qualified Medicare Beneficiaries (QMB's).

Consolidated Omnibus Budget Reconciliation Act (COBRA): This act allows insured to continue certain health insurance coverage even after the insured leaves the job which provided the coverage.

Food Stamp Act of 1977: This act prohibits states from participating in food stamp programs if state or local sales taxes are collected on food purchased with food stamps.

Medicaid Catastrophic Coverage Act: This act requires states to reimburse Medicare cost-sharing expenses for many elderly poor not already covered by Medicaid and provides greater protection of income and assets of spouses of Medicaid recipients in nursing homes.

Family Support Act of 1988: This act requires a mandatory extension of Medicaid services for 12 months to families in the Aid to Families with Dependent Children program (AFDC) that become ineligible for Medicaid due to an increase in employment income, and requires Medicaid coverage to be continued for two-parent families when one parent is unemployed. It also includes a provision that requires employers of individuals who are ordered to pay child support to withhold the amount automatically from their paychecks.

National School Lunch Act: This act limits school lunch program assistance to states in which the amount of state revenues appropriated or used specifically for the program is at least equal to 30% of the federal funds available to the state in the 1980-81 school year.

Child Support Enforcement Act (Title IV-D): This act requires states to submit a plan for spousal and child support enforcement in order to qualify for federal assistance.

Nursing Home Reform Act: See (OBRA) Omnibus Budget Reconciliation Act.

Consolidated Plan - Homeless Study: This is a HUD requirement for communities that receive certain funds.

U.S. Housing Act (1937) Section 8: Family self sufficiency program.

National Manufactured Housing Construction Safety Standards: The mission of the Manufactured Housing department, within the Public Service Commission, is to ensure that the statutory responsibilities of the

Commission as contained in chapter 700 RSMo and the terms of the Commission's cooperative agreement with the Federal Department of Housing and Urban Development (HUD) are responsibly and efficiently met.

This mission is accomplished by Department staff performing sufficient inspections of manufacturing and dealer premises and manufactured homes, recreational vehicles and modular units to insure that the provisions of the code are being complied with. In addition, Department staff will insure that all consumer complaints received on manufactured homes sited in Missouri are handled according to the federal Manufactured Home Procedural and Enforcement Regulations.

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Family & Medical Leave Act*	134,000	98,000	21,334	25,512	278,846
Americans With Disabilities Act*	22,139,000	26,920,000	11,847,799	13,227,971	74,134,770
OBRA of 1987 through 1990	86,996,000	116,635,000	129,044,309	135,304,552	467,979,861
COBRA	566,000	111,000	0	0	677,000
Food Stamp Act of 1977	14,000,000	16,000,000	16,500,000	17,000,000	63,500,000
Medicaid Catastrophic Coverage	18,782,000	20,956,000	23,028,889	25,577,717	88,344,606
Family Support Act	15,975,000	27,383,000	33,298,788	35,011,296	111,668,084
National School Lunch Act	4,385,000	4,101,000	3,728,291	3,728,291	15,942,582
Child Support Enforcement Act*	8,408,000	10,731,000	12,191,229	17,051,411	48,381,640

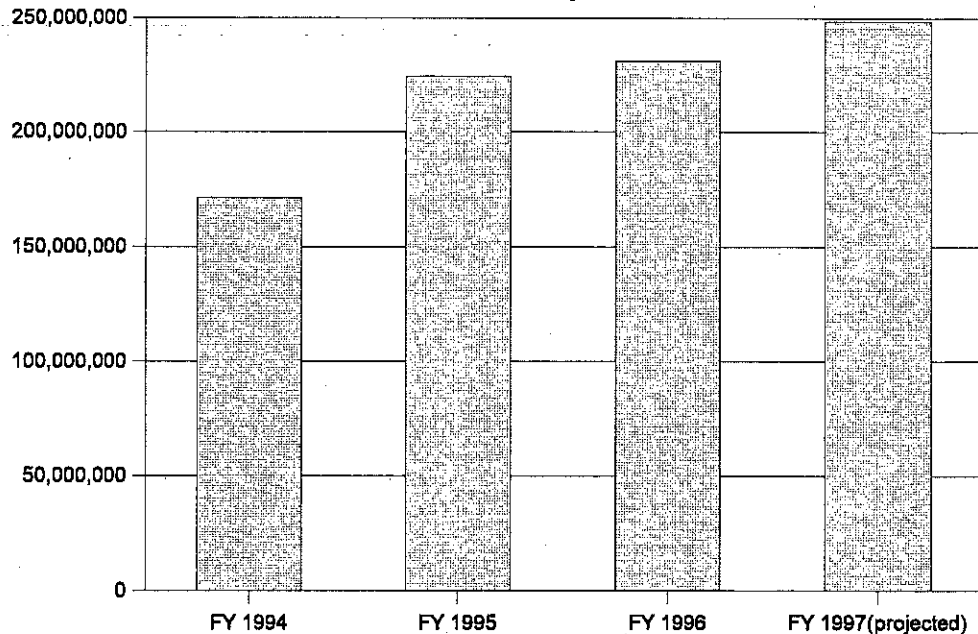
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Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Nursing Home Reform Act	0	1,266,000	1,314,319	1,382,686	3,963,005
Consolidated Plan - Homeless Study	0	0	0	31,700	31,700
US Housing Act 1937 Section 8	0	0	50,172	53,181	103,353
Natl. Manufactured Housing Safety/ Standards	0	0	57,206	83,568	140,774
Totals	171,385,000	224,201,000	231,082,336	248,477,885	875,146,221

* Participation by the state is required by the federal mandate.

HUMAN SERVICES MANDATES

Total State Costs by Year



B. ENVIRONMENT

Federal Insecticide, Fungicide and Rodenticide Act: This act requires states to operate programs for training and certification of pesticide applicators.

Endangered Species Act: This act provides for cooperative agreements with states in administering state conservation programs for endangered and threatened species.

Clean Air Act: This act allows states to receive grants for air pollution control programs and requires states to assure compliance with air quality standards and to submit an implementation plan.

National Environmental Policy Act: This act authorizes states to prepare required statements for major federal actions funded under state grant programs when certain criteria are met.

Resource Conservation & Recovery Act: This act requires states to compile, publish, and submit an inventory of each hazardous waste site within the state.

Comprehensive Environmental Response, Compensation & Liability Act/CERCLA (Superfund Act of 1980): This act requires state inventories of underground storage tanks for petroleum and other regulated substances and establishes a program for responding to releases from such tanks. States are required to take a leading role in emergency planning and community right-to-know activities.

Migratory Bird Harvest Information Program: This program requires states to survey migratory bird hunters and make names and addresses available to the U.S. Fish and Wildlife Service.

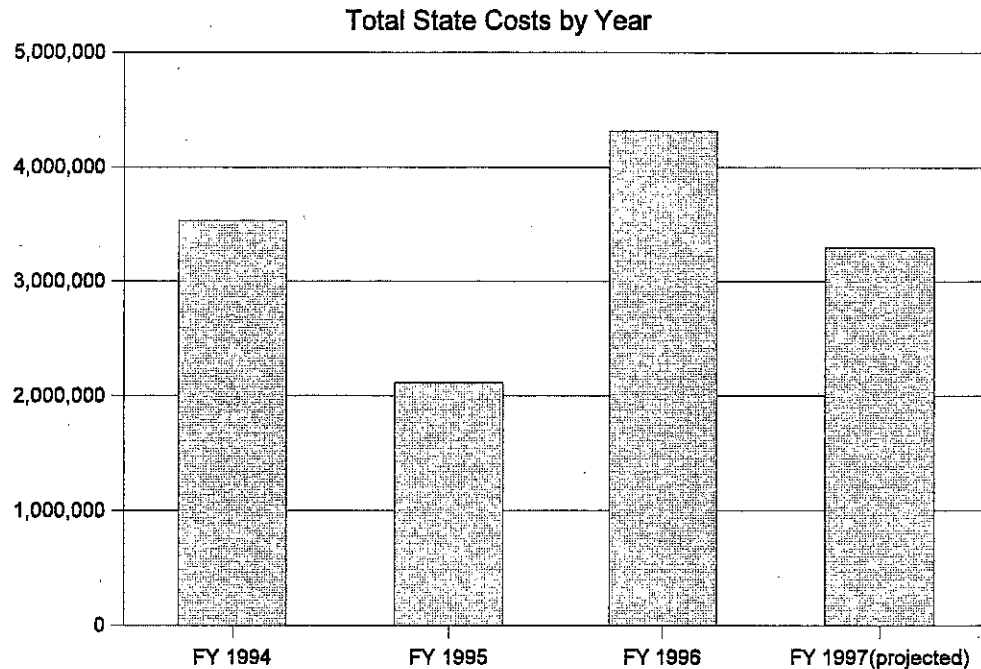
Cultural Heritage Review: This program (historic preservation) requires archaeological surveys of certain sites before the sites may be used for purposes which would disturb the sites.

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Federal Insecticide, Fungicide and Rodenticide Act	251,000	281,000	289,922	315,891	1,137,813
Endangered Species Act*	142,000	125,000	130,998	137,548	535,546
Clean Air Act*	667,000	250,000	1,850,409	703,042	3,470,451
National Environmental Policy Act*	521,000	732,000	768,716	807,151	2,828,867
Resource Conservation & Recovery Act*	402,000	571,000	1,254,690	1,262,887	3,490,577
CERCLA (Superfund Act)*	1,429,000	0	10,000	25,000	1,464,000
Migratory Bird Harvest Information Program*	75,000	75,000	0	0	150,000

Cultural Heritage Review*	46,000	81,000	13,000	50,000	190,000
Totals	3,533,000	2,115,000	4,317,735	3,301,519	13,267,254

*Participation by the state is required by the federal mandate.

ENVIRONMENT MANDATES



C. JUSTICE

Religious Freedom Restoration Act: This act protects the free exercise of religion.

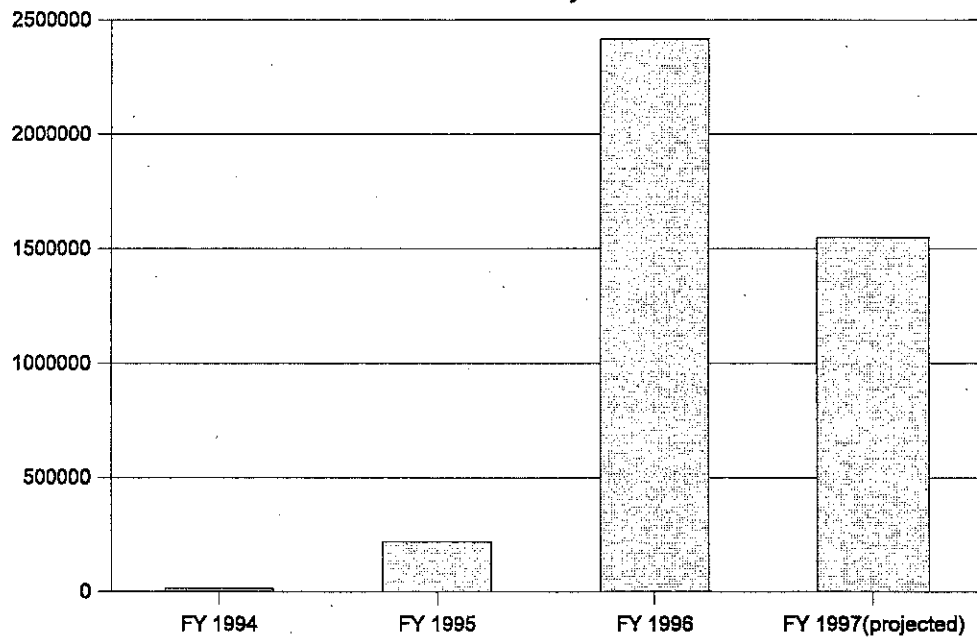
National Voter Registration Act: This act requires states to establish procedures for registering to vote in elections for federal office by application made simultaneously with applications for motor vehicle driver's license, by mail application, and through agency-based registration and agencies providing services to the disabled. States with no registration requirement to vote in federal elections or that permit registration at a polling place at the time of voting are exempted.

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Religious Freedom Restoration Act*	5,000	7,000	0	0	12,000
National Voter Registration Act*	11,000	212,000	2,416,998	1,549,574	4,189,572
Totals	16,000	219,000	2,416,998	1,549,574	4,201,572

* Participation by the state is required by the federal mandate.

JUSTICE MANDATES

Total State Costs by Year



D. TRANSPORTATION

Control of Outdoor Advertising and Junkyards: This act requires states to control outdoor advertising and junkyards along federal highway systems.

Omnibus Transportation Employees Testing Act: This act requires drug-testing of transportation employees effective January, 1995.

Clean Water Act: This act sets forth water quality standards which states are required to adhere to as well as requiring states to develop programs for sludge management and storm water pollution control. It also establishes guidelines for the dredging or filling of wetlands prior to development or construction.

Commercial Motor Vehicle Driver's License: This act sets forth requirements for states relative to the testing and licensing of commercial motor vehicle operators.

Aircraft (Public Use Law 103-411): This act requires issuing of airworthiness certificates for various aircraft.

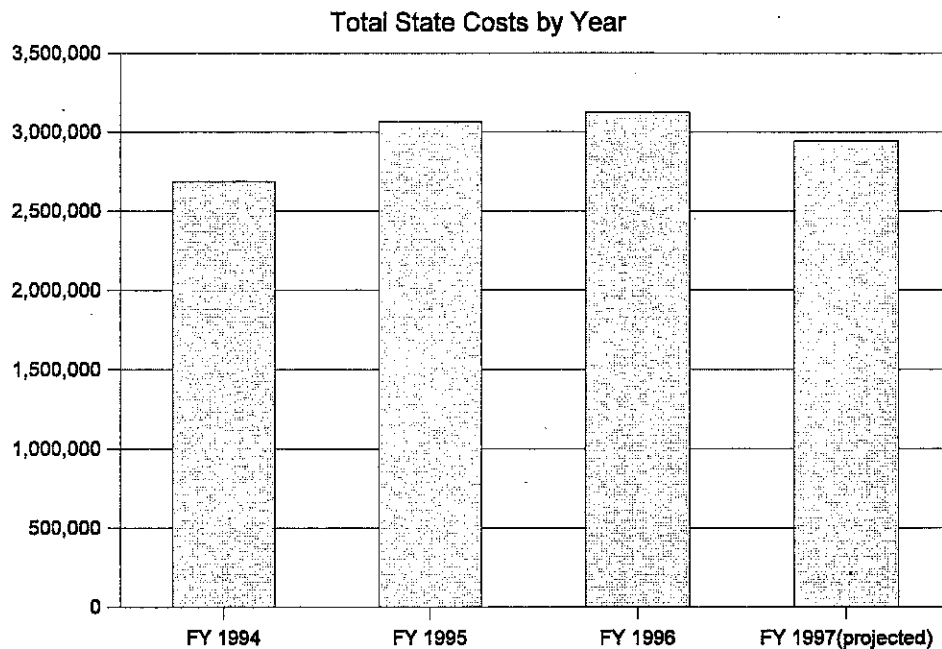
National Bridge Inspection Standards; Code of Federal Regulations, Section 650.301: This regulation sets forth that the National Bridge Inspection Standards apply to all structures defined as bridges located on all public roads. All Highway Departments are required to have a bridge inspection organization capable of performing inspections. Bridges are to be inspected at regular intervals not to exceed 2 years.

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Control of Outdoor Advertising & Junkyards*	490,000	490,000	470,364	489,180	1,939,544
Omnibus Transportation Employees Testing Act*	0	235,000	222,382	233,186	690,568
Clean Water Act*	278,000	408,000	144,700	0	830,700

Commercial Motor Vehicle Driver's License*	1,919,000	1,917,000	1,485,711	1,420,000	6,741,711
Airworthiness*	0	14,000	5,182	8,000	27,182
National Bridge Inspection Standards	0	0	794,000	794,000	1,588,000
Totals	2,687,000	3,064,000	3,122,339	2,944,366	11,817,705

*Participation by the state is required by the federal mandate.

TRANSPORTATION MANDATES



E. EDUCATION

Carl D. Perkins Vocational Education & Applied Technology Act: This act requires states to make certain grants to secondary and post-secondary schools, to develop and implement standards and performance measures for vocational education, to conduct programs for professional development for teachers, provide vocational programs for single parents, eliminate sex bias in vocational education, and to offer vocational education programs to juvenile and adult offenders in correctional institutions.

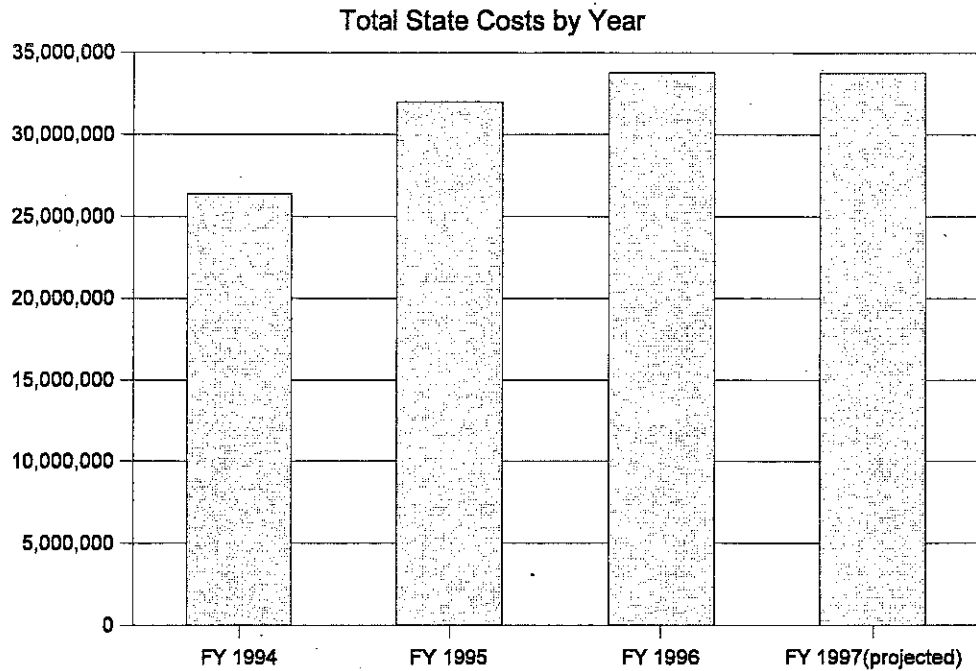
Rehabilitation Act/Vocational Rehabilitation: Sections applicable to Missouri are Basic Support, which provides for states to operate comprehensive vocational rehabilitation services for persons with disabilities, and Independent Living, which provides for states to promote a philosophy of independent living by disabled individuals. Both programs provide financial assistance to states with a required specified state match.

Omnibus Budget Reconciliation Act (OBRA) of 1993: This act requires states in which there are institutions with default rates over 20% to assume partial responsibility for the costs of the student loan defaults. (Costs, if any, are not anticipated until FY 1997)

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Carl D. Perkins Vocational Education & Applied Technology Act	16,103,000	21,171,000	22,748,484	22,500,000	82,522,484
Rehabilitation Act/ Vocational Rehabilitation	10,293,000	10,812,000	11,041,320	11,284,229	43,430,549
OBRA of 1993*	0	0	0	0	0
Totals	26,396,000	31,983,000	33,789,804	33,784,229	125,953,033

* Participation by the state is required by the federal mandate.

EDUCATION MANDATES

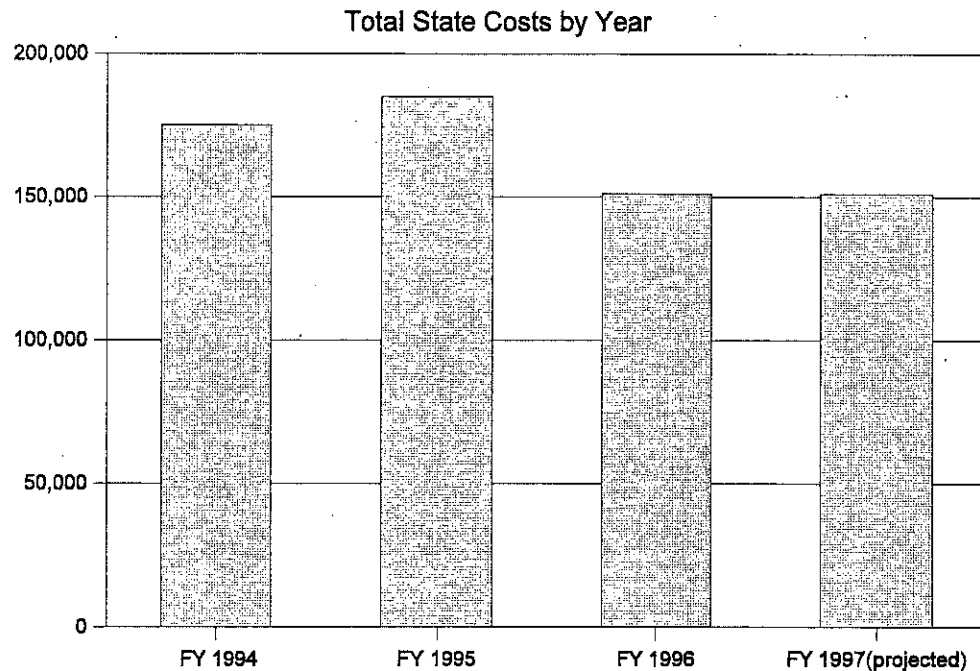


F. HEALTH

Child Nutrition Act: This act makes states eligible to receive federal funds to assist in the operation of child nutrition programs if the state annually expends an amount at least equal to the amount spent for program administration in 1977.

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Total
Child Nutrition Act	175,000	185,000	151,024	151,024	662,048

HEALTH MANDATES



G. REVENUE & TAX

Cash Management and Improvement Act: This act authorizes a payment option through which the federal government and states will exchange funds and pay interest when holding the other's funds.

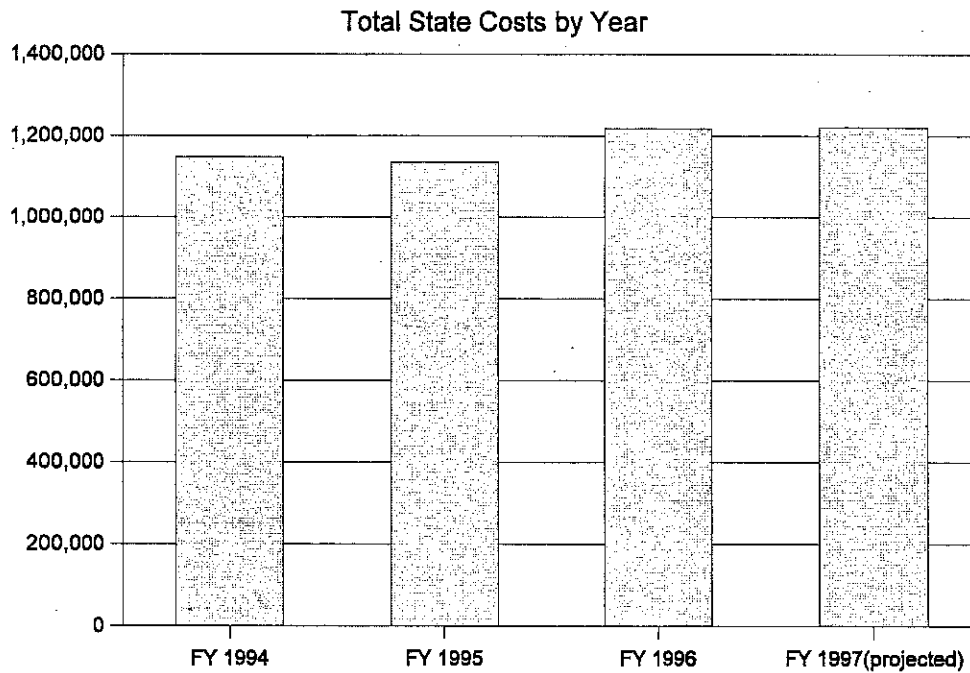
Tax Equity & Fiscal Responsibility Act: This act requires state and local governments making income tax refunds to report certain information to the Internal Revenue Service.

Motor Vehicle Information & Cost Savings Act: This act prohibits states from licensing any motor vehicle for use following a transfer of ownership unless title issued to the transferee is made by a secure process and provides space for the disclosure of the vehicle's mileage.

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Cash Management & Improvement Act*	1,000,000	1,000,000	1,096,577	1,096,577	4,193,154
Tax Equity & Fiscal Responsibility Act*	138,000	119,000	121,200	124,200	502,400
Motor Vehicle Information & Cost Savings Act	10,000	16,000	0	0	26,000
Totals	1,148,000	1,135,000	1,217,777	1,220,777	4,721,554

* Participation by the state is required by the federal mandate.

REVENUE & TAX MANDATES



H. LABOR

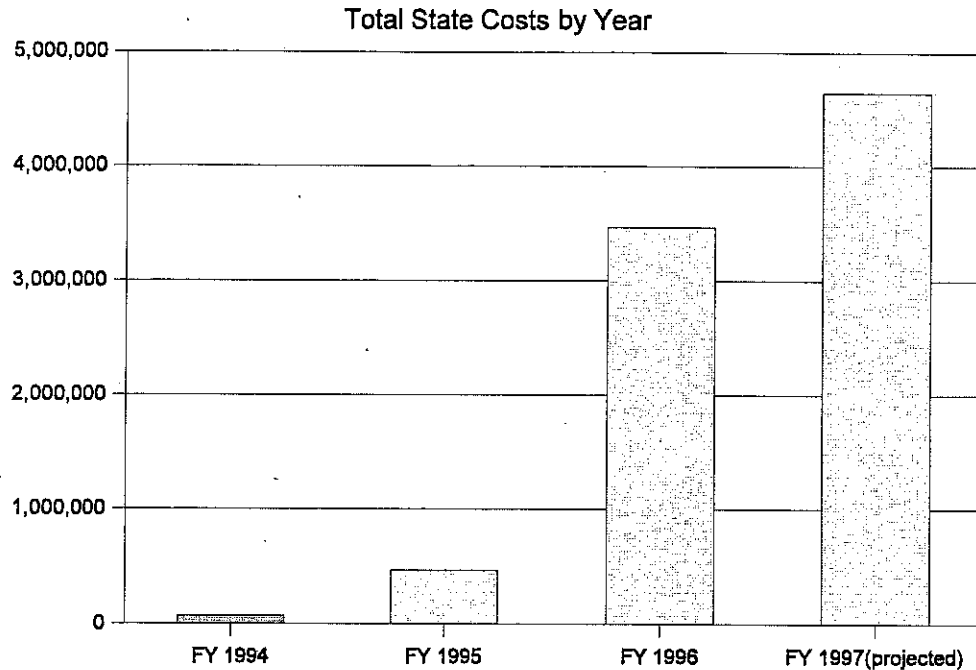
Fair Labor Standards Act: This act requires states as employers to comply with provisions relating to minimum wage, maximum hours, child labor, etc.

Social Security Act - Unemployment Insurance Shortfall: The unemployment insurance program is funded based on workload, which fluctuates with economic conditions. Congress appropriates funds for the operations of all state UI programs. When the appropriation is less than the amount of funds necessary to do the work, the states are advised of a "shortfall". This means that the states are required to do the base level of work but will be paid a reduced amount because of the shortfall. In the event that the state has work above the base workload, it can earn additional funds at a reduced funding level, but the work which would be done within the funding shortfall will not be compensated.

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Fair Labor Standards Act*	72,000	467,000	75,634	79,415	694,049
Social Security Act - Unemployment Shortfall	0	0	3,392,269	4,566,642	7,958,911
Totals	72,000	467,000	3,467,903	4,646,057	8,652,960

* Participation by the state is required by the federal mandate.

LABOR MANDATES



Detailed Current Cost (Fy 1996) Information by State Agency

Office of Administration:

Family Support Act (1988)	\$0
Cash Management & Improvement Act	<u>\$1,000,000</u>
	<u>\$1,000,000</u>

Department of Agriculture:

Federal Insecticide, Fungicide & Rodenticide Act	\$289,922
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Department of Conservation:

Americans with Disabilities Act	\$635,085
Cultural Heritage Review	\$13,000
Family Medical Leave	\$898

Omnibus Transportation & Employee Testing Act	\$11,790
	<u>\$660,773</u>

Department of Corrections:

Clean Water Act	\$144,700
Family & Medical Leave Act	\$10,932
Federal Resource Conservation & Recovery Act	\$636,218
Clean Air Act	<u>\$1,537,409</u>
	<u>\$2,329,259</u>

Department of Economic Development:
Missouri Housing Development Commission

HUD Consolidated Plan Requirement	\$0
U.S. Housing Act - Section 8	\$50,172
Manufactured Housing Standards	<u>\$57,206</u>
	<u>\$107,378</u>

Department of Elementary & Secondary Education:

National School Lunch Act	\$3,728,291
Adult Education (Family Support Act)	\$4,990,234
Carl D. Perkins Vocational Education & Applied Technology Act	\$22,748,484
Vocational Rehabilitation Act	\$11,041,320
Child Nutrition Act	<u>\$151,024</u>
	<u>\$42,659,353</u>

Department of Highways & Transportation:

Family & Medical Leave Act	\$3,096
Americans With Disabilities Act	\$10,030,704
Endangered Species Act	\$130,998
Clean Air Act	\$313,000
National Environmental Policy Act	\$768,716

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Resource Conservation & Recovery Act	\$281,253
Comprehensive Environmental Response, Compensation & Liability Act	\$10,000
Control of Outdoor Advertising & Junkyards	\$470,364
Clean Water Act	\$0
Transportation Employee Testing Act	\$209,349
Commercial Motor Vehicle Driver's License	\$20,000
Fair Labor Standards Act	\$75,634
Cash Mgmt. & Improvement Act	\$96,577
National Bridge Inspection Standards Code of Federal Regulations	<u>\$794,000</u>
	<u>\$13,203,691</u>

Department of Mental Health:

Nursing Home Reform Act	\$204,215
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Department of Natural Resources:

Americans With Disabilities Act	\$629,476
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Resource Conservation & Recovery Act	<u>\$337,219</u>
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\$966,695

Department of Public Safety:

Missouri State Highway Patrol:

Airworthiness Certificates	\$5,182
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Americans With Disabilities Act	\$0
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Commercial Motor Vehicle Driver's License	\$1,359,819
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Family & Medical Leave Act	\$6,408
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Commercial Drivers - Drug, Alcohol Testing	\$493
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Validation of Radio Selection	<u>\$750</u>
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\$1,372,652

Department of Revenue:

National Voter Registration Act	\$126,557
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Tax Equity & Fiscal Responsibility Act	\$121,200
Motor Vehicle Information & Cost Savings Act	\$0
Food Stamp Act	\$16,500,000
Problem Driver Point System (CDL)	<u>\$105,891</u>
	<u>\$16,853,648</u>

Department of Social Services:

Americans With Disabilities Act	\$552,534
Omnibus Budget Reconciliation Acts	\$129,044,309
Medicaid Catastrophic Coverage	\$23,028,889
Family Support Act	\$28,308,554
Nursing Home Reform Act	\$1,110,104
Child Support Enforcement/Title IV-D	<u>\$12,191,229</u>
	<u>\$194,235,619</u>

Missouri Consolidated Health Care Plan:

Americans With Disabilities Act	\$0
Consolidated Omnibus Budget Reconciliation Act	<u>\$0</u>
	<u>\$0</u>

Secretary of State:

National Voter Registration Act	\$2,290,442
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Department of Labor & Industrial Relations:

Social Security Act - Unemployment Shortfall	\$3,392,269
	<u>\$279,565,916</u>

Description of Federal Mandates and Detailed Historical Local Government Cost Information

Americans With Disabilities Act: This act specifies that no qualified individuals with disabilities may be discriminated against by a public entity (state and local governments). It sets standards for handicapped accessibility, program access, and employment of the disabled.

Clean Air Act: This act allows states to receive grants for air pollution control programs and requires states to assure compliance with air quality standards and to submit an implementation plan.

Safe Drinking Water Act: This act requires states to provide emergency water supplies, map critical aquifer areas, establish wellhead protection areas, survey Class V wells, test contaminants of public water systems, and enforce the use of non lead materials. It also prohibits the use of lead in pipes used to install or repair plumbing in public water systems.

Resource Conservation & Recovery Act: This act requires states to compile, publish, and submit an inventory of each hazardous waste site within the state.

Comprehensive Environmental Response, Compensation & Liability Act/CERCLA (Superfund Act of 1980): This act requires state inventories of underground storage tanks for petroleum and other regulated substances and establishes a program for responding to releases from such tanks. States are required to take a leading role in emergency planning and community right-to-know activities.

Clean Water Act: This act sets forth water quality standards which states are required to adhere to as well as requiring states to develop programs for sludge management and storm water pollution control. It also establishes guidelines for the dredging or filling of wetlands prior to development or construction.

Fair Labor Standards Act: This act requires states as employers to comply with provisions relating to minimum wage, maximum hours, child labor, etc.

Davis-Bacon Act: This act requires that advertised specifications for every contract of more than \$2,000 contain a wage determination issued by the Secretary of Labor to be based on the wages and fringe benefits prevailing in the area on similar projects.

Federal Unemployment Tax Act: This act sets unemployment tax and basic policies to be followed in order to obtain federal approval of certification for tax credit against the federal unemployment tax.

National Voter Registration Act: Requires that each state establish procedures to register to vote in elections for federal office by application made simultaneously with application for a motor vehicle driver's license, by mail application through agency based registration and agencies providing services to the disabled.

CITIES

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Americans With Disabilities Act*	3,605,673	4,822,289	5,564,146	7,061,524	21,053,632
Clean Air Act*	4,835,821	2,983,687	1,716,731	1,811,736	11,347,975
Safe Drinking Water Act*	15,393,855	2,818,810	3,311,907	1,898,307	23,422,879
Resource Conservation And Recovery Act*	7,620,910	8,042,979	13,505,502	12,040,903	41,210,294
Clean Water Act*	7,862,071	14,283,131	26,559,759	36,555,207	85,260,168
Fair Labor Standards Act*	2,455,687	2,436,807	2,827,379	2,969,066	10,688,939
Davis-Bacon Act*	1,126,413	2,690,781	3,899,737	3,421,270	11,138,201
National Voter Registration Act*	0	221	441	0	662
Federal Unemployment Tax Act*	147,470	161,708	171,634	183,994	664,806
Totals**	43,047,900	38,240,413	57,557,236	65,942,007	204,787,556

* Participation is required by the federal mandate.

** Totals represent only those cities which responded to Oversight's request for information - see page 5 for listing.

COUNTIES

Mandate	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Americans With Disabilities Act*	39,075,805	581,846	1,598,167	909,520	42,165,338
Clean Air Act*	6,500	6,500	8,000	8,000	29,000
Safe Drinking Water Act*	0	0	5,000	5,000	10,000
Resource Conservation And Recovery Act*	61,539	58,718	88,628	76,663	285,548
CERCLA (Superfund Act)*	58,436	24,326	20,000	0	102,762
Clean Water Act*	234,205	291,743	336,057	712,392	1,574,397
Fair Labor Standards Act*	446,900	492,268	545,800	598,600	2,083,568
Davis-Bacon Act*	1,060,100	1,159,925	1,263,550	2,613,950	6,097,525
National Voter Registration Act*	24,668	97,949	177,845	138,970	439,432
Federal Unemployment Tax Act*	8,575	12,695	8,100	8,100	37,470
Totals**	40,976,728	2,725,970	4,051,147	5,071,195	52,825,040

* Participation is required by the federal mandate.

** Totals represent only those counties which responded to Oversight's request for information - see page 5 for listing.

AMERICANS WITH DISABILITIES ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Black Jack		16,000	82,400	91,400	189,800
Bolivar	74,000	5,500	6,500	16,500	102,500
Cape Girardeau		3,000	3,316		6,316
Chillicothe	11,500	7,850	5,000	2,750	27,100
Columbia	80,296	49,576	29,544	218,747	378,163
Dexter	2,100	2,100	1,200	5,500	10,900
Ellisville			36,566		36,566
Ferguson	56,100	256,100	107,200	29,500	448,900
Grandview	8,000	8,000	8,000	8,000	32,000
Hannibal	100	51,685	51,000	32,000	134,785
Independence	6,000	6,000	7,700	12,000	31,700
Kansas City	2,910,000	3,998,500	4,422,600	6,252,620	17,583,720
Lake St. Louis	108,000	3,100	4,400	31,100	146,600
Lee's Summit			99,000	98,780	197,780
Macon	20,000	55,000	55,000	40,000	170,000
Overland	92,658	27,847	3,200		123,705
St. Charles	5,157	2,800	40,040	47,727	95,724
St. Joseph	151,977	177,172	478,951	49,000	857,100
Sedalia	10,000	9,000	15,000	25,000	59,000
Shrewsbury	17,165	32,266		15,000	64,431
University City	52,620	110,793	104,529	78,400	346,342
West Plains			3,000	7,500	10,500
Totals	3,605,673	4,822,289	5,564,146	7,061,524	21,053,632

AMERICANS WITH DISABILITIES ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Audrain	3,000				3,000
Barry		161,338			161,338
Bates				135,000	135,000
Benton			180,000	10,000	190,000
Buchanan	4,000	53,200	72,600	17,700	147,500
Callaway			412,500	412,500	825,000
Carter	7,000	8,000		20,000	35,000
Chariton		3,196		50,000	53,196
Daviess	180	558	6,444	500	7,682
Dent		10,000	3,000	4,000	17,000
Douglas	159,987	29,175			189,162
Franklin	500	500	40,500	500	42,000
Greene	17,000	34,000	50,000	50,000	151,000
Harrison		950		10,000	10,950
Howard			45,000	45,000	90,000
Knox			374		374
Linn	28,143	3,000	500	25,000	56,643
Livingston	1,000	7,200	147,200	8,000	163,400
Maries				75,000	75,000
Monroe	3,000	3,000	3,050	3,000	12,050
Newton	45,000	15,000	5,000		65,000
Nodaway		3,800	55,500		59,300
Oregon	49,148	182,497			231,645
Pettis	11,246				11,246
Randolph	100,000	10,000	10,000	2,000	122,000
Ray		11,000	11,500		22,500

OVERSIGHT DIVISION
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Reynolds		13,500	1,500		15,000
Ripley			50,000		50,000
St. Charles	38,646,561	370	3,499	320	38,650,750
St. Clair		25,000			25,000
Shelby			60,000	30,000	90,000
Webster	40	6,562	440,000	11,000	457,602
Totals	39,075,805	581,846	1,598,167	909,520	42,165,338

CLEAN AIR ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Cape Girardeau				5,000	5,000
Chillicothe	35,550	166,250	145,250	148,250	495,300
Columbia	813,853	46,100	47,750	49,200	956,903
Ferguson			13,000	13,300	26,300
Independence	135,418	2,060,337	127,631	344,286	2,667,672
Kansas City	3,851,000	711,000	1,333,100	1,061,700	6,956,800
Macon				40,000	40,000
St. Joseph			50,000	150,000	200,000
Totals	4,835,821	2,983,687	1,716,731	1,811,736	11,347,975

CLEAN AIR ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Greene	6,500	6,500	8,000	8,000	29,000
Totals	6,500	6,500	8,000	8,000	29,000

SAFE DRINKING WATER ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Bolivar	8,000	8,500	9,000	9,500	35,000
Chillicothe	8,300	7,600	7,650	7,650	31,200
Columbia	52,675	22,825	8,657	8,957	93,114
Dexter	52,000	1,020,000	1,520,000	53,000	2,645,000
Hannibal	27,080	36,085	19,000	62,000	144,165
Independence	1,800	52,800	62,300	62,300	179,200
Kansas City	15,225,000	1,647,000	1,651,300	1,655,900	20,179,200
Lee's Summit				24,000	24,000
Macon	19,000	24,000	34,000	15,000	92,000
Totals	15,393,855	2,818,810	3,311,907	1,898,307	23,422,879

SAFE DRINKING WATER ACT

County	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Franklin			5,000	5,000	10,000
Total	0	0	5,000	5,000	10,000

RESOURCE CONSERVATION AND RECOVERY ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Black Jack		48,700			48,700
Bolivar				1,500	1,500
Cape Girardeau	888,040	457,134	781,360	486,899	2,613,433
Chillicothe	54,019	273,273	48,200	49,200	424,692
Columbia	5,446,269	5,978,808	10,320,006	7,448,576	29,193,659
Dexter	22,000	22,000	55,000	55,000	154,000

Ferguson		16,900			16,900
Grandview	23,000	28,100	31,760	42,000	124,860
Hannibal	105,000	50,000	28,000	25,000	208,000
Independence	11,582	13,064	13,076	12,620	50,342
Kansas City	887,500	942,500	1,911,000	3,054,200	6,795,200
Lee's Summit				91,000	91,000
Macon	30,000	19,000	35,000	30,000	114,000
St. Joseph	148,000	188,000	211,600	594,408	1,142,008
Sedalia	5,500	5,500	70,500	150,500	232,000
Totals	7,620,910	8,042,979	13,505,502	12,040,903	41,210,294

RESOURCE CONSERVATION AND RECOVERY ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Audrain			5,000	5,000	10,000
Bates	1,017	1,357	1,123	1,200	4,697
Benton	1,250	1,250	1,250		3,750
Buchanan	1,500	1,500	1,500	1,500	6,000
Chariton	2,848	2,968	2,968	2,968	11,752
Daviess	543	543	543	550	2,179
Dekalb			1,800	2,000	3,800
Dent		5,000	5,000	5,000	15,000
Douglas	2,400	4,800	4,800		12,000
Franklin	1,118	2,402	2,412	2,570	8,502
Greene	6,500	6,500	8,000	8,000	29,000
Harrison	546		1,092	1,000	2,638
Linn	1,062	573	1,000	1,000	3,635
Livingston	40,000	10,000	40,000	40,000	130,000
McDonald			2,375	2,375	4,750

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Monroe	1,000	1,000	1,000	1,000	4,000
Newton		12,000	5,500		17,500
St. Clair		765	765		1,530
Webster	1,755	8,060	2,500	2,500	14,815
Totals	61,539	58,718	88,628	76,663	285,548

COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Greene	3,190				3,190
St. Charles	55,246	24,326	20,000		99,572
Totals	58,436	24,326	20,000	0	102,762

CLEAN WATER ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Bolivar	2,750	3,300	3,850	4,400	14,300
Cape Girardeau	135,123	2,016,103	2,907,797	13,950,096	19,009,119
Dexter	55,000	105,000	155,000	205,000	520,000
Hannibal	27,080	36,085	3,565,000	199,000	3,827,165
Independence	167,368	150,643	597,112	492,311	1,407,434
Kansas City	6,881,250	11,475,000	15,260,000	17,914,400	51,530,650
Lee's Summit				24,000	24,000
Macon	30,000	30,000	50,000	42,000	152,000
St. Joseph	246,000	449,000	502,000	194,000	1,391,000
Sedalia	317,500	18,000	3,519,000	3,530,000	7,384,500
Totals	7,862,071	14,283,131	26,559,759	36,555,207	85,260,168

CLEAN WATER ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Dent	2,000	2,000	2,000	2,000	8,000
Douglas		2,031			2,031
Franklin			5,000	5,000	10,000
Greene		35,000	45,000	50,000	130,000
Livingston	15,000	5,000	15,000	15,000	50,000
St. Charles	217,205	247,712	269,057	640,392	1,374,366
Totals	234,205	291,743	336,057	712,392	1,574,397

FAIR LABOR STANDARDS ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Bolivar				500	500
Cape Girardeau	111,232	100,116	122,716	87,759	421,823
Chillicothe	202,500	100,512	102,000	102,000	507,012
Columbia	592,712	745,683	673,567	698,553	2,710,515
Ferguson	54,900	56,600	58,300	60,050	229,850
Grandview	136,030	158,555	149,300	151,400	595,285
Hannibal	50,000	25,000	15,000	15,000	105,000
Independence	1,600	1,600	6,000	6,000	15,200
Kansas City	812,000	727,000	1,074,102	1,214,000	3,827,102
Lee's Summit	19,494	22,242	22,765		64,501
Macon	17,000	17,000	40,000	40,000	114,000
St. Charles	400,739	420,000	495,000	520,000	1,835,739
St. Joseph	15,480	17,399	21,929	24,104	78,912
Sedalia	17,000	19,000	19,500	20,500	76,000

OVERSIGHT DIVISION
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University City	25,000	26,100	27,200	29,200	107,500
Totals	2,455,687	2,436,807	2,827,379	2,969,066	10,688,939

FAIR LABOR STANDARDS ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Buchanan	3,000	3,000	3,000	3,000	12,000
Greene	4,500	4,500	4,500	4,500	18,000
Livingston	100	100	100	100	400
Monroe	10,000	10,000	10,000	10,000	40,000
St. Charles	426,900	472,500	526,000	578,500	2,003,900
Webster	2,400	2,168	2,200	2,500	9,268
Totals	446,900	492,268	545,800	598,600	2,083,568

DAVIS-BACON ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Bolivar	80,100	80,100	80,100	80,100	320,400
Cape Girardeau	376,700	159,200	982,700	858,700	2,377,300
Chillicothe	22,000	17,000	17,000	17,000	73,000
Ferguson	550	675	800	880	2,905
Grandview	18,250	136,250	53,250	2,000	209,750
Hannibal	50,214	50,214	50,214	50,214	200,856
Independence	1,000	500	2,700	2,000	6,200
Kansas City	270,000	1,885,000	1,976,000	2,082,800	6,213,800
Lake St. Louis		16,370	253,470	10,000	279,840
Macon	50,000	50,000	110,000	25,000	235,000
St. Joseph	80,581	77,538	84,356	86,719	329,194
Sedalia	152,300	172,500	171,500	201,500	697,800
University City	2,000	2,000	2,500	2,500	9,000

OVERSIGHT DIVISION
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West Plains	22,718	43,434	115,147	1,857	183,156
Totals	1,126,413	2,690,781	3,899,737	3,421,270	11,138,201

DAVIS-BACON ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Audrain	500	500	750	750	2,500
Bates		100,000	75,000	75,000	250,000
Benton			7,500		7,500
Buchanan	1,000	1,500	2,000	3,000	7,500
Callaway			137,500	137,500	275,000
Dallas	11,500	20,625	22,500	23,750	78,375
Franklin	1,100	1,300	1,800	2,450	6,650
Linn		1,000	500	500	2,000
Livingston	10,000	10,000	10,000	10,000	40,000
Monroe	15,000	15,000	15,000	15,000	60,000
Newton	255,000	35,000	20,000		310,000
St. Charles	766,000	975,000	965,000	2,340,000	5,046,000
Webster			6,000	6,000	12,000
Totals	1,060,100	1,159,925	1,263,550	2,613,950	6,097,525

NATIONAL VOTER REGISTRATION ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Kansas City		221	441		662
Totals	0	221	441	0	662

NATIONAL VOTER REGISTRATION ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Audrain		800	600		1,400
Barry		5,000	6,000		11,000
Bates		7,000	7,500	7,500	22,000
Benton			350	500	850
Buchanan			40,000	27,000	67,000
Carter		5,500	5,500	5,500	16,500
Chariton		2,819	2,819	4,200	9,838
Dallas		10,000	13,000	13,000	36,000
Daviess		1,331	5,916	1,800	9,047
Dekalb	1,000	1,000	2,000	2,000	6,000
Dent		3,000	1,500		4,500
Franklin	12,168	13,131	13,825	14,300	53,424
Harrison	1,000	4,057	344	7,000	12,401
Howard		500	750	1,000	2,250
Knox			502	420	922
Linn		500	1,000	1,000	2,500
Livingston	2,000	3,000	4,000	5,000	14,000
Maries	500	500		500	1,500
McDonald			8,000	8,500	16,500
Monroe		1,000	1,000	1,000	3,000
Newton		7,500	12,000	12,000	31,500
Nodaway	8,000	7,000	10,000	8,000	33,000
Pettis		1,311	1,739		3,050
Randolph		13,000	11,000	12,000	36,000
Ray		5,000	5,000		10,000
Reynolds			500		500

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Ripley			11,000		11,000
St. Clair		5,000	5,000		10,000
Shelby			1,000	750	1,750
Webster			6,000	6,000	12,000
Totals	24,668	97,949	177,845	138,970	439,432

FEDERAL UNEMPLOYMENT TAX ACT

Cities	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Cape Girardeau	14,994	14,294	16,981	12,500	58,769
Chillicothe	10,275	8,426	4,500	4,500	27,701
Columbia	53,703	68,366	79,305	91,994	293,368
Grandview	4,207	837	5,500	6,000	16,544
Hannibal	4,756	7,990	2,000	2,000	16,746
Independence	1,000	1,000	1,500	1,500	5,000
Kansas City	20,000	20,000	18,500	18,500	77,000
Lee's Summit	4,000	4,000	4,000	4,000	16,000
St. Joseph	25,513	26,534	27,595	28,500	108,142
Sedalia	3,000	2,500	2,500	3,500	11,500
Sullivan	6,022	7,761	9,253	11,000	34,036
Totals	147,470	161,708	171,634	183,994	664,806

FEDERAL UNEMPLOYMENT TAX ACT

Counties	FY 1994	FY 1995	FY 1996	FY 1997 (projected)	Totals
Audrain	3,500	7,400			10,900
Dekalb	1,950	2,874	5,000	5,000	14,824
Franklin	500	500	500	500	2,000
Howard	1,625	921	1,600	1,600	5,746

Monroe	1,000	1,000	1,000	1,000	4,000
Totals	8,575	12,695	8,100	8,100	37,470

Legislation Enacted in 1996 by the 88th General Assembly Second Regular Session; to Bring the State of Missouri into Compliance With Federal Laws and Regulations

House Bill 876:

This legislation gives the Division of Transportation within the Department of Economic Development the authority to regulate the safety of light rail systems, as well as to make assessments of light rail operators. It also allows the Division to contract with the Bi-State Development Agency for oversight of a certain portion of the light rail system, the revenues from which would be deposited into the newly-created Light Rail Safety Fund.

This legislation is federally mandated per Section 28 of the Federal Transit Act which mandates oversight of fixed guideway transit systems.

House Committee Substitute for House Bill 991

This legislation changes the name of the Division of Transportation within the Department of Economic Development to the "Division of Motor Carrier and Railroad Safety" effective July, 1997. It also reorganizes the Division's responsibilities to coincide with federal preemption. Licensing periods for motor vehicles operated by motor carriers would be effective January 1 to December 31, with license fees due by December 31 of the year immediately preceding the licensing period.

A portion of this legislation is federally mandated by the Federal Aviation Administration Authorization Act of 1994.

Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill Numbers 1169 and 1271:

The legislation prohibits individuals under 21 years of age with a blood alcohol content of .02% or greater from driving a motor vehicle. Numerous other provisions are provided relating to DWI and BAC.

Federal law dictates that states pass provisions of this bill addressing driving while intoxicated by minors by October 1, 1998; or face the loss of 5 percent of specified federal highway funds beginning in fiscal year 1998 and 10 percent in subsequent years. The categories of federal funds affected

would be National Highway System, Surface Transportation Program, and Interstate Maintenance.

Senate Bill 855

This act is designed to fulfill a federal mandate regarding the withholding of federal income taxes from unemployment benefits paid after December 31, 1996. Beginning on January 1, 1997, anyone who files an unemployment compensation claim shall be advised that it is subject to federal, state and local taxes. There are requirements for estimated tax payments, federal income tax can be withheld from unemployment compensation payments, and a withholding status can be changed. Any amounts withheld stay in the unemployment compensation trust fund until transferred to the appropriate taxing authority. The Division of Employment Security must follow all federal procedures regarding withholding, established by the US Department of Labor and the IRS. Before any amount can be withheld for federal income taxes; all amounts for unemployment compensation overpayment, child support, food stamp overissuance, and any other amounts required under Chapter 288, RSMo, must first be deducted and withheld.

Senate Committee Substitute for Senate Bill 777

This legislation establishes that victims of domestic violence offenses (as defined in Section 595.010, RSMo) would not be required to pay the court costs, service fees, or subpoena fees associated with the filing of criminal charges against the offender.

This legislation is federally mandated pursuant to Subpart B, Section 90.15, in Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103.322, 1098 Stat. 1796 (Sept. 13, 1994).

Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill 722:

The legislation prohibits individuals under 21 years of age with a blood alcohol content of .02% or greater from driving a motor vehicle. Numerous other provisions are provided relating to DWI and BAC.

Federal law dictates that states pass provisions of this bill addressing driving while intoxicated by minors by October 1, 1998; or face the loss of 5 percent of specified federal highway funds beginning in fiscal year 1998 and 10 percent in subsequent years. The categories of federal funds affected would be National Highway System, Surface Transportation Program, and Interstate Maintenance.

House Committee Substitute for Senate Bill 780:

This legislation changes the name of the Division of Transportation within the Department of Economic Development to the "Division of Motor Carrier and Railroad Safety" effective July, 1997. It also reorganizes the Division's responsibilities to coincide with federal preemption. Licensing periods for motor vehicles operated by motor carriers would be effective January 1 to December 31, with license fees due by December 31 of the year immediately preceding the licensing period.

It establishes the State Transportation Assistance Revolving Fund for the purpose of assisting in planning, acquisition, development and construction of transportation facilities, other than highways in the state. The Fund is administered by the State Highways and Transportation Commission. They will receive appropriations by the general assembly, as well as any revenues from federal, private or other sources. Funds will be loaned to any political subdivision of the state, or to any public or private non-profit organization for the purposes specified.

This legislation is federally mandated by the Federal Aviation Administration Authorization Act of 1994.

Senate Committee Substitute for House Committee Substitute for House Bills 1376 and 1501:

This legislation requires any due process proceeding or resulting mediation, to be processed under the law that is in effect at the time the request was submitted.

It requires the Department of Elementary and Secondary Education to ensure that impartial mediation is provided at no cost; to parents or guardians, and the participating school district when requested.

This legislation enables the State Board of Education to empower a three-member panel hearing; as opposed to the school district, under current law. It allows either party to request a due process hearing. The chairperson of the panel will be an attorney.

At any hearing, the parent or guardian would be entitled to be accompanied and advised by counsel, and by individuals with knowledge of children with disabilities; present evidence and confront, cross-examine, and compel the attendance of witnesses; prohibit the introduction of any evidence not disclosed at least five days before the hearing; obtain a record of the hearing; and obtain written findings of fact and decision. Parents would have the right to have a public hearing, and to have the child present at the hearing.

This legislation is federally mandated under the Individuals With Disabilities Education Act (IDEA), 20 U.S.C. Section 1400.

Senate Bill 883:

This legislation is necessary for the Department of Insurance to be in compliance with the Omnibus Reconciliation Act of 1990 and the National Association of Insurance Commissioners (NAIC) standards, as dictated by Section 376.886, RSMo. The bill provides for an open enrollment period for the disabled when they first become eligible for Part B Medicare, and adds disclosure requirements that apply to products that may duplicate Medicare Supplemental coverage. Without this legislation, regulation of Medicare Supplemental policies would revert to the federal government.

